

CITY OF CLOVIS

FREQUENTLY ASKED QUESTIONS

Revised March 31, 2025

Application of the Mixed-Income Zoning Ordinance on Development Projects

1. When does the Mixed-Income Zoning Ordinance apply to my housing development project?
 - a. Generally, housing development projects are only subject to the ordinances, policies, fees and standards adopted and in effect at the time the project application is “deemed complete”.

2. When is my housing development project application “deemed complete”?
 - a. If you submit a “preliminary application” that contains all of the information required under Government Code section [65941.1](#), subdivision (a), the application is “deemed complete” at the time it is submitted, and the project will only be subject to the ordinances, policies, fees and standards adopted and in effect at the time the preliminary application was submitted. (Gov. Code § [65589.5](#), subd. (h)(5).)
 - b. If you submit a “full project application”, the application is “deemed complete” when City staff has made its written determination that the application is complete. Such determination must be made within 30 days of receiving the full project application. (Gov. Code § [65943](#), subd. (a).)
 - c. Please note that a full project application will not be “deemed complete” until all necessary application fees have been paid. (Gov. Code § [65943](#), subd. (e).)

3. What is a “preliminary application”?
 - a. A “preliminary application” is a checklist of information for a housing development project. (Gov. Code § [65941.1](#).) If a preliminary application is submitted, the project is subject only to the ordinances, policies, fees and standards in effect at the time the preliminary application was submitted. But the applicant is still required to file a “full project application” for approval within 180 days of submitting the preliminary application.

4. What is a “full project application”?
 - a. A “full project application” is the complete development application submitted to City staff specifically seeking project approval and includes detailed plans and environmental review.

5. Will the Mixed-Income Zoning Ordinance apply if my housing development project changes after my application is “deemed complete”?
 - a. If you propose a “significant change” to your project after your project application is “deemed complete” and the Mixed-Income Zoning Ordinance is in effect at the time of the significant change, the Ordinance will apply to your project, if the significant change is approved.

- b. A proposed change in the number of residential units or project square footage by 20% or more is considered a “significant change” to the project and will require that you resubmit your preliminary or full project application, and become subject to the ordinances, policies, and standards in effect at that time. (Gov. Code §§ [65941.1](#), subd. (d) and [65589.5](#), subd. (o)(1)(E).)
 - i. Note: this 20% does not include increases as a result of an applicant receiving a density bonus, incentive, concession, waiver, or similar provisions relating to affordable housing.
 - c. A proposed change to the project’s number of residential units or square footage of construction that is less than 20% at the time the Mixed-Income Zoning Ordinance is in effect, will result in the Ordinance applying only to those additional units or square footage of construction. However, the City retains the discretion to consider a change to a project as “significant” depending on the type of change, even if the change to the project is less than a 20% change in the project’s number of residential units or square footage of construction.
 - d. Any other changes to your preliminary or full project application will be reviewed in accordance with the City’s current procedures.
6. Will a delay in construction of my project after final approval¹ make my project be subject to the requirements of the Mixed-Income Zoning Ordinance?
- a. If the Mixed-Income Zoning Ordinance is in effect and your project has not “commenced construction”² within two and one-half (2.5) years following project approval (or 3.5 years for affordable housing projects)³ your project will be subject to the Mixed-Income Zoning Ordinance.
7. Will my project be subject to the Mixed-Income Zoning Ordinance if I have not filed a preliminary application, and my full project application has not been “deemed complete” before the City publishes its public hearing notice for the Mixed-Income Zoning Ordinance?
- a. The Mixed-Income Zoning Ordinance will apply to your project if you have not filed a preliminary application; and prior to your full project application being deemed complete both of the following occur: (1) the City publishes notice of the public

¹ “Final approval” means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met: (1) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed; and/or (2) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project. (Gov. Code § 65589.5, subd. (o)(2)(D)(ii).)

² “Commence construction” means performing work in good faith reliance upon a permit issued by the City, such as grading, utilities, street improvements, excavation, storm drains, and similar facilities.

³ “Affordable housing project” means a housing development project that: (1) has units that are subject to a recorded affordability restriction for at least 55 years for rental housing and 45 years for owner-occupied housing; and (2) All of the units within the development, excluding managers’ units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code. (Gov. Code § 65589.5, subd. (o)(2)(D)(i).)

hearing at the Planning Commission for the Ordinance and (2) the Ordinance is adopted prior to your tentative map being approved. (Gov. Code § [66474.2](#), subd. (b).)

8. Will my project be subject to the Mixed-Income Zoning Ordinance if I already have an approved vesting tentative map?
 - a. If you have an approved vesting tentative map prior to the Mixed-Income Zoning Ordinance being adopted, it will not apply to your project.

9. Will my project be subject to the Mixed-Income Zoning Ordinance if I request an extension on my approved vesting tentative map?
 - a. Vesting tentative maps are valid for 36 months from the effective date of approval. (CMC §§ [9.102.120](#), subd. (A) and [9.102.100](#), subd. (D)(4)(a).) However, extensions on vesting tentative maps are discretionary and require specific findings for approval. If the Mixed-Income Zoning Ordinance is in effect at the time you apply for an extension, it will be denied because the requisite finding of “no changes to the Development Code” will not be able to be made, and you will have to submit a new project application which will then be subject to the Mixed-Income Zoning Ordinance.
 - b. Your final map must be submitted prior to expiration of the vesting tentative map to avoid the Mixed-Income Zoning Ordinance being applied to your project.

10. Under current City practices, a vesting tentative map will expire in 36 months unless a submittal for a final map is provided. It could be for the entire tentative map or a phase. After a submittal for a final map review, the entire vesting tentative map remains active without the need to file for extensions. Will this practice remain the same or be altered by the new ordinance?
 - a. This practice will remain the same. The vesting rights from the vesting tentative map last for two (2) years after approval of the final map. (See CMC §§ [9.102.110](#), subd. (D)(4)(a) and [9.104.090](#), subd. (D).)

11. Under current City practices, a phase of a vesting tentative map has vesting rights for two (2) years after the recording of the phase. If there are remaining permits or construction activity after the two (2) years has expired, it becomes subject to any new ordinances, standards, and fees. Will this remain the same or be altered by the new ordinance?
 - a. This practice will remain the same. If you do not complete your project within two (2) years following approval of your final map, the vesting rights expire, and any new ordinances, standards, and fees in effect at that time will apply to the remaining portion of your project. (See CMC § [9.104.090](#), subd. (D); Gov. Code § [66498.5](#), subd. (b).)

12. If I submit my completed preliminary application, or my full project application, and it is “deemed complete”, will I be subject to any increases in fees prior to my project being approved?

- a. Generally speaking, a preliminary application or full project application that has been deemed complete locks in the fees that the project is subject to at the time such application is deemed complete. However, there are two scenarios where your project could be subject to a fee increase despite filing a complete preliminary application or full project application:
 - i. If there is an increase in City fees, charges, or other monetary exactions as a result of an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing such fee or exaction, that automatic increase will apply to your project. (Gov. Code § [65589.5](#), subd. (o)(2)(A).)
 - ii. If you submit a completed preliminary application before the fees are in effect, but then subsequently fail to timely submit a complete full project application within the 180 days as required, the protections from the preliminary application expire. (Gov. Code § [65941.1](#), subd. (e).) See additional information in Number 13(a) below.

13. What is the general timeline on processing an application for a housing development project?

- a. Preliminary Application Process:
 - i. Submit the preliminary application.
 - A. When a preliminary application is submitted, staff will verify that it contains all requisite information on the application. If the preliminary application is missing *any* required information, the City will immediately reject your preliminary application and notify you via email as soon as possible of the information missing from the application, and a subsequent preliminary application with all of the required information must be submitted.
 - B. Only the ordinances, policies, fees and standards in effect at the time the complete preliminary application is submitted will apply to the project.
 - ii. The project applicant is required to submit a full project application to the City within 180 days of submitting the preliminary application.
 - A. Note: Failure to submit the full project application to the City within this 180-day period will result in the expiration of the preliminary application, and your project will be subject to the ordinances, policies and standards in effect at the time you submit another preliminary application or at the time the City provides you with a written determination that full project application is “deemed complete”. (Gov. Code § [65941.1](#), subd. (e)(1).)
 - B. If the City determines that the full project application is incomplete, the applicant shall have 90 days from the date that the City provides the applicant with written identification of the information necessary to provide the requested information to complete the full project application. Failure by the applicant to submit the required

information within 90 days will result in the expiration of the preliminary application, and it will have no further force or effect. (Gov. Code § 65941.1, subd. (e)(2).)

b. Full Project Application Process (without Preliminary Application):

- i. Upon receipt of the full project application, the City has 30 days to provide the applicant with its written determination of whether the application is complete. (Gov. Code § [65943](#), subd. (a).)
 - A. If the full project application is determined to be incomplete, the City must provide the applicant with an exhaustive list of items that are missing and not complete. In any subsequent review of the application determined to be incomplete, the City cannot request the applicant to provide any new information that was not stated in the initial list of items that were incomplete.
 - B. Upon resubmittal, the City has 30 days to evaluate. If the full project application is still not complete, the City must specify those parts of the application that are incomplete and describe the specific information needed to complete the application.
 - C. Upon a third determination of an incomplete full project application, an appeals process must be provided to the applicant. (Gov. Code § [65943](#), subd. (c).)
 - D. The City is then required to provide its final written determination on the applicant's appeal 60 calendar days from the date the applicant's appeal is received by the City.
- ii. Once the full project application is deemed completed, the City must determine if the project is consistent with applicable ordinances, fees, standards, policies, or an applicable plan and send a written determination within the timelines noted below. The City's written determination must describe the specific provision(s) that are inconsistent and provide an explanation of the reason(s) why the City considers the project to be inconsistent or noncompliant. (Gov. Code § [65589.5](#), subd. (j)(2)(A).) Such determination must be made within the following timelines based on the proposed number of units:
 - A. Within 30 days of a project application being deemed complete for projects containing 150 or fewer housing units.
 - B. Within 60 days of a project application being deemed complete for projects containing over 150 units.
 - C. If the City does not provide its timely written determination on the project's consistency with the City's general plan and zoning ordinance, the project will be deemed consistent.
 - o Note: A project shall not require a rezone if the project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. (Gov. Code § [65589.5](#), subd. (j)(4).)

- D. Once the City provides written determination that the full project application is complete, the City will also determine if your project will require an EIR, ND, or MND for purposes of CEQA review, within 30 days of such determination. (Pub. Res. Code §§ [21080.1](#) and [21080.2](#).)

14. What is quickest method to ensure my housing development project is processed prior to the City's adoption of the Mixed-Income Zoning Ordinance?

- a. Extra entitlements like re-zones, general plan amendments, variances, etc. require additional staff time to prepare reports and findings to be made by the Planning Commission and/or the City Council at public hearings which can add time to the project approval process. Likewise, environmental review can cause extended delays in projects to allow for necessary studies to be conducted to examine for environmental impacts that were not considered under the City's existing General Plan EIR.
- b. Thus, projects that are consistent with the land use and zoning applicable to the project site can typically be approved quicker than projects requiring extra entitlements for approval that necessitate the need for additional staff and/or consultant review and public hearings.

15. When is it too late to submit a preliminary application in order to lock in the current ordinances, fees, standards, and policies prior to the Mixed-Income Zoning Ordinance taking effect?

- a. As mentioned above (see Number 2(a)), a preliminary application is deemed complete at the time it is submitted, and that locks in the ordinances, fees, standards, and policies *in effect* at the time the preliminary application is submitted to the City. Therefore, the City's receipt of a *complete* preliminary application up to the date that the ordinance takes effect will avoid being subject to the Mixed-Income Zoning Ordinance.

16. If I don't submit a preliminary application, when is it too late to submit a full project application in order to lock in the current ordinances, fees, standards, and policies prior to the Mixed-Income Zoning Ordinance taking effect?

- a. As mentioned above (see Numbers 2(b) and 7(a)), a full project application is deemed complete at the time City staff makes its written determination on the completeness of the full project application. City staff must make this determination within 30 days of the full project application being submitted. The City's written determination of completeness locks in the ordinances, fees, standards, and policies in effect at the time the written determination is made by the City. Therefore, so long as the City has provided its written determination prior to the City publishing notice of the Mixed-Income Zoning Ordinance for review by the Planning Commission, it will not apply to your project. But, if your full project application is deemed complete *after* the public notice of the Ordinance has been

published, then it *will* apply to your project if the Ordinance is in effect prior to the approval of your tentative map. (Gov. Code § [66474.2](#), subd. (b).)

17. Is architectural design required for the preliminary application submittal?
 - a. Yes, the preliminary application checklist requires proposed elevations showing design, color, material, massing, and height of each building that is to be occupied.

18. The preliminary application checklist requires the submission of approximate square footage for each building, along with elevations that depict design, color, materials, massing, and height. If my building elevations and size change after my application is deemed complete, and the MIZO is in effect, will my application be subject to MIZO?
 - a. As stated in number 5 of this FAQ, in addition to the 20% threshold for change, the City has the discretion to determine whether a project change is significant enough to require a new application. Modifications to building area and elevations after an application submittal is deemed complete will be evaluated on a case-by-case basis. While these types of changes are not expected to cause significant impacts, their effects can only be evaluated once a request is submitted, as different modifications may result in varying degrees of impact.

19. Is there a deadline to record the Final Map?
 - a. Yes, number 10 of this FAQ outlines the City’s policy regarding the timeframe for recording a Final Map. If the map is not recorded within 36 months from the initial tentative map approval, it may expire.

20. What is the scope of the financial feasibility study conducted for the MIZO?
 - a. The Analysis shall include an evaluation of a range of feasible affordable housing set-aside percentages for new residential development in the City of Clovis. The Analysis shall also evaluate feasible complementary mechanism by which a residential housing developer may meet the required set-aside percentages. The In Lieu Fee analysis shall identify a per-unit or per-square-foot formula for fees sufficient to cover the need for Gap Financing, and to ensure that revenue generated by the In Lieu Fees is sufficient to facilitate the construction of enough Affordable Housing Dwelling units to meet the set-aside percentage requirements for each new development.

21. What constitutes an “Affordable Project” that would qualify for access to the Housing Trust Fund (HTF) Program?
 - a. Affordable housing projects are developments that include deed-restricted housing units reserved for the sale or rent to households earning a certain percentage of the Area Median Income (AMI). The income limits for the HTF Program are:
 - i. A minimum of 30 percent of HTF funds requested by applicants shall be expended on assistance to Extremely Low-Income Households (incomes below 30% AMI)

- ii. The remaining HTF funds requested shall be expended on assistance to Low-Income Households (incomes of no more than 80% of AMI)

22. Will the MIZO consider waiving development fees as an incentive?

- a. Development fees cannot be waived. However, qualifying projects may apply for the City's Development Impact Fee Deferral Program, though units required by the MIZO are not eligible for fee deferral. Additional information regarding the program is below.

23. Will the City reduce or waive impact fees for affordable housing projects?

- a. In April 2024, the City approved the Development Impact Fee Deferral Program to support the development of up to 120 affordable housing units per year. Eligible projects may apply for fee deferral, with the deferred amount based on the project's income targeting and affordability. The deferral program is administered by the City's Affordable Housing Program office. Additional program details including program criteria can be found on the City's webpage: <https://cityofclovis.com/wp-content/uploads/City-of-Clovis-NOFA-Development-Impact-Fee-Deferral-Program-June-7-2024.pdf>
- b. Any fees not approved for deferral remain due and payable as per standard procedures in the City of Clovis.
- c. Affordable units required by the MIZO are not eligible to apply for the Development Impact Fee Deferral Program.

24. Questions specific to the MIZO scope and implementation including affordability scale, what constitutes a unit, qualifying scenarios for providing the required affordable units or lots etc. will not be known until the program is being developed.

25. What is the timing of the ordinance?

- a. While no dates are finalized, the goal is to present MIZO to the Planning Commission and City Council by the end of the year.
- b. The feasibility study, draft ordinance, and program will be shared with the industry once they are ready. Meetings regarding the MIZO and its implementation will take place after the information is distributed.