

Chapter 5: Constraints on Housing

Summary

State law (Government Code §65583(a) requires the Housing Element to identify governmental and non-governmental constraints on meeting future community housing development needs. This analysis specifically must identify “...*potential and actual ...constraints upon the maintenance, improvement or development housing for all income levels...*” The following analysis found no significant governmental or non-governmental constraints on the development of housing in Lindsay.

Governmental Constraints – General Processes

Land-Use Controls

Land use controls may serve as a governmental constraint on the production of housing. Lindsay does not have extraordinary local land use controls that exceed those of other jurisdictions in the region. These controls include primarily the General Plan, Zoning Ordinance, and Building Code. In many cases the City has a relatively light regulatory land use burden on housing development.

Growth Controls

There is no residential down-zoning program currently or anticipated during the timeframe of this Element. There is no city program to limit growth. Long-term growth boundaries are established by the Local Agency Formation Commission (LAFCO), consistent with county policy and state law. Lindsay’s Urban Development Boundary (UDB) provides an additional 1.4 square miles of land outside of the city limits eligible for annexation.

Annexation

There is approximately 260 acres of vacant and underdeveloped land located outside of the Lindsay city limit, within the adopted UDB, currently planned for residential land use and mixed land use (which may allow residential land uses). This land area could support the development of approximately 1,000 additional housing units upon annexation. The City has no formal annexation restrictions. The City is typically supportive of annexations that are: 1) consistent with the City’s General Plan; 2) needed for additional development; 3) serviceable by urban infrastructure; and 4) supportable by LAFCO. Based on various state laws, potential annexation applications need to be consistent with the City’s General Plan, serviceable by urban infrastructure, and contiguous to city limits.

Building Permits

There is no building permit or development cap of any kind in Lindsay. There is no requirement for voter approval of zoning, rezoning, or General Plan amendment. Such changes may be processed as a normal legislative action of the City Council. Such changes require a simple majority approval of the Council, without need for super-majority.

Development Regulations

Lindsay does not utilize floor area ratio (FAR) regulations.

Adequate Public Facilities

The City does not employ adequate public facilities ordinances. Individual developments must, as part of the normal environmental review process mandated by the California Environmental Quality Act (CEQA), provide adequate public facilities or mitigation measures to ensure service availability.

Zoning and Development Standards

As a matter of policy and practice, the City does not use zoning and development standards to constrain or unnecessarily hinder housing development. Such standards are employed to ensure land use compatibility and to provide minimal necessary guidance for new development in order to protect public health, safety, and welfare. The following table outlines zoning development standards applicable to housing.

Zoning Standards (minimum unless otherwise designated)

Standard	Zoning District						
	R-1-7	R-1-5	RM-MH8	RM-3	RM-2	RM1.5	MXU ³
Density	Low	Low	Med	Med.	Med	High/CC	High
Lot Area (per unit, sq. ft.)	7,000	5,000	5,000	3,000	2,500	1,500	n/a
Coverage (maximum)	40%	40%	n/a	50%	60%	70%	n/a
Frontage: Standard Lot	60'	50'	n/a	50'	50'	50'	n/a
Frontage: Cul-de-sac Lot	40'	40'	40'	40'	40'	40'	n/a
Lot Width: Standard Lot	60'	50'	30'	50'	50'	50'	n/a
Lot Width: Cul-de-sac Lot (avg)	60'	50'	50'	50'	50'	50'	n/a
Lot Width: Corner Lot	65'	55'	n/a	50'	50'	50'	n/a
Lot Depth	90'	90'	n/a	80'	80'	80'	n/a
Lot Depth: Corner Lot	80'	80'	n/a	80'	80'	80'	n/a
Front Setback	15'	15'	15'	15'	15'	15'	n/a
Side Setback ¹	5'	5'	5'	5'	5'	5'	n/a
Corner Side Setback	½ the required front yard on the adjoining lot						n/a
Rear Setback ²	5'	5'	10'	10'	10'	10'	n/a
Maximum Building Height	35'			40'			n/a
Minimum Distance Between Structures	10'			10'			n/a
Parking Requirement	2 spaces			Studio / 1 BR: 1.5 spaces 2+ BR: 2 spaces			

¹ For RM zones only, an additional 5' is required for each story added. Also, a side yard providing access to two or more units must be 10'.

² An additional 10' setback required for every additional story added in R-1 districts; an additional 5' is required for each story added in R-M districts. A side yard providing access to two or more units must be 10'.

There are no development standards applicable to the MXU district, except for parking standards. Each development proposal is evaluated through the site plan review or conditional use permit process.

Codes and Enforcement

Building codes are not a serious constraint to residential development. Building inspections in Lindsay are conducted by the City's building inspector, for approval of new construction for occupancy, and to respond to specific complaints. New construction is required to meet the standards of the Uniform Building Code (UBC), which was last revised in 2007.

On/Off-Site Improvements

New residential development in Lindsay is required by ordinance and policy to install urban infrastructure improvements consistent with surrounding development and the practices of other communities in the region. These requirements include installation of:

- Concrete barrier curb and gutters
- Front-yard landscaping and irrigation systems
- Landscaped parkways
- Masonry walls where lots abut arterial or collector streets
- Paved off-street parking surfaces
- Paveout of adjoining street surfaces, to provide planned right-of-way half width
- Sidewalks

Other improvements may be required, depending on project scope, existing and surrounding site conditions, and site-specific infrastructure issues. These include:

- Fire hydrants
- Lift stations / pumps
- Sewer line extension / interconnection / oversizing
- Storm drain line extension / interconnection / oversizing
- Street lights
- Turn lane installation and marking
- Water line extension / interconnection / oversizing

Due to the existing improved road system and relatively low traffic volumes, road extensions are rarely required for new residential development. No development in the past decade has resulted in the need for intersection signalization.

Fees and Exactions

Development fees and exactions for public facility impacts associated with residential development pose a potential constraint to housing production. Two types of fees are charged by the City, and discussed below: development impact fees and planning processing fees. The provision of public services (especially water, sewer, and storm water control) have not constrained production of new housing below the projected need identified by the current Regional Housing Allocation Plan. Currently, State laws governing municipal financial practices limit the ability of cities to provide infrastructure out of ongoing revenues. As a result, new development in Lindsay is generally required to "pay its own way" with regard to public facilities such as water, sewer, drainage, parks, and streets.

The following table depicts Lindsay's typical residential planning fees compared to other nearby communities. Lindsay's planning and development fees are generally comparable to other cities in the region, comprising approximately 9% of total average development costs. These fees and exactions do pose a unique or significant constraint on new residential development.

Average Planning and Development Fees in 2009

(per dwelling unit, numbers rounded – see Attachment C for detailed specific fee data)

Single Family ¹	Lindsay	Dinuba	Farmersville	Porterville	Tulare	Average
Subdivision	\$252	\$296	\$98	\$902	\$215	\$352
Building Permit ²	\$2,337	\$1,425	\$1,823	\$1,135	\$2,393	\$1,823
Impact Fees ³	\$10,606	\$15,239	\$7,428	\$11,943	\$8,441	\$10,731
Total	\$13,195	\$16,960	\$9,349	\$13,980	\$11,049	\$12,906
Multi-Family⁴						
Site Plan	\$20	\$43	\$11	\$37	\$32	\$29
Building Permit ²	\$875	\$687	\$689	\$299	\$896	\$689
Impact Fees ³	\$6,232	\$14,337	\$4,511	\$10,237	\$3,600	\$7,784
Total	\$7,128	\$15,068	\$5,211	\$10,573	\$4,528	\$8,502

¹ Average estimated fees based on 5-acre residentially zoned infill development site, 20 single-story single-family units with an average of 1,500 each.

² Building permit fees for Farmersville are estimated – the Tulare County Resource Management Agency manages the building permit process for this city.

³ Includes impact, connection, and treatment fees.

⁴ Average estimated fees based on 5-acre residentially zoned infill development site. 50 apartment units. 5 two-story buildings, each with ten 2-bedroom apartment units.

Processing and Permit Procedures

Development review also affects housing costs. Because of land holding costs (such as mortgages, taxes, insurance, maintenance, and security), the longer it takes for a development proposal to be approved, the higher the cost of development, and the greater the ultimate cost of housing. Generally, ministerial actions such as building permits may be processed faster than actions requiring public hearings at the City Council (such as subdivision maps and site plans). The City has no residential design review process and few housing units are developed through a planned development (PUD) process. Most single family development is processed through normal land subdivision procedures (tentative and final maps), and most multifamily residential development is processed through the site plan review process. These processes do not typically result in time or cost burdens exceeding normal housing development review practices in the region.

For ministerial permits, the City Planner conducts a site plan check. Additionally, the Building Inspector conducts a plan check and fee assessment. This process typically takes less than 30 days. Applications for residential projects containing about 20 units typically require 90 to 120 days processing time (from filing of the initial application to Final Map approval). However, actual processing time varies according to the size and scope of the project, as well as the time taken by the developer to prepare the final map, improvement plans, and other project-related documents. While the City attempts to process development applications in a timely and efficient manner, some delays are outside the control of the City. Delays in processing can occur during project environmental review, pursuant to CEQA.

At times, approval from State or other agencies may also be required for certain types of projects. The typical application procedure for both single and multi-family residential units is as follows:

Single-Family Dwellings:

- Floor plans, construction plans and a site or plot plan are submitted to the Building Permit Technician with a plan check fee deposit.
- Site Plan is sent to the City Planner for zoning compliance review; either stamped approved or sent back for corrections.
- Approved site plan is sent to the Building Division. After corrections are submitted and approved, the technician collects and verifies payment of school fees, development impact fees and utility connection fees, and issues construction permit upon payment of permit fees.
- Permit is valid for six months. If no work commenced and inspections are not requested, permit approval expires and re-application and issuance of new permit is required if work is to continue.
- Project plans are circulated to all City departments and City Fire Department.

Multiple Family (attached) Dwellings:

- Construction and Site Plans are submitted to the Building Permit Technician with a plan check fee deposit.
- Prior to plan check, the proposal is sent to Planning to determine CEQA status. If the project is not exempt, an Initial Study is generally required for projects containing more than six units or two or more residential structures.
- Site plan review approval is required for multi-family projects in multi-family districts.
- Project plans are circulated to all City departments and City Fire Department.
- Total processing time for site plan review is generally one to two months.

Governmental Constraints – Specific Housing Types

Chapter 4 (Adequate Sites) discusses land supply and zoning regulations specifically applicable to specific housing types as required by state law. In sum, this analysis found that Lindsay has an adequate residential land supply and that zoning does not create undue or unique development burdens for any of the following housing categories:

Emergency Shelters

Chapter 3 identifies a potential need to shelter four homeless individuals. Emergency shelters are permitted in the MXU zoning district without need for discretionary approval (such as a conditional use permit). There are no zoning or development controls that uniquely apply to or potentially constrain this housing type. Emergency shelter development would be subject to the normal development standards applicable to multifamily residential development.

Attachment A identifies four vacant MXU zoned properties, totaling 24 acres with a likely development potential of 283 housing units. These properties have no known infrastructure or significant environmental constraints that would inhibit emergency shelter development.

Factory-Built Housing

Manufactured homes are permitted subject to administrative approval in all residential zoning districts. The administrative approval process determines project compliance with development standards applicable to such uses, including permanent foundations, roof overhangs, and covered parking. There are no other specific zoning or development controls provisions that uniquely apply to or potentially constrain this housing type.

Housing For Agricultural Employees

Housing for agricultural employees is not specifically enumerated in the existing zoning ordinance. Most agricultural employees living in Lindsay are non-seasonal, permanent residents (see Chapter 3). Their housing needs are similar to other residents and are provided by traditional single-family and multi-family housing development. There are no other specific zoning or development controls that uniquely apply to or potentially constrain this housing type.

Housing For Persons With Disabilities

As noted in Chapter 3, persons with disabilities have a number of housing needs related to accessibility of dwelling units; access to transportation; employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services. The City ensures that new housing developments comply with California building standards (Title 24 of the California Code of Regulations) and federal requirements for accessibility.

Procedures for Ensuring Reasonable Accommodations

Zoning Ordinance §18.15.050.B allows an automatic and non-discretionary four-foot exception to the setback requirement for encroachments of special structures or appurtenances (i.e., access ramps or lifts) needed by persons with physical disabilities. The City utilizes a tiered variance processes to accommodate requests for encroachments of more than four feet into the required setback. Variance applications may be handled by administratively (for up to 10% of the underlying development standard, per Zoning Ordinance §18.21.110), or through a public hearing procedure for all other variances. However, the standards used to evaluate such applications may be in conflict with laws applicable to housing for persons with disabilities. To address this situation, Chapter 8 includes a program to establish a written procedure for administrative reasonable accommodation. This procedure will provide a non-discretionary exception process for housing development standards which adversely affect persons with disabilities.

Efforts to Remove Regulatory Constraints for Persons with Disabilities

The State has removed any City discretion for review of small group homes for persons with disabilities (six or fewer residents). Zoning Ordinance §18.07.020.F and 18.08.020.D allow such facilities in residential zoning districts as permitted uses by right.

The City does not impose additional zoning, building code, or permitting procedures other than those allowed by State law. There are no City initiated constraints on housing for persons with disabilities. The City allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. Such retrofitting is permitted under the 2007 UBC. Further, the City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint. Finally, §18.15.050.B of the zoning ordinance allows retrofitted access ramps to encroach up to four feet into in setback areas.

Accommodation For Zoning, Permit Processing, and Building Codes

The City implements and enforces the 2007 UBC. The City provides information to all interested parties regarding accommodations in zoning, permit processes, and application of building codes for housing for persons with disabilities.

Zoning and Other Land Use Regulations

As part of the Housing Element update, the City conducted a comprehensive review of its zoning laws, policies and practices for compliance with fair housing laws. The City has not identified any regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals, with the exception of the following:

- 1) The Zoning Ordinance definition of “family” in §18.24.030 permits up to five unrelated individuals, which is more restrictive than limitations permitting up to six unrelated individuals in group homes.
- 2) The Zoning Ordinance does not explicitly include reasonable accommodation standards.
- 3) The City does not have universal design standards or procedural guidance for universal design issues.

Chapter 8 includes programs to address these three issues.

Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting processes include:

- In accordance with Health and Safety Code §§1267.8, 1566.3, and 1568.08, the City treats licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. The City allows licensed residential care facilities in any area zoned for residential use, and does not require licensed residential care facilities for six or fewer persons to obtain conditional use permits or variances that are not required of other family dwellings.
- The City permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City. The General Plan Land Use Element does not restrict the siting of special needs housing.

Permits and Processing

The City does not impose special permit procedures or requirements that could impede the retrofitting of homes for accessibility. The City's requirements for building permits and inspections are the same as for other residential projects and are straightforward and not burdensome. City officials are not aware of any instances in which an applicant experienced delays or rejection of a retrofitting proposal for accessibility to persons with disabilities.

As discussed above, the City allows group homes of six or fewer persons by right, as required by State law. No CUP or other special permitting requirements apply to such homes. The City does require a CUP for group homes of more than six persons in all residential zones. The City does not impose special occupancy permit requirements or business licenses for the establishment or retrofitting of structures for residential use by persons with disabilities. If structural improvements were required for an existing group home, a building permit would be required. If a new structure were proposed for a group home use, only a building permit would be required, without any discretionary approval processing requirements. The building permit process has not been used to deny or substantially modify a housing project for persons with disabilities to the point where it is no longer feasible.

Building Codes

The City provides reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits through its flexible approaches to retrofitting or converting existing buildings and construction of new buildings that meet the shelter needs of persons with disabilities. The City adopted and implements the 2007 UBC without amendment.

Universal Design Element

The City has not adopted a universal design ordinance governing construction or modification of homes using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City has added the development of a Universal Design Element as a Program during this planning period. The City will refer to the HCD website to develop guidelines and a model ordinance consistent with the principles of universal design.

Note: The above section has been adapted, with specific necessary changes applicable to the City of Lindsay, from the following sources: 1) California Department of Housing and Community Development, Housing Programs: Address and Remove or Mitigate Constraints (http://www.hcd.ca.gov/hpd/housing_element2/PRO_mitigate.php); and 2) California Department of Housing and Community Development, Housing For Persons With Disabilities, Sample 1 (http://www.hcd.ca.gov/hpd/housing_element/examples/screen27sample1.pdf)

Mobile Homes

Mobile homes are permitted subject to administrative approval in all residential zoning districts. The administrative approval process determines project compliance with development standards applicable to such uses, including permanent foundations, roof overhangs, and covered parking. There are no other zoning or development controls that uniquely apply to or potentially constrain this housing type.

Multi-Family Rental Housing

Multifamily rental housing is permitted in the RM, PO, and MXU zoning districts, and is a conditional use in the CC district. All other City zoning and development regulations (such as building setbacks, parking requirements, etc.) that uniquely apply to this land use type do not serve as a development constraint, as evidenced by the significant amount of such development in Lindsay (23% of the housing stock compared to 12% for Tulare County). The Adequate Sites Inventory (Chapter 4) identified 79 vacant and underdeveloped properties totaling 82 acres that could be developed for up to 864 multifamily rental housing units, under existing zoning in the RM-3 and MXU districts. There are no other zoning or development controls that uniquely apply to or potentially constrain this housing type.

Single-Room Occupancy Units

State law (Government Code §65583(c)(1)) does not define single-room occupancy (SRO) units, but merely requires the Housing Element to identify adequate sites to “facilitate and encourage the development” of such housing. SRO units that include a kitchen are permitted by right in the RM zoning district, similar to any apartment use. The sites inventory identified 58 acres of undeveloped/underdeveloped land in this zoning district, with a total development potential of 581 SRO dwelling units. SRO units not containing individual kitchens, served by a common kitchen, would not be permitted under existing zoning. The City is not aware of any instance of developers seeking to develop this type of SRO in Lindsay. There are no other zoning or developments that uniquely apply to or potentially constrain this housing type.

Transitional Housing

As discussed in Chapter 4 (Adequate Sites), transitional housing is a rental housing type. Rental housing is a private matter not regulated under City codes. Strictly defined, “rental housing,” regardless of transitional status, is permitted by right in any zoning district which allows residential uses. There are no City zoning or development control provisions that uniquely apply to or potentially constrain this housing type.

Supportive Housing

As discussed in Chapter 4, current zoning restrictions pertaining to supportive housing vary by disability category. This approach is inconsistent with the statutory requirements of Government Code §65583.A.5. Supportive housing serving six or fewer persons is permitted by right in all residential zoning districts. Facilities serving seven or more persons require conditional use permit approval. This requirement may serve as a disincentive to larger supportive housing facility developments. Recent changes in state law (Senate Bill 2, 2007) require that supportive housing “be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.” For this reason, the zoning ordinance will need to be amended to comply with provisions of state law. This need is reflected in Chapter 8, as a housing program.

Non-Governmental Constraints

Land Prices

At the peak of the last development cycle (2006-07), raw land prices within the city limits averaged about \$90,000 per acre. Since the economic downturn beginning in 2008, there have no sales comparisons for raw residential acreage in the city limits. Land prices as a percentage of total housing costs are typically 10% to 15% -- a cost component that does not serve as a unique or significant non-governmental constraint on housing development.

Lindsay Income, Housing Affordability, and Land Costs (2008)

Income Category	Income ¹	Maximum Housing Purchase Price ²	Typical Land Area (square feet)	Raw Land Cost Per Housing Unit	Land as % of Housing Price
Extremely Low	\$16,150	\$ 70,000	5,000	\$10,300	14.7%
Very Low	\$26,900	\$115,000	5,000	\$10,300	8.9%
Low	\$43,050	\$180,000	7,000	\$14,500	8.1%
Moderate	\$64,560	\$280,000	9,000	\$18,600	15.1%
Above Moderate	\$64,560+	\$280,000+	15,000	\$31,000	11.1%

1) HUD 2008 Income Limits For Tulare County, 4-Person Family.

2) Assumes 20% down payment, 6% interest rate on 30-year loan.

Construction Costs

The following table indicates typical housing construction costs:

Typical Lindsay Construction Costs (2008)

Housing Type	Land ¹	Fees ²	Fee Burden ³	Other ⁴	Total
Single-Family	\$15,000	\$13,195	8.9%	\$120,000	\$148,195
Multi-Family	\$6,200	\$7,128	9.2%	\$64,000	\$77,328

1) Single-family: approximately 7,000 square feet. Multi-family: approximately 3,000 square feet.

2) Fees based Average Planning and Development Fee table (above)

3) Fees divided by total construction cost

4) Material, labor, and financing costs per typical permit valuations (\$80/square foot x 1500 square feet for single-family and 800 square feet for multi-family).

Typical construction costs for single-family development render such housing affordable for most low-income and moderate income households. Single-family development must consist of smaller units (thus lowering construction costs) or have the benefit of public subsidies in order to be affordable to very low income households.

Typical construction costs for multi-family development render such housing affordable to most low-income and moderate-income households. The per-unit construction cost of \$77,328 equates to a typical rent burden of approximately \$800 per month. At this rent level, such units require public subsidies in order to be affordable to very low income households (who can afford a maximum rent burden of \$605 per month).

Construction costs may represent a cost burden to larger households, and thus may constrain new development serving this special needs group.

Otherwise, construction costs do not appear to be a unique burden to housing development in Lindsay, and are generally comparable with other jurisdictions in the region.

Financing Availability

Lindsay is predominantly Hispanic/Latino; with high unemployment rates and low median household income. In spite of this, housing construction in the past seven years has far outpaced earlier estimates, primarily in housing for very low, low, and moderate income households (small houses and apartments). Construction has been geographically dispersed throughout the community. Community input during the development of this element indicated a consensus that there is no pattern of housing discrimination in Lindsay. Two real estate lending institutions have branches in Lindsay: Bank of the Sierra and Bank of America. Additionally, numerous online lenders offer mortgage products to Lindsay residents. Home Mortgage Disclosure Act statistics for 2007 indicate that Lindsay had higher loan denial rates for conventional home loans and home improvement loans, and lower loan denial rates for refinancing loans, compared to Tulare County. This data likely reflects loan qualification problems related to income and employment.

Home Mortgage Disclosure Act Statistics (2007)

	Lindsay	Tulare County
Conventional Home Loans		
Loan Origination Rate	29%	52%
Denial Rate	47%	22%
Other*	24%	26%
Refinancing Loans		
Loan Origination Rate	37%	34%
Denial Rate	32%	35%
Other*	31%	31%
Home Improvement Loans		
Loan Origination Rate	32%	38%
Denial Rate	44%	39%
Other*	25%	23%

Source: <http://www.city-data.com>.

* Includes: applications approved but not accepted, applications withdrawn, and application files closed due to incompleteness