



City of Clovis

MIXED-INCOME ZONING ORDINANCE (MIZO) APPLICATION

City Hall – 1033 Fifth Street, Clovis, California 93612 | (559) 324-2060

INFORMATION REGARDING MARKET RATE APPLICATION	
APPLICABILITY	
Does your market rate development application trigger the requirements of MIZO? (i.e. Does your market rate application include the development of eleven (11) or more residential units?) ☐ Yes ☐ No If “Yes”, then proceed with application.	
HOW WILL THIS APPLICATION MEET THE REQUIREMENTS OF MIZO?	
☐	Construction of units on-site to meet the five percent (5%) unit requirement
☐	Payment of In-Lieu Fee
☐	Land dedication off-site
☐	Construction of units off-site to meet the five percent (5%) unit requirement
☐	Acquisition/rehabilitation of existing dwelling units
☐	Other (will need to describe)
PROJECT INFORMATION	
Applicant	
Contact Name	
Contact Email	
Representative (if any)	
Contact Name	
Contact Email	
Property Owner	
Property Address	
Property APN	
Project Description	

INFORMATION REGARDING MIZO CONFORMANCE**MIZO OPTION 1 – Constructing MIZO Unit(s) On-site**

If you are selecting the option to construct MIZO unit(s) on-site with your market rate application, then the following applies:

No less than five percent (5%) of all proposed market rate units in a residential development project will be constructed as affordable housing (MIZO unit(s)).

Required Calculation:

Number of Market Rate For-Sale Units		
Number of Market Rate Rental Units		
TOTAL MARKET RATE UNITS		
TOTAL x 0.05	x 0.05	
= total required MIZO Units to be constructed		
<i>Note: round to the nearest whole number</i>		

MIZO UNIT INFORMATION

PROVIDE THE FOLLOWING INFORMATION

☐ Number of MIZO For-Sale Units: _____

☐ Number of MIZO Rental Units: _____

☐ Identification of MIZO(s) Unit location on Tentative Map/Site Plan (provide a tentative map/site plan)

☐ List of MIZO units to be provided with tenure, number of bedrooms, square footage, and income level applicable to each unit (provide a table if needed)

☐ List of market-rate units to be completed with tenure, number of bedrooms, and square footage (provide a table if needed)

☐ Floor plans of market rate and MIZO units, including bathrooms, kitchen appliances, closets, and laundry for MIZO units. Provide a comparison of interior finishes and features between market rate and MIZO units.

☐ Proposed elevations and design concept for MIZO Unit(s) and Market Rate Units. Information provided shall demonstrate MIZO units will be comparable in exterior appearance and overall quality of construction to market-rate units.

☐ Timeline for construction of MIZO unit(s) and market rate units

☐ Acceptance of Affordability Requirements (Attachment A)

☐ Identify the entity(ies) who will be responsible for development, ownership, management, sale and annual rental affordability compliance of the MIZO units, as applicable.

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	☐ Confirmation that residents of MIZO units will have access to the same amenities and features as residents of market rate units, including but not limited to common areas, parking, and storage, and, in a mixed-income multifamily building, have the same common entrance as the market-rate units.
	☐ If MIZO units are proposed to be placed in one or more separate buildings, provide evidence that the proposed concentration is required by the funding source or type of building (such as senior units).
	☐ If Applicant is requesting a MIZO size, design or unit type variance, as compared to the market rate units, then provide adequate information for City to ascertain the differences and determine that the MIZO requirements shall still be met.
	☐ Identify any public funding and/or non-profit participation anticipated for the MIZO units. Provide funding or participation confirmation from third-party.

MIZO OPTION 2 – Pay In-Lieu Fee

If you are selecting the option to pay an in-lieu fee of \$2.80 per square foot for each market rate unit included in your market rate application, the City will then require the following information be submitted:

- | | |
|--------------------------|---|
| ☐ | Attachment B – MIZO Units by Size in-lieu fee Calculation |
| ☐ | Timeline for payment of in-lieu fee per market rate unit |

MIZO OPTION 3 – Land Dedication Off-Site

If you are selecting the option to dedicate sufficient land for constructing the required number of MIZO units, for the residential development project, in-lieu of constructing MIZO units on-site, the City will then require the following information to be submitted:

	Address of Proposed Site:
	APN:
	General Plan Designation:
	Zoning:
	Name of Current Owner of Proposed Site:
	☐ Current title report of proposed site
	☐ Evidence of site control of proposed site
	☐ Map and APN page of proposed site
	☐ Phase I Environmental Report and Phase II Environmental Report if hazardous materials are suspected in Phase I report
	☐ Appraisal of proposed site prepared by Licensed Appraiser (Appraiser to be pre-approved by City). The fair market value of the land proposed to be dedicated/conveyed shall be of equal or greater value than the estimated amount of the in-lieu fees that would otherwise be required under this section.
	☐ Attachment B - MIZO Units by Size (In-Lieu Fee Calculation)
	☐ Timeline for dedication of land off-site
	☐ Proof that adequate off-site and on-site infrastructure exists to serve the proposed site
	☐ Proof that the proposed site is of sufficient size for development of the MIZO units
	☐ Proof that the proposed site is physically suitable and has an appropriate General Plan land use designation and zoning to accommodate or facilitate the development of the MIZO units
	☐ Identify any environmental constraints, hazardous materials, public service constraints, or public health and safety concerns related to the proposed site
	☐ Cost estimate for mitigation of hazardous materials, if applicable (mitigation must be complete prior to dedication)
	☐ Recent Land/Site Surveys

MIZO OPTION 4 – Construction Of Units Off-Site

If you are selecting the option to construct MIZO unit(s) off-site, then the following applies:

No less than five percent (5%) of all proposed market rate units in a residential development project will be constructed as affordable housing (MIZO unit(s)).

Required Calculation:

Number of Market Rate For-Sale Units		
Number of Market Rate Rental Units		
TOTAL MARKET RATE UNITS		
TOTAL x 0.05	x 0.05	
= total required MIZO Units to be constructed		
<i>Note: round to the nearest whole number</i>		

MIZO UNIT INFORMATION

PROVIDE THE FOLLOWING INFORMATION

☐ Number of MIZO For-Sale Units: _____

☐ Number of MIZO Rental Units: _____

Address of Proposed Off-Site Location:

APN:

General Plan Designation:

Zoning:

Name of Current Owner of Proposed Site:

☐ Current title report of proposed site

☐ Evidence of site control of proposed site

☐ Map and APN page of proposed site

☐ Identification of MIZO(s) Unit location on off-site Tentative Map/Site Plan (provide a tentative map/site plan)

☐ Phase I Environmental Report and Phase II Environmental Report if hazardous materials are suspected in Phase I report

☐ Proof that adequate off-site and on-site infrastructure exists to serve the proposed site

☐ Proof that the proposed site is immediately available for development

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☐	Proof that the proposed site is of sufficient size for development of the MIZO units
☐	Proof that the proposed site is physically suitable and has an appropriate General Plan land use designation and zoning to accommodate or facilitate the development of the MIZO units
☐	Identify any environmental constraints, hazardous materials, public service constraints, or public health and safety concerns related to the proposed site
☐	Cost estimate for mitigation of hazardous materials, if applicable (mitigation must be complete prior to dedication)
☐	Recent Land/Site Surveys
☐	List of MIZO units to be provided off-site with tenure, number of bedrooms, square footage, and income level applicable to each unit (provide a table if needed)
☐	List of market-rate units to be completed (market rate application) with tenure, number of bedrooms, and square footage (provide a table if needed)
☐	Floor plans of market rate and MIZO units, including bathrooms, kitchen appliances, closets, and laundry for MIZO units. Provide a comparison of interior finishes and features between market rate and MIZO units.
☐	Proposed elevations and design concept for MIZO Unit(s) and Market Rate Units. Information provided shall demonstrate MIZO units will be comparable in exterior appearance and overall quality of construction to market-rate units.
☐	Timeline for construction of MIZO unit(s) and market rate units
☐	Identify the entity(ies) who will be responsible for development, ownership, management, sale and annual rental affordability compliance of the MIZO units, as applicable.
☐	If Applicant is requesting a MIZO size, design or unit type variance, as compared to the market rate units, then provide adequate information for City to ascertain the differences and determine that the MIZO requirements shall still be met.
☐	Identify any public funding and/or non-profit participation anticipated for the MIZO units. Provide funding or participation confirmation from third-party.
☐	Acceptance of Affordability Requirements (Attachment A)

MIZO OPTION 5 – Acquisition and Rehabilitation of Existing Dwelling Units

If you are selecting the option to acquire and rehabilitate existing market rate units elsewhere in the City to become MIZO Units, then the following applies:

No less than five percent (5%) of all proposed market rate units in a residential development project will be acquired/rehabilitated as affordable housing (MIZO unit(s)).

Required Calculation:

Number of Market Rate For-Sale Units		
Number of Market Rate Rental Units		
TOTAL MARKET RATE UNITS		
TOTAL x 0.05	x 0.05	
= total required MIZO Units to be acquired/rehabilitated		
<i>Note: round to the nearest whole number</i>		

MIZO UNIT INFORMATION

PROVIDE THE FOLLOWING INFORMATION

☐ Number of MIZO For-Sale Units: _____

☐ Number of MIZO Rental Units: _____

Address(es) of Existing Units to be Acquired/Rehabilitated:

APN(s):

General Plan Designation:

Zoning:

Name of Current Owner of Existing Dwelling Units:

☐ Current title report of Existing Dwelling Units

☐ Evidence of site control of Existing Dwelling Units

☐ Map and APN page of Existing Dwelling Units

☐ Phase I Environmental Report and Phase II Environmental Report if hazardous materials are suspected in Phase I report

☐ Identify any environmental constraints, hazardous materials, public service constraints, or public health and safety concerns related to the Existing Dwelling Units

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☐	Cost estimate for mitigation of hazardous materials, if applicable (mitigation must be complete prior to dedication)
☐	List of MIZO units to be acquired/rehabilitated with tenure, number of bedrooms, square footage, and income level applicable to each unit (provide a table if needed)
☐	List of market-rate units to be completed (market rate application) with tenure, number of bedrooms, and square footage (provide a table if needed)
☐	Floor plans of market rate and MIZO units, including bathrooms, kitchen appliances, closets, and laundry for MIZO units. Provide a comparison of interior finishes and features between market rate and MIZO units.
☐	Elevations and design concept for MIZO Unit(s) and Market Rate Units. Information provided shall demonstrate MIZO units will be comparable in appearance and overall quality of construction to market-rate units.
☐	Timeline for acquisition/rehabilitation of MIZO unit(s)
☐	Identify the entity(ies) who will be responsible for development, ownership, management, sale and annual rental affordability compliance of the MIZO units, as applicable.
☐	If Applicant is requesting a MIZO size, design or unit type variance, as compared to the market rate units, then provide adequate information for City to ascertain the differences and determine that the MIZO requirements shall still be met.
☐	Identify any public funding and/or non-profit participation anticipated for the MIZO units. Provide funding or participation confirmation from third-party.
☐	Acceptance of Affordability Requirements (Attachment A)

MIZO OPTION 6 – Discretion / Alternative

If you are selecting the option to submit an alternative compliance measure, different than what was described in options 1-5 above, then the following applies:

No less than five percent (5%) of all proposed market rate units in a residential development project will be constructed as affordable housing (MIZO unit(s)).

Required Calculation:

Number of Market Rate For-Sale Units		
Number of Market Rate Rental Units		
TOTAL MARKET RATE UNITS		
TOTAL x 0.05	x 0.05	
= total required MIZO Units to be constructed		
<i>Note: round to the nearest whole number</i>		

MIZO UNIT INFORMATION

PROVIDE THE FOLLOWING INFORMATION

☐ Number of MIZO For-Sale Units: _____

☐ Number of MIZO Rental Units: _____

☐ Alternative Compliance Measure Description to include other requirements as may be identified and applicable in similar measures above:

☐ Acceptance of Affordability Requirements (Attachment A)

Attachment A

Affordability Requirements

A Mixed-Income Zoning Ordinance (MIZO) Unit shall be available at an Affordable rent or sold at an Affordable price to very low-, or low-income households. A dwelling unit designated as a MIZO Unit shall remain affordable for the longest feasible duration (but not less than fifty-five (55) years for rental units and forty-five (45) years for for-sale units) from the date of recordation of a covenant or regulatory agreement or similar document recorded with the Fresno County Recorder's office. The recording must occur prior to the issuance of the Certificate of Occupancy.

The applicant for a residential development project subject to MIZO shall execute a written agreement with the City at the time the project is approved, indicating the number, type, location, approximate size, and construction schedule of all dwelling units for the project as required to determine the project's compliance with MIZO, and duly execute any applicable affordability restriction(s) to be recorded and run with the land for the required Mixed-Income Units.

For rental residential development projects:

At least fifty percent (50%) of the required Mixed-Income Units shall be affordable to very low-income households, and the balance of the required Mixed-Income Units shall be affordable to low-income households. The minimum fifty percent (50%) shall be calculated as no less than one (1) very-low income unit for every one (1) low-income unit.

Renters shall be subject to the applicant's affordable housing agreement and must be selected by means of an open and public process.

In order to maintain the availability of rental Mixed-Income Units constructed pursuant to MIZO, such rental Mixed-Income Units shall remain affordable for fifty-five (55) years, as documented in an affordable housing agreement, as described in the MIZO and recorded against the property upon which the Mixed-Income Unit is constructed.

For rental units, an annual monitoring notice from the City may be sent to any management company of rental units to confirm residents are eligible to reside in the Mixed-Income Units.

For for-sale residential development projects:

One hundred percent (100%) of the required Mixed-Income Units shall be affordable to low-income households.

Qualified buyers of for-sale Mixed-Income Units shall enter into an affordable housing agreement with the City and execute appropriate implementation documents as required by the City.

The sales price of a for-sale Mixed-Income Unit shall not exceed the U.S. Department of Housing and Urban Development (HUD) annual Single-Family Homeownership Value Limits, as may be amended from time to time, for a period of forty-five (45) years pursuant to an affordable housing agreement recorded against the property, and be affordable to a low-income household.

The qualified buyer shall occupy the Mixed-Income Unit as the buyer's principal place of residence.

The qualified buyer shall not lease or rent the Mixed-Income Unit, or any portion of the Mixed-Income Unit, to another party, including listing the Mixed-Income Unit as a short-term rental. Any such lease or rental of the Mixed-Income Unit or a portion of the Mixed-Income Unit, or any use other than as the buyer's principal place of residence shall constitute a default under the requirements of MIZO and the affordable housing agreement between the City and the qualified buyer.

Homeowners shall receive an annual monitoring notice from the City to confirm the owner occupancy requirement and prohibition of renting the dwelling unit.

Lower/Low-income household means a household whose income does not exceed eighty percent (80%) of the Area Median Income, adjusted for household size, applicable to Fresno County, as set forth in Health and Safety Code section 50079.5, as it may be amended, or in any successor statute.

Very low-income household shall mean a household whose income does not exceed fifty percent (50%) of the Area Median Income, adjusted for household size, applicable to Fresno County, as set forth in Health and Safety Code section 50105, as it may be amended, or in any successor statute.

Attachment B – MIZO Units by Size (In-Lieu Fee Calculation)					
# 1	# 2	# 3	# 4	# 5	# 6
Housing Type (SFH/MFH)?	# of homes of this type in application	Net Livable Square Footage**	Total Square Footage (#2 x #3)	In-Lieu Fee	Total In-Lieu Fee to be Paid by Housing Type (#4 x #5)
				\$2.80	
				\$2.80	
				\$2.80	
				\$2.80	
				\$2.80	
TOTAL IN LIEU FEE TO BE PAID					

*Add Additional rows as needed

**Net Livable Square Footage: excludes garages for all units and common hallways for multi-family units.