



1 for a building permit to construct one single family residence or one multi family  
2 residential housing unit. The allocations are divided between two categories of  
3 housing: multiple-family housing units with 35 allocations (less any allocations  
4 issued to multi-family Small Projects as defined in Section 16.09.050 of this  
5 Chapter) per year (30%) and single family housing units, with 80 allocations per  
6 year (70%). Of the 80 allocations (less any allocations issued to Small Projects as  
7 defined in Section 16.09.050 of this Chapter) per year of single family housing  
8 units, 20 allocations shall be reserved for large lot development on parcels of at  
9 least 10,000 square feet.

10 B. Allocations which are issued pursuant to the provisions of this Chapter are issued  
11 to the specific residential development project identified and described in the  
12 application for allocations. Allocations are not issued to any person or entity.  
13 Allocations cannot be assigned, transferred or conveyed to another residential  
14 development project.

15 C. Except as otherwise set forth in this Section 16.09.020C., if after allocations are  
16 awarded, a residential housing project receiving allocations is modified or  
17 changed in any way, the allocations awarded to that residential housing project  
18 shall automatically terminate and become unused allocations subject to  
19 reallocation at the time of the next award of allocations. In order to obtain  
20 allocations, the modified or changed residential housing project must apply for  
21 allocations as a new residential housing project. Except that, a residential  
22 housing project may file an application with the City requesting that the  
23 allocations not terminate but remain with the changed or modified residential  
24 housing project. The City Council may grant such application only if the City  
25 Council can make all of the following findings:

1           1. The City Council determines that: (i.) any modification or change in the  
2 type (i.e. single family, multi family, senior, etc.) of residential housing; or (ii)  
3 any modification or change in any aspect of the residential housing project which  
4 is subject to the Rating and Ranking Criteria set forth in Section 16.09.070 of this  
5 Chapter, identified in the original application for allocations, satisfies a current  
6 specific housing need in the City of Kingsburg;

7           2. Any modification or change; (i) in the number of residential housing  
8 units; or (ii) any modification or change in the aspect of the residential housing  
9 project which is subject to the Rating and Ranking Criteria set forth in Section  
10 16.09.070 of this Chapter, identified in the original application for allocations,  
11 results solely from a modification or change identified in paragraph 1 above and  
12 does not result in a need to increase the allocations initially issued to the  
13 residential housing project identified in the original application;

14           3. The competitive points the modified or changed residential housing  
15 project receives as determined by City Staff's reevaluation of the modified or  
16 changed residential housing project pursuant to the competitive allocations  
17 process identified in Section 16.09.060 of this Chapter, does not result in a  
18 competitive points ranking different from the residential housing project  
19 identified in the original application and does not effect the competitive points  
20 ranking of any other residential housing project that competed for allocations with  
21 the residential housing project identified in the original application;

22           4. No entitlements have been approved or issued for the residential  
23 housing project prior to its application seeking to retain the awarded allocations.

24 D. After allocations are issued as provided in this Chapter, all development  
25 entitlements (i.e. parcel maps, subdivision maps, environmental review, etc.)  
26 associated with said allocations and required by the City or applicable law, rule or  
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1 regulation must be approved by the City in order to use the issued allocations. If  
2 any required development entitlements are denied, or expire, the issued  
3 allocations related thereto shall automatically expire. The City will not accept  
4 any application for development entitlements unless allocations have been  
5 approved and issued for said development entitlements. Also for issued  
6 allocations to remain effective, complete development entitlement applications  
7 (including the payment of any and all required fees) for all required development  
8 entitlements must be submitted to the City within one hundred eighty (180) days  
9 after the date of issuance of the allocations and construction of offsite  
10 improvements, including, without limitation, installation of utilities and  
11 construction and installation of streets, must commence within three hundred  
12 sixty-five (365) days after the date of approval of all required development  
13 entitlements (“Construction Start Date”). No fees paid by an applicant to the City  
14 as part of the entitlement process will be reimbursed by the City should the  
15 applicant fail to satisfy the requirements of this Chapter.

- 16 E. An applicant may request an extension of the Construction Start Date by  
17 submitting a written application for such extension on the form required by the  
18 City. In order to grant an extension request, the City Council, upon  
19 recommendation by the Planning Commission, must find that the failure of the  
20 applicant to commence construction of offsite improvements on or before the  
21 Construction Start Date was beyond the reasonable control of the applicant.
- 22 F. The City Council, may, in its discretion, allow unused allocations to be carried  
23 over for a period of up to three years and allocated to First Allocations and/or  
24 Second Allocations or both (as those terms are defined in Section 16.09.060 of  
25 this Chapter). Unused allocations are allocations: (i) which were never issued; or  
26 (ii) previously issued and expired because of denial of development entitlements,  
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1 failure to commence construction of offsite improvements on or before the  
2 Construction Start Date or any extension thereof; or (iii) failure of the applicant to  
3 comply with the provisions of this Chapter.

4 G. In order to meet the housing needs of persons who will reside in mobile home  
5 parks or multi-family housing developments, an applicant seeking to develop a  
6 mobile home park with more than 15 spaces and/or multi-family housing  
7 development with more than 15 units may request issuance of allocations which  
8 would otherwise be issued over a three (3) year period. The purpose of this three-  
9 year allocation is to satisfy the housing needs of persons who wish to reside in  
10 mobile home or multi-family developments, through the development of a project  
11 which is larger than would otherwise be allowed with only one year of  
12 allocations. An applicant may request a three-year allocation by submitting a  
13 written application to the City on the form required by the City.

14 **16.09.030 – Senior Housing Allocations**

15 Demand for senior housing in the City exceeds the supply of senior housing  
16 within the City. As a result, and in order to address this need for more senior  
17 housing, allocations for a senior housing project shall be issued on the basis of  
18 one-half (1/2) of one allocation for each senior housing unit to be constructed.  
19 Senior housing is defined as residential housing which requires that at least one  
20 person in residence in each dwelling unit be fifty-five (55) years of age or older.  
21 The residential dwelling units must include each of the following elements:

- 22 1. Entryways, walkways, and hallways in the interior common areas of the  
23 development, and doorways and paths of access to and within the housing  
24 units, shall be as wide as required by current laws applicable to new  
25 multifamily housing construction for provision of access to persons using a  
26 standard-width wheelchair.

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2. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
3. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.
4. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
5. The development shall be designed to encourage social contact by providing at least some common open space.
6. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
7. The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps.

If a senior housing project includes the seven elements listed previously in this section and one of the three enhancements listed in paragraphs A through C which follow in this section, allocations for that senior housing project shall be issued on the basis of one-third (1/3) of one allocation for each senior housing unit to be constructed. If a senior housing project includes the seven elements listed previously in this section and two of the three enhancements listed in paragraphs A through C which follow in this section, allocations for that senior housing

1 project shall be issued on the basis of one-fourth (1/4) of one allocation for each  
2 senior housing unit to be constructed. If a senior housing project includes the  
3 seven elements listed previously in this section and all three of the enhancements  
4 listed in paragraphs A through C which follow in this section, allocations for that  
5 senior housing project shall be issued on the basis of one-fifth (1/5) of one  
6 allocation for each senior housing unit to be constructed. Enhancements are:

- 7 A. Development of congregate housing at a density that would meet the Medium or  
8 High Density Residential standard in the General Plan, at least seven (7) dwelling  
9 units per net acre.
- 10 B. Provision of support services that would enable senior citizens who are otherwise  
11 able to live independently to remain in their homes for a longer time. Examples  
12 of such services are provision of community meals, transportation, laundry  
13 services and cleaning services.
- 14 C. Meeting the Housing Element inclusionary housing goal by making at least 15  
15 percent of the housing units affordable to households of low or very low income  
16 (less than 80 percent of the local median income for households of the same size).

17 **16.09.040 – Exemption to Allocation Requirements**

18 The following types of residential housing may be constructed without the  
19 issuance of allocations:

- 20 A. Residential housing units constructed upon parcels that were previously fully  
21 developed and which have adequate infrastructure to service the new residential  
22 development as determined by the City.
- 23 B. Second housing units added to lots with single-family homes in conformance with  
24 the City Zoning Ordinance and applicable California law.
- 25 C. Residential housing projects which received all required development  
26 entitlements prior to enactment of this Chapter.

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**16.09.050 – Small Projects**

A. New multi-family or single family residential developments of four or fewer dwelling units (“Small Projects”) will automatically receive allocations and will not be required to participate in the competitive allocation process identified in Section 16.09.060 of this Chapter.

**16.09.060 – Competitive Allocations**

A. Allocations for residential projects consisting of five or more dwelling units will compete for allocations in accordance with the process identified in this Section 16.09.060. Each calendar year, the maximum number of allocations that can be issued through the competitive process for any one application for development entitlements to construct residential housing units is 25 allocations for single-family housing or multiple-family housing, or 35 allocations for mixed-density projects which include at least 10 single-family homes and at least 10 multiple-family dwelling units.

B. Applications for competitive allocations must be filed with the Planning and Development Department on or before 4 p.m. on September 30 of each calendar year. If September 30 falls on a Saturday, Sunday or holiday when the City offices are closed, the time for filing applications for competitive allocations shall be extended to 4:00 p.m. on the next business day. The development proposals identified in the applications shall be rated and ranked in accordance with the rating and ranking criteria identified in this Chapter by Planning staff during the month of October and the Planning staff shall make its recommendations for competitive allocations to the Planning Commission.

C. An application may not identify more than five (5) model homes to be constructed for each group of 25 allocations issued. At the election of the applicant, the



1 model homes will or will not be counted as part of the allocations issued to the  
2 applicant. If the applicant elects not to include model homes as part of the  
3 allocations issued to the applicant, no certificate of occupancy will be issued for  
4 the model homes until allocations are issued for the model homes in accordance  
5 with the provisions of this Chapter.

6 D. At its first meeting each November, the Planning Commission will conduct a  
7 public hearing to review staff's rating and ranking recommendations for the  
8 competitive allocations and make recommendations to the City Council regarding  
9 the competitive allocations. At its first regular meeting in December, the City  
10 Council will consider the recommendations of the Planning Commission and will  
11 issue allocations for the next calendar year ("First Allocations").

12 E. If not all available allocations are issued in December, then at its first meeting in  
13 February of the next year, the City Council may authorize staff to conduct a  
14 second competitive allocation process ("Second Allocations"). If a Second  
15 Allocation is authorized by the City Council, the application process shall be the  
16 same as for the First Allocations, except that all applications must be received by  
17 the Planning and Development Department by 4:00 p.m. on March 31. If March  
18 31 falls on a Saturday, Sunday or holiday when the City offices are closed, the  
19 time for filing applications for Second Allocations shall be extended to 4:00 p.m.  
20 on the next business day. City staff will perform its ranking and rating process  
21 during the month of April and a public hearing will be held by the Planning  
22 Commission at its first regular meeting in May to review staff's rating and  
23 ranking recommendations for the Second Allocation and make recommendations  
24 to the City Council regarding the Second Allocation. At its first regular meeting  
25 in June, the City Council will consider the recommendations of the Planning  
26 Commission and determine the number of Second Allocations to be issued, if any.

1 F. If there is only one application for Second Allocations, the City Council may  
2 authorize the issuance of all allocations available in the Second Allocation to the  
3 sole applicant, even though the allocations available in the Second Allocation  
4 exceed the maximum annual number of allocations available for issuance under  
5 Section 16.09.060 of this Chapter and even though the sole applicant for the  
6 Second Allocations received First Allocations.

7 **16.09.070 – Rating and Ranking Criteria**

8 Projects seeking allocations will be rated using a 100-point scoring system and  
9 then ranked. Rating and ranking will be based on information submitted by the  
10 applicants in their application materials, backup documentation provided by  
11 applicants and other documents and information the City deems relevant to each  
12 respective project. Lists of supporting materials likely to be included in a typical  
13 application are found at the end of the description of each scoring category.  
14 Applicants are encouraged to submit any other materials that are relevant in  
15 supporting their applications. The scoring system will be based on the following  
16 criteria:

17 A. Suitability of Location (25 points)

18 The City promotes compact and efficient development. Concentric patterns of  
19 growth are preferred. Infill development within the Urban Limit Boundary is  
20 encouraged. Leapfrog development and irregular boundaries are discouraged.  
21 Islands or corridors of unincorporated territory are to be avoided. Projects will  
22 not be considered if the property identified in the application is not sufficiently  
23 contiguous to the City limits to allow for a logical and reasonable extension of the  
24 City limits as determined by the City. Scoring for this category is as follows:

25 25 points: The property proposed for development is already within the City  
26 limits.



1 based on 80 percent of the median household incomes for Fresno County for the  
2 current year as provided by the California Department of Housing and  
3 Community Development); and an explanation of how any “gap” between the two  
4 calculations will be eliminated. The “gap” is the basis for determining an  
5 appropriate in-lieu fee, or an appropriate value for land to be dedicated for  
6 affordable housing purposes. If third-party subsidies are proposed through use of  
7 governmental grant funds or partnership with non-profit affordable housing  
8 organizations, the commitment on the part of any third-party entity must be  
9 documented in writing.

10 C. Meeting Special Needs, Demonstrated Market Demands and Community  
11 Objectives (20 points)

12 City’s adopted Housing Element emphasizes the accommodation of special-needs  
13 populations. Points will be awarded for projects that provide housing for  
14 populations that are underserved or have special needs that are not generally met  
15 in other projects. Examples include, without limitation, handicapped-accessible  
16 units or housing for senior citizens or large families.

17 Points will be awarded to projects that:

- 18 1. Provide housing for populations that are underserved or have special  
19 needs that are not generally met in other projects, such as handicapped-  
20 accessible units or housing for senior citizens or large families.
- 21 2. Expand the range of housing choices available in the community by  
22 offering configurations, densities and/or price ranges that are not  
23 otherwise readily available.
- 24 3. Satisfy demonstrated market demands (e.g. large lots, senior housing).
- 25 4. Utilize properties that have been bypassed because they are challenging to  
26 develop.

1 Documentation may include descriptions of existing housing inventory and  
2 market conditions, demographics, explanations of challenges confronted by the  
3 developers, description or drawings of proposed housing features, etc.

4 D. Infrastructure and Services (25 points)

5 Preference will be given to projects that have the most positive impacts and/or the  
6 least negative impacts on infrastructure and services provided by the City and  
7 other service entities that operate within or provide services to the City. Scoring  
8 shall be based on the following criteria:

- 9 1. Proximity to existing infrastructure systems.
- 10 2. The extent of extension or expansion needed to increase the capacity of  
11 existing infrastructure to serve the proposed development and, if  
12 appropriate, future development.
- 13 3. The willingness of the developer to enter into a reimbursement agreement  
14 if the project involves construction of master-planned facilities and such  
15 an agreement is appropriate.
- 16 4. Agreement to construct and install new oversized infrastructure and/or  
17 construct and install new infrastructure that extends beyond the  
18 developer's project in order to service future growth, with reimbursement  
19 to developer pursuant to a reimbursement agreement providing for  
20 reimbursement by future development connecting to the oversized  
21 and/or extended infrastructure.
- 22 5. Dedication of real property to the City to improve systems and services,  
23 including, without limitation, rights-of-way for streets, alleys or green  
24 belts, or sites for water wells, lift stations, drainage basins, parks, and  
25 schools sites, etc.



1           10.    Preservation of existing trees.

2           11.    Open space and recreation facilities.

3           In addition to written descriptions, diagrams and maps, such documentation as  
4           elevations, renderings, floor plans and photographs of similar developments may  
5           help to illustrate the proposed project.

6           In the case of walled and gated communities, aesthetics and amenities that are  
7           generally viewed by and available to residents and selected guests exclusively  
8           will not be considered in scoring in this Architectural Design and Aesthetic  
9           Considerations category. Only those features that are visible to the general  
10          citizenry outside of the walled and gated community will be evaluated.

11    **16.09.080 – Phased Projects**

12          Projects having more residential units than the maximum allocation allowable or  
13          available in a single allocation period may be phased. Allocations for phased  
14          projects may include allocations for the calendar year and allocations for up to  
15          two years thereafter. Approval of allocations for a phased project shall identify  
16          the number of allocations that will be issued by the City and used by the applicant  
17          during each phase of the project.

18          A separate final map is not required for each phase of a residential subdivision  
19          project. Phasing requirements, including, without limitation, number of  
20          allocations available for use in each phase, numbers of units that can be  
21          constructed and timing of construction, will be enforced as conditions of approval  
22          of the tentative tract map and final tract map and as provisions of the subdivision  
23          agreement. If a multiple-family residential project includes phasing, phasing  
24          requirements including those identified in this paragraph will be enforced through  
25          conditions of approval of the site plan or Planned Unit Development and as  
26          provisions of the development agreement if one is required by the City.

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1 **16.09.090 – Exceptions and Changes**

2 A. The provisions of Chapter 16.40 of Title 16 shall not apply to this chapter.

3 B. The City Council shall have the power to increase, decrease, change or reallocate  
4 allocations by resolution of the City Council.

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