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B3 Housing Constraints Analysis

Constraints to the development of adequate and affordable housing include market, governmental, infrastructure, and environmental factors. These constraints may result in housing that is not affordable to low- and moderate-income households and may render residential construction economically infeasible for developers. Constraints to housing production significantly impact households with low and moderate incomes and special needs.

According to Government Code Section 65583, local governments are required to analyze governmental and non-governmental constraints to the production, maintenance, and improvement of housing for persons of all income levels and those with special needs and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing as part of the housing element update. Where constraints to housing production are related to the City's regulations or land use controls, the City must identify appropriate programs to mitigate these constraints, particularly ones that impact the production of affordable housing or housing for special needs populations.

The following chapter outlines non-governmental, governmental, environmental and infrastructure constraints and was used in the development of specific policies and actions included in the Housing Plan to remove barriers to housing and to incentivize housing production, specifically targeting housing production at all income levels and housing for persons with special needs.

B3.1 Summary of Local Housing Constraints

- The costs of developing housing, including land costs and construction costs, are rising rapidly. There is a lack of federal, state, and local funding and the funding that is available is increasingly competitive. The time and effort needed to identify, compete for, and layer affordable housing funds is a major constraint to development of affordable housing.
- Loan denial rates in Tulare County were higher for Hispanic/Latino applicants (18 percent) compared to non-Hispanic/Latino applicants (15.5 percent). Although discrimination in mortgage lending is prohibited by the federal Fair Housing Act, other factors may contribute to a potential homebuyer's ability to secure safe financing, such as credit history, savings, and education regarding the home-buying process. The higher denial rate in for Hispanic/Latino applicants indicates a financial constraint to purchasing a home which in tandem with the relatively low inventory of homes affordable for lower income residents puts higher pressure on the rental markets.
- Although Exeter's development regulations allow for a variety of densities throughout the city, development standards, such as parking requirements, are not sufficiently flexible. In addition, zoning code provisions allowing single-family residences by-right in multifamily zones potentially constraints the development of a variety of housing types.
- Use permit regulations residential care facilities in certain zoning districts could pose a constraint to housing for individuals with special needs and use permit regulations and parking requirements for emergency shelters in certain zoning districts could pose a constraint on housing access for unsheltered individuals.

B3.2 Non-Governmental Constraints

The availability of housing is affected by a complex set of interrelated market factors including but limited to cost of land, cost of construction, and availability of financing. These factors contribute to determining a new home's sale price or the rents required to make a project feasible. Non-governmental constraints include factors outside of direct governmental control that directly impact housing prices. The cost of construction and the availability of financing contribute to the cost of housing and can hinder the production of affordable housing. The following analysis accounts for these non-governmental constraints.

B3.2.1 Land Costs

The cost of land can impede the production of affordable housing. Land costs are influenced by many variables, including land scarcity and developable density (both of which are indirectly controlled through governmental land use regulations), location, site constraints, and the availability of public utilities.

Table B3-1 provides the average price per acre for land listed for sale throughout Exeter in June 2023. The average price per acre is significantly higher for smaller lots, some of which are in non-agricultural zones. The average price per acre for all plots is $222,479. The price per acre is less for larger lots, which average $20,934. All large properties are in agricultural zones.

Table B3-1 Listed Land Prices – Exeter

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	$424,024.99
10 or more acres	$20,934.35
Average $/acre	$222,479.67

Source: Zillow, Inc., 2023.

Table B3-2 provides the average price per acre for land sold in 2022 in Exeter. The average price per acre for all land sales across Exeter is $140,933, significantly lower than the average list price. The average price per acre was significantly higher for smaller lots, most of which are in non-agricultural zones. The average sales price per acre for larger lots was $40,050, which is lower than the total average per acre price for all sales, but much higher than the average price per acre for currently listed properties. Most of these larger properties are in agricultural zones.

Table B3-2 Sold Land Prices – Exeter

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	$241,817.32
10 or more acres	$40,050.38
Average $/acre	$140,933.85

Source: Zillow, Inc., 2023.

Conclusion

Land costs in Exeter are consistent with neighboring cities and are not considered a constraint to development.

Recommended Action

None required.

B3.2.2 Construction Costs

Construction costs can be broken down into two primary categories: materials and labor. A major component of the cost of housing is the cost of building materials, including wood and wood-based products, cement, asphalt, roofing materials, and pipe. The availability and demand for such materials affect prices for these goods.

Another major cost component of new housing is labor. The cost of labor in Tulare County is comparatively low because the area's cost of living is relatively low compared to other areas in California. However, labor for government subsidized housing work is additionally costly for the Central Valley, as wages are rooted in the required State Labor Standards based on higher northern and southern California prevailing wages.

Table B3-3~~Table B3-3~~ shows the estimated cost of constructing a basic 2,000 square foot single-family home in Tulare County to be around $337,540. The estimate includes direct and indirect (e.g., insurance, permits, utilities, plans) construction costs, including material, labor, and equipment costs, but does not include the price of land or development impact fees.

Table B3-3 Estimated Construction Cost

Item	Cost
Material	$204,226
Labor	$126,001
Equipment	$7,313
Total	**$337,540**

Source: Promatcher.com, 2023.

There is little that municipalities can do to mitigate the impacts of high construction costs except by avoiding local amendments to uniform building codes that unnecessarily increase construction costs without significantly adding to health, safety, or construction quality. Because construction costs are similar across jurisdictions in Tulare County, the cost of construction is not considered a major constraint to housing production.

Conclusion

The cost of housing construction is not considered a major constraint based on cost alone, however it is important to note that there is a significant need for more housing. Higher purchase price homes are preferred by developers as they are more profitable, which can lead to a lack of affordable houses being constructed.

Recommended Action

Although construction costs are not influenced by the actions of any local government, the City will implement Housing Plan Program 9 to partner with local, state, and federal agencies that provide funding to assist in the production of affordable housing in order to offset construction costs.

B3.2.3 Availability of Financing

Mortgage interest rates have a considerable influence over housing affordability. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer.

When interest rates rise, the market typically compensates by decreasing housing prices. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market catches up. Lower-income households often find it most difficult to purchase a home during this period.

Where financing is available, construction capital seems to be directed at those with large, established, and well-capitalized sponsors. Given recent trends of increasing interest rates, the availability of financing is likely to be more of a constraint on new housing construction during this Housing Element planning period than it has been in the recent past.

B3.2.3.1 Market-Rate Development Financing

As discussed in Land Costs and Construction Costs, above, market-rate development is generally financed by investors, and the cost to build a project must be recovered by revenue from sales or rents, which drives up the ultimate rent or sales prices of new housing as the component costs increase. A market in which housing supply is limited and demand is high can support higher housing prices, but lower-income segments of the community are priced out. Therefore, it is difficult for the private sector, for-profit developers, and market-rate housing to meet the housing needs of all community members.

B3.2.3.2 Affordable Housing Financing

A description of available funding sources for affordable development is provided in Chapter B2, *Housing Needs Assessment.*

B3.2.3.3 First Time Homebuyer Program

It can be difficult for very low-, low-, and moderate-income first-time homebuyers to acquire sufficient savings and income to pay for a downpayment, closing costs, monthly mortgage, and tax and insurance payments. To address this problem, Exeter administers the First Time Homebuyer Program (FTHB), a special low-interest, deferred-payment loan program designed to provide up to 49 percent of the financing amount.

Applicants must demonstrate financial need and pre-approval for a first mortgage; the second mortgage will be financed as a three percent-interest, 30-year deferred loan payment. The City does not currently have grant funds to implement the first-time homebuyer program but is pursuing options to regain funding for the program. Potential funding to support this program includes the HOME Investment Partnerships Program (HOME), California Housing Finance Agency (CalHFA), Community Development Block Grant (CDBG), and HCD's Cal Home Program funds.

B3.2.3.4 Mortgage and Rehabilitation Financing

The availability of financing affects the ability of residents to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary purpose of reviewing the lending activity is to determine whether home financing is available to City

residents. The data presented in this section includes the disposition of loan applications submitted to financial institutions for home mortgages, home improvement, and refinance loans.

Lending activity data provides information regarding home financing availability for City residents. The most recent data set available for the County of Tulare from 2022 shows that 18,154 households applied for a home financing loan which includes loans for home purchase, home improvement, and refinancing. As discussed in Chapter 3, *Regional Housing Constraints Analysis*, of the total applications received for home purchase 54 percent of the loans originated while 5.9 percent were denied.

Conventional loans are made by the private sector (banks, mortgage companies, etc.) and are not guaranteed or insured by the U.S. government. Conversely, government-backed loans, such as those issued by the Federal Housing Administration, Department of Veterans Affairs, and the Rural Housing Services/Farm Service Agency, are completely or partially insured by the U.S. government. Within the county, 12,849 of the applications received were for conventional loans and 5,305 were for government backed loans. As discussed in Chapter 3, *Regional Housing Constraints Analysis*, 49 percent of the conventional loans were originated, and 18 percent of the applications were denied. Additionally, 43 percent of the government backed loans originated and 10 percent of the applications were denied.

County data shows that the white racial group had the highest number of loan applications with 5,463 applications. Per racial group, white applicants also had the highest percentage of loans originated out of applications received with 56 percent. In terms of ethnicity, Hispanic/Latino applicants comprised 38 percent of the total number of loan applications while non-Hispanic or Latino residents comprised 29 percent. However, of the loan applications made by Hispanic/Latino applicants, only 53 percent of loans originated compared to 56 percent for non-Hispanic/Latino applicants. Hispanic/Latino applicants also had a higher loan denial rate (18 percent) compared to non-Hispanic/Latino applicants (15.5 percent). Institutionally low wages are likely a contributing factor to higher denial rates among Hispanic/Latino applicants, as many Hispanic/Latino residents work in agriculture, which is one of the lowest paying employment sectors in the state.

The City of Exeter's Housing Rehabilitation Program, administered by Self-Help Enterprises and funded by the CDBG Fund, distributes loans to low-income owner- and tenant-occupied households to achieve cost-effective repairs. Priority is accorded to health and safety needs, followed by energy conservation needs, extension of the unit's useful life, and converting to the Uniform Building Code.

B3.2.3.5 Construction Financing Timing

The timing between project approval and requests for building permits affects project viability. Project delays may result from developers' inability to secure financing for construction. In Exeter, the average time between project approval and request for building permit is typically one to nine months but varies by type of project. Some projects take years to pull building permits and secure financing. Single-family homes usually experience the least delay (one to three months). Multifamily housing construction tends to be more complex and usually requires more time between entitlement and building permit issuance (ten to twelve).

Conclusion

Although discrimination in mortgage lending is prohibited by the federal Fair Housing Act, other factors may contribute to a potential homebuyer's ability to secure safe financing, such as credit history, savings, and education regarding the home-buying process. Federal Financial Institutions Examination Council (FFIEC) HMDA data does not provide insight into these other factors. Therefore, it is important that the City supports housing opportunities for all residents.

Recommended Action

The City shall implement goals and policies to support homeownership opportunities and home-buying education, particularly for racial and ethnic groups underrepresented in the homebuying market. The City will implement Housing Plan Program 12 to assist in the development of housing for lower-income households and to pursue funding options to regain funding for the First Time Homebuyer Program.

B3.2.4 Requests for Lower Development Densities

Exeter does not receive a high volume of development proposals, but it is not uncommon for ~~In Exeter,~~ residential projects ~~often t~~do not achieve maximum allowable density due to market demand for lower-density projects, for the following reasons: ~~. There are several reasons why Exeter's recent single-family subdivisions did not meet the maximum allowable density:~~

- Homebuilders usually have a set of building plans that fit a certain lot size and are reluctant to produce a new set of plans due to the cost. Recently, homebuilders have prepared plans for 5,000 square foot lots, which would permit the homebuilder to achieve the zoning district's maximum allowable density.
- If the subdivision's circulation system does not follow a grid pattern, a certain percentage of lots are "elbow" and "cul-de-sac" lots which are significantly larger than the permitted minimum lot size, thus constraining the total number of units developed.
- Developers have sought large front, rear and even side yards for custom lots due to market preferences.

The development of projects at lower than maximum allowed densities is often driven by market preferences for the inclusion of certain project features and is not necessarily due to any singular code requirement. However, these market preferences can limit the ability for the City to meet the RHNA. During the 5th housing cycle, Exeter started to increase achieved densities by processing single-family subdivisions with a planned development overlay district, which allows smaller lots and deviations from lot standards (i.e. front yard setbacks, location of porches, and rear yard setbacks).

For development that will count toward the current (6th Cycle) Housing Element, the two projects listed as pipeline projects in Chapter 4, *Housing Resources and Site Inventory Analysis* (Morgan and Smee Homes / Yokohl Landing) propose 44 and 36 units, respectively, meeting the minimum density allowed for each site. The Morgan project is approved in the RM-1.5 zone with a maximum allowable density of 29 dwelling units per acre and a built density of 34 dwelling units per acre based on an approved density bonus. The Smee Homes project is approved in the R-1-6 zone with a maximum allowable density of 7.26 dwelling units per acre and built density of 3.65 dwelling units per acre. These projects reach an average percentage of maximum allowable density of 84 percent. These built densities are generally consistent with assumptions in the Site Inventory (*Chapter B4, Housing Resources and Site Inventory Analysis*, Section B4.4.2) at 75 percent of maximum allowable densities.

Through Program 2, the City will monitor its progress toward its RHNA obligations and ensure development continues to occur at densities sufficient to meet the assumptions in the Site Inventory and its RHNA obligations~~is occurring as projected~~.

B3.3 Governmental Constraints

Although local governments have little influence on market factors such as interest rates, local policies and regulations can impact where, how much, and what type of residential development is built. Land

use controls, site improvement requirements, fees and exactions, and permit processing procedures, among other policies and regulations, may constrain the maintenance, development, and improvement of housing.

B3.3.1 Land Use Controls

Land use controls provided in the general plan and the zoning code influence housing production in several ways. The permitted and conditionally permitted uses in each district guide new development and provide both developers and the public with an understanding of how vacant land will develop in the future. This includes the density of development that will occur within a particular zone, the compatibility of planned uses in each area, and the range and type of buildings and uses that will be located throughout Exeter.

B3.3.1.1 General Plan

The City of Exeter's General Plan was adopted in March 2003 and was intended to serve the community until 2020 but has yet to be updated.

The Exeter General Plan contains the following residential land use designations:

- Very Low Density Residential: maximum of 2 units per acre, or six persons per acre.
- Low Density: maximum of 5 units per acre, or 14 persons per acre.
- Medium Density: maximum of 15 units per acre, or 42 persons per acre.
- High Density: maximum of 29 units per acre, or 84 persons per acre.

Conclusion

The General Plan includes four residential land use designations with a density range from zero to 29 dwelling units per acre. The maximum density of six persons per acre for Very Low Density Residential is a constraint to housing as it does not allow for more than one unit per acre with a household of six or fewer residents, which is an impediment to the development of large residential care facilities and affordable housing.

Recommended Action

Remove the requirement of a maximum of six persons per acre for the Very Low Density Residential land use designation. The City will implement Housing Plan Program 7 to remove the requirement of a maximum of six persons per acre for the Very Low Density Residential areas.

B3.3.1.2 Zoning Code

The City regulates the type, location, density, and scale of residential development primarily through the Zoning Ordinance, as well as specific plan development codes. A zoning district is assigned to every parcel in the city, and the Zoning Ordinance identifies compatible uses. In general, the City's zoning regulations are designed to balance the goal of providing a mix of residential and commercial land use types while protecting the health and safety of residents and preserving the character of existing neighborhoods. Additionally, development standards such as setbacks, height limits, lot coverage, open space requirements, and parking are identified for each zoning district. Some zoning districts may allow similar uses but have different development standards. Development standards may be considered a constraint to the development of housing units if they are too restrictive or reduce the development potential on a parcel.

The City's Zoning Code allows residential uses in the following districts:

- **Agriculture (A):** The purpose of the A district is to preserve lands for long-term agricultural uses within the city limits of Exeter. The application of this zone will protect lands utilized for raising crops, livestock, and horticultural specialties from urban encroachment. The A district allows for single family dwellings as a permitted use. The minimum site area is 20 acres.
- **Urban Reserve (UR):** The purpose of the UR district is to preserve undeveloped land, including agricultural lands within the city limits of Exeter as open space until such time as the conversion to an urban use is determined to be appropriate and feasible. The UR district allows for single family dwellings as a permitted use. The minimum site area is 20 acres.
- **Rural Agriculture (RA):** The purpose of the RA district is to provide residential living areas which combine certain advantages of both urban and rural locations at very low residential densities. The RA district allows for single family dwellings as a permitted use. The minimum site area is 20,000 square feet.
- **Single Family Residential (R-1):** The purpose of the R-1 district is to provide living areas within Exeter where development is consistent with the Exeter General Plan and is limited to low density concentrations of single family dwellings and where regulations are designed to promote the following: (1) encourage a suitable environment for family life, (2) provide space for community facilities, including parks, schools, churches, and other facilities that will complement the residential environment, (3) a circulation system that is pedestrian-friendly, is properly connected to the community at-large and adjacent residential developments, and provides for alternative forms of transportation, (4) an attractive and unique neighborhood design that ranges from streetscape to the residential dwellings themselves, and (5) the conservation of valuable resources ranging from water to energy. Table B3-4provides the minimum site area requirements for each R-1 district.
- **Multifamily Residential (RM):** the purpose of the RM districts is to provide living areas within Exeter where development is consistent with the Exeter General Plan and is limited to medium and high density concentrations of multifamily dwellings, and where regulations re designed to promote the following: (1) encourage a suitable environment for family life, recognizing that significant part of the multifamily population is adult, including senior citizens; (2) provide space for community facilities, including parks, schools, churches, and other facilities that will complement the residential environment; (3) an attractive and unique project that encompasses well-designed buildings with ample landscape and off-street parking; and (4) the conservation of valuable resources ranging from water to energy. The RM district allows for single family dwellings, duplexes, triplexes, ADUs, and multifamily apartments as permitted uses. The minimum site area is 3,000 square feet per unit for the RM-3 district and 1,500 square feet per unit for the RM-1.5 district.
- **Professional Office (PO):** The purpose of the PO district is to provide areas in Exeter where professional offices can be constructed outside of commercial districts; to provide opportunities for older residential dwellings to be converted to an office use; and to protect offices from noise, disturbances, traffic hazards and other objectionable influences which would adversely affect professional practices from being exercised. The PO district allows for single family and multifamily residential as permitted uses. The minimum site area is 3,000 square feet per unit.
- **Mixed Use (MU):** the purpose of the MU district is to implement the goals and policies of the Exeter General Plan, Land Use Element; the Exeter Downtown Specific Plan and the Southwest Exeter Specific Plan. The MU district is intended to allow for a combination of residential, office and commercial uses. The district does not permit service commercial or industrial uses given that these land use categories can create noise, odor, vibration, visual and traffic impacts that would adversely

impact adjoining uses in the mixed-use project. The MU district allows for all residential dwellings as conditional uses in accordance with the R-1, RM, CN, and PO districts.

- **Neighborhood Commercial (CN):** The purpose of the Neighborhood Commercial district is to provide for the development of small scale, low intensity commercial uses that serve the daily needs of residential neighborhoods that are in close proximity to the shopping center. The design of neighborhood commercial centers shall be of a scale and design that is compatible with the surrounding residential neighborhoods. In addition, the design of the centers should provide for pedestrian access from surrounding neighborhoods. Single family dwellings are allowed by conditional use if the person or persons owning or operating the commercial use on the same site. The single-family dwellings in the CN district are subject to the use, site area, coverage, and yard requirements of the R-3 district.
- **Central Commercial (CC):** The purpose of the CC district is to serve as the central district of Exeter. This district permits the accommodation and enhancement of several existing dominant functions within the central business district including shopping, retailing goods, office uses, financial, government, retail, and entertainment. Apartments over or behind permitted uses consistent with the standards of the RM-1.5 district are permitted.
- **Planned Development Overlay (PD):** The purpose of the PD zone is to promote development designs that respond to significant planning-related issues facing Valley cities, including urbanization of agricultural land, air quality, housing affordability, traffic, aesthetics, and neighborhood deterioration. This new approach to development design has been popularized by the term “smart growth”. The following development standards together with appliable standards specified in the single-family residential base zone shall apply to all land and structures within this planned development overlay district. Single family residential development requires a minimum site area of one acre and the density for this district shall not exceed the density permitted by the base zone district. The minimum site area for multifamily residential districts is one-half acre and the density for this district shall not exceed the density permitted by the base zone district.

Conclusion

The City’s Zoning Code provides for a range of densities and is consistent with the General Plan land use designations.

Recommended Action

None required.

B3.3.2 Residential Development Standards

Table B3-4 shows the development standards for residential zones. The minimum parcel area for residential zones ranges from 1,500 square feet to 20 acres. Front setback ranges from 15 to 25 feet for all residential districts and 15 to 35 feet for all non-residential districts. Side setback ranges from 5 to 12 feet for residential districts, and 5 to 10 feet for nonresidential. Rear setback ranges from 10 to 25 feet for all residential and nonresidential districts. The maximum height standard is 35 feet for all districts (except the CC district, where the maximum height is 45 feet), and 15 feet for accessory units. There is no limit to the number of stories; development is governed only by the applicable height standard. Maximum site coverage ranges from 40 to 65 percent of the lot area. Maximum density ranges from two units per acre in the agricultural districts to 29.04 units per acre in the RM-1.5 and CC districts.

Table B3-4 Residential Development Standards

Zoning District	Minimum Parcel Area	Minimum Setback (in feet)			Maximum Height (feet)	Maximum Height (Accessory Structure)	Maximum Site Coverage (percent of lot)	Maximum Density (du/acre)
		Front (feet)	Side (feet)	Rear (feet)				
A	20 acres	35	10	25	35	–	–	2
UR	20 acres	35	10	25	35	–	–	2
RA	20,000 sq. ft.	30	10	25	35	–	–	2
R-1-5	5,000 sq. ft.	15	5	15	35	15	40	8.71
R-1-6	6,000 sq. ft.	20	5	20	35	15	40	7.26
R-1-7.5	7,500 sq. ft.	20	5	20	35	15	40	5.81
R-1-10	10,000 sq. ft.	25	5 and 12	25	35	15	40	4.36
RM-3	3,000 sq. ft.	20	5	20	35	15	50	14.52
RM-1.5	1,500 sq. ft.	15	5	10	35	15	65	29.04
PO	6,000 sq. ft.	15	5	10	35	15	60	7.26
CN	6,000 sq. ft.	15	10	10	35	15	–	7.26
CC	1,500 sq. ft.	15	5	10	~~35~~45	15	65	29.04

Source: Exeter Zoning Code, Updated July 2018.

The City has recently received requests for concessions related to development standards, such as setbacks and parking requirements, to adapt to site-specific constraints. These requests are currently accommodated through minor deviations, variances, and density bonuses.

Conclusion

The City's requirements for minimum parcel area, setbacks, heights, site coverage, and density do not pose a constraint to residential development as the City accommodates requests in the form of minor deviations, variances, and density bonuses. The height requirement of 35 feet in the AN, RA, and RM zones does not constrain the development of three-story buildings. In addition, to ensure that the height requirement is not a constraint for higher density multifamily development, the City will amend the RM-3, RM-1.5, and CC districts to increase the permissible height requirement to 40 feet.

Recommended Action

Housing Plan Program 6 directs the City to amend the maximum allowable height requirement for the RM-3, RM-1.5, and CC zoning districts from 35 feet to 40 feet.

B3.3.2.1 Parking

According to the Terner Center for Housing Innovation at UC Berkeley, parking can cost $25,000 to $75,000 per space to construct. However, given the age of data and the increased cost of land and construction costs discussed above, the costs per parking space are likely much higher.[1] Parking provided in underground or structured parking facilities, or if required to be covered or enclosed, can significantly increase the cost of housing and could affect the feasibility of various housing projects in the city. In addition, requirements for parking space locations and maximum distances from dwelling units may also increase the cost of housing and affect the feasibility of housing projects. Requiring less

[1] Terner Center for Housing Innovation at UC Berkeley, 2016. Available at: http://ternercenter2.berkeley.edu/proforma/

parking not only reduces the project budget but can allow for more space to build additional housing units.

Table B3-5provides the residential parking requirements in Exeter.

Table B3-5 Residential Parking Requirements

Residential Use		Required Parking Spaces
Single family units		2 per unit
Condominium units	One bedroom	1 per unit
	Two or more bedrooms	2 per unit
Multifamily units		1.5 per unit
Senior residential units		1 per unit

Spaces for single family units require a garage or carport.
Half of multifamily parking spaces must be covered.
Source: Exeter Zoning Code, Updated July 2018.

Conclusion

The residential parking requirements may pose a constraint to residential development of studio or one-bedroom multifamily units due to the requirement of more than one parking space per unit, which can be cost prohibitive to the development of such units.

Recommended Action

Revise the Zoning Code to amend the parking requirements related to studios and one bedroom multifamily units to decrease the number of spaces required per unit. The City will implement Housing Plan Program 6 to amend the Zoning Code to amend the parking requirements related to studios and one-bedroom multifamily units to require no more than one space per unit.

B3.3.2.2 Open Space and Park Requirements

The Zoning Code does not include open space or park requirements beyond the setback and maximum site coverage requirements identified in Table B3-4 above.

Conclusion

Open space and park requirements are not a constraint to the development of housing.

Recommended Action

None required.

B3.3.2.3 Density Bonus

Chapter 17.58 of the Exeter Municipal Code establishes the City's density bonus policy. The City provides a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute. Density bonus requirements are triggered when a residential development sets aside at least 10 percent of the total units as affordable to low-income households; or

at least five percent of the total units as affordable to very low-income households; or at least 10 percent of the total units as affordable for moderate income households.

Development concessions or incentives that may be provided by the City of Exeter include a reduction in site development standards; a modification of Zoning Code requirements (including a reduction in setbacks, square footage requirements, or parking spaces; or architectural design requirements which exceed the minimum building standards); approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development, and if such nonresidential uses are compatible with the project; or other regulatory incentives or concessions proposed by the developer or the City of Exeter which result in identifiable cost reductions. The base density of a property for which a density bonus is being requested shall be determined by the property's zoning. A housing development may qualify for a minimum increase or density bonus of 35 percent over the maximum number of permitted residential units of the property's zoning.

A project that receives a density bonus and concession or incentive must retain affordability of the units for at least 30 years.

Application and Approval Process

An application for a density bonus shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

The Planning Department shall prepare a report on the density bonus application. The Department shall provide a recommendation based on the following density bonus requirements.

A. The housing development qualifies for a density bonus based on the requirements outlined in Government Code Sections 65915 to 65918.
B. The applicant has provided to the City the legal instrument that will insure that "target households" will remain affordable for at least 30 years.
C. The application has selected a developer incentive or concession.

Following the Planning Commission's review of the Planning Department's report on the applicant's request for a density bonus, the Commission shall act on the density bonus application based on the regulations contained in Government Code Sections 65915 to 65918. The Commission can approve, approve with conditions, or deny the density bonus. Denial of a density bonus application shall require findings consistent with those in Government Code Sections 65915 to 65918.

Assembly Bill 1287 Additional Density Bonus for Very Low- to Moderate-income Units

California Assembly Bill 1287, signed into law on June 21, 2023, requires that a city, county, or city and county grant an additional density bonus. Additional density bonuses are to be administered when housing development conforms to specified requirements and provides 24 percent of the total units to lower income households, conforms to specified requirements and provides 15 percent of the total units to very low households, or conforms to specified requirements and provides 44 percent of the total units to moderate-income units.

The Density Bonus Law prohibits a local government from conditioning the submission, review, or approval of an application pursuant to the Density Bonus Law on the preparation of an additional report or study that is not otherwise required by state law, but provides that this provision does not prohibit a

local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, as specified.

Conclusion

Chapter 17.58: *Density Bonus* was last updated in 2017. The Zoning Code will be updated to include provisions related to density bonuses, incentives, and concessions as required by state law.

Recommended Action

Amend the Density Bonus Ordinance for compliance with state law. Housing Plan Program 6 requires the City to revise Zoning Code Chapter 17.58: *Density Bonus* to include provisions relative to density bonuses, incentives, and concessions as required by state law.

B3.3.2.4 On-/Off-Site Improvement Standards

On/off-site improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements and landscaping. These improvements are necessary to ensure that new housing meets Exeter's development goals, however, the cost of these requirements can represent a significant share of the cost of producing new housing in Exeter. As stated in HUD's study of Subdivision Requirements as a Regulatory Barrier, such requirements can reasonably be considered regulatory barriers to affordable housing if Exeter determines that the requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.[2]

Exeter requires housing developers to install a wide range of infrastructure improvements, including streets; curb, gutter, and sidewalks; water and sewer connections; landscaping; and storm drainage lines and basins. All these improvements are required by local ordinance to insure public health, safety and welfare in addition to quality-of-life measures. For example, by requiring the housing developer to install sidewalks, school-aged children and adults living in the development can safely walk to school and other destinations.

The other improvements mentioned above such as streets and sewer and water connections are typical requirements that all cities in California generally require. The cost of these improvements is built into the cost of the housing or rental unit.

Improvement Standards

Public improvement standards and approximate values are listed below.

- Local Street – 60-foot right-of-way, including 36 feet of pavement with two travel lanes and two parking lanes. 2 inches A.C. over 6 inches compacted aggregate. Value: range between $4.00 to $6.00/sf.
- Curb and Gutter – 30 inches from asphalt pavement to back of curb, 7 ½ inches concrete over compacted native soil. Value: $25 to $35 per linear foot, dependent upon method of construction.
- Sidewalk – 48 inches from back of curb, 4 inches concrete over compacted native soil. Value: range between $7.00 to $10.00/sf.

[2] U.S. HUD. 2007. Study of Subdivision Requirements as a Regulatory Barrier. https://www.huduser.gov/portal/publications/commdevl/subdiv_report.html

- Sewer Lateral – 4-inch PVC (dependent upon depth) with minimum slope of ¼-inch per foot. Value: range between $3,000 to $4,000/ea.
- 1-inch Water Service – 1 inch CTS copper pipe, meter boxes, bronze saddles, straps, and bolts. Value: range between $4,000 to $5,000/ea.

Based on a review of recent projects, typical off-site costs for a single-family development in Exeter total $23,725 per unit, approximately 7.3 percent of total development costs of $325,000. Comparatively, the costs for development in Tulare County range from $2,500 to $30,000 per unit for development in an existing service district.[3] For multifamily development, off-site improvements total an estimated $16,065 per unit, approximately 6.3 percent of total development costs of $255,000 per unit. Costs for off-site improvements in Exeter are typical of the region. Given that Exeter has some of the lowest home prices and residential rental rates in the San Joaquin Valley, onoff-site improvements required of Exeter's housing projects do not have a significant adverse impact on the cost of housing.

Conclusion

On/off-site improvement standards for Exeter are typical of small cities and comparable to surrounding jurisdictions. These improvement costs, however necessary, can have a significant, cumulative impact on development; however, the City does not consider the requirements to be greater than those necessary to achieve health and safety requirements.

Recommended Action

None required. While the City's on-site and off-site improvement standards are not considered a considerable constraint to development, the City will implement Housing Plan Program 9 to further facilitate the development of affordable housing by allowing required improvements to be negotiated.

B3.3.2.5 Provision of a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites that are zoned to encourage the development of a variety of housing types available to all economic segments of the population. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This includes single-family homes, multifamily housing, accessory dwelling units, mobile homes, agricultural employee housing, homeless shelters, and transitional housing, among others. Table B3-6~~Table B3-6~~ summarizes the housing types permitted and conditionally permitted in Exeter.

[3] County of Tulare. 2023. Tulare County Housing Element. https://tularecounty.ca.gov/rma/planning-building/tulare-county-housing-element/tulare-county-housing-element-2023-2031-update/

Table B3-6 Residential Use Matrix

Residential Use	A	UR	RA	R-1	RM	PO	CN	CC	MU
Single family dwelling	P	P	P	P	P	P	CUP*	NP	CUP
ADU	P	P	P	P	P	P	NP	NP	CUP
Guest houses	NP	NP	P	P	NP	NP	NP	NP	CUP
Manufactured homes	P	P	P	P	P	P	CUP*	NP	CUP
Duplex unit	NP	NP	NP	CUP	SPR	SPR	NP	NP	CUP
3 to 4 dwelling units	NP	NP	NP	NP	SPR	SPR	NP	P**	CUP
5 or more dwelling units	NP	NP	NP	NP	SPR	SPR	NP	P**	CUP
Mobile home park	NP	NP	NP	CUP	CUP	CUP	NP	NP	CUP
Transitional and Supportive Housing (six or fewer)	NP	NP	NP	P	P	NP	NP	P	CUP
Transitional and Supportive Housing (seven or more)	NP	NP	NP	NP	NP	NP	NP	NP	CUP
Rest homes	NP	NP	NP	CUP	CUP	CUP	NP	NP	CUP
Boarding homes	NP	NP	NP	NP	CUP	CUP	NP	NP	CUP
Rooming homes	NP	NP	NP	NP	CUP	CUP	NP	NP	CUP
Nursing homes	NP	NP	NP	NP	CUP	CUP	NP	NP	CUP
Labor camps	NP	NP	NP	NP	CUP	CUP	NP	NP	CUP
Sanitariums	NP	NP	NP	NP	CUP	CUP	NP	NP	CUP
Hotels/motels	NP	NP	NP	NP	NP	NP	NP	P	CUP
Emergency shelter	NP	NP	NP	NP	CUP	NP	NP	CUP	CUP
Group home/Residential Care Facility (six or fewer)	NP	NP	NP	P*	P*	P***	NP	NP	CUP
Group home/Residential Care Facility (seven or more)	NP	NP	NP	NP	NP	NP	NP	NP	NP

P = permitted; SPR = Site Plan Review; CUP= Conditional Use Permit; NP = Not Permitted

*Limited to the exclusive use of the person or persons owning or operating the commercial use on the same site

**Apartments permitted over or behind permitted uses consistent with the standards of the RM-1.5 district.

***Licensed group care homes only Source: Exeter Zoning Code, 2017.

Manufactured Housing

Manufactured housing is permitted by right in the A, UR, RA, R-1, RM, and PO, districts and can also be used as second units, same as traditionally built single-family homes. All residential districts permit the construction of manufactured homes, provided that they are placed on permanent foundations. Manufactured housing development requires a CUP in the CN district.

Conclusion

There are no undue constraints on manufactured housing.

Recommended Action

None required.

Accessory Dwelling Units

In recent years, several bills have added requirements for local governments related to accessory dwelling unit (ADU) regulation. Updates to state law in 2016 and 2017 included changes pertaining to the allowed size of ADUs, permitting ADUs by right in at least some areas of a jurisdiction, and reduced parking requirements related to ADUs. More recent bills reduce the time to review and approve ADU applications to 60 days and remove lot size and replacement parking space requirements. AB 68 allows an ADU and a junior ADU (JADU) to be built on a single-family lot, if certain conditions are met. The State has also removed owner-occupancy requirements for ADUs, created a tiered permit fee structure for ADUs based on their size and location, and prohibits fees on units of less than 750 square feet. In addition, AB 671 requires the Housing Element to include plans to incentivize and encourage affordable ADU rentals.

In 2022, two laws were passed that affect ADU law. SB 897 increases the existing height limit for attached and detached ADUs that meet certain conditions. AB 2221 clarifies existing ADU law to close procedural and permitting loopholes for approving ADUs, including the requirement for approving or denying applications within 60 days of application submittal and providing a full set of comments and remedies to applicants with denied applications. Additionally, AB 2221 adds front setbacks to the list of local development standards that local governments cannot impose if they would preclude construction of an attached or detached ADU of at least 800 square feet, that is at least 16 feet in height and that has at least 4-foot side and rear yard setbacks. This new legislation is in effect as of January 1, 2023.

Exeter processes applications for second units consistent with Government Code Section 65852.2. The Government Code has established guidelines for residents who wish to construct a second unit on their property. In accordance with state law, these applications are reviewed and approved at the staff level. They are not required to secure discretionary approval from the City. Criteria for second units include:

- No more than one additional dwelling unit is allowed on any one legal lot or parcel.
- The second unit may be attached to detached.
- The total floor area of the second unit cannot exceed 1,200 square feet.
- Second units must conform to setback requirements of the zoning district.
- Occupancy of the second unit shall be an immediate family member of the primary residence.
- The second dwelling unit shall incorporate the same or similar architectural features as the primary residence.
- One on-site parking spot (uncovered) is required per unit.

Although the City approves applications consistent with Government Code Section 65852.2, the Zoning Code has not been amended for consistency with recent changes to state law, which among other changes, allows up to two ADUs on a single parcel, reduces and provides exemptions to parking requirements, and requires ADUs to be allowed in mixed use and multifamily zones. ADUs are subject to an administrative plan check.

Conclusion

The City of Exeter's ADU Ordinance is not in compliance with current state legislation.[4] Additionally, the second unit criteria that requires the occupant of the second unit to be an immediate family member is a constraint to available rental housing.

Recommended Action

Revise the Zoning Code to comply with state law by removing criteria that requires the occupant of the second unit to be an immediate family member. This change will be implemented through Housing Plan Program 5, which directs the City to amend the Zoning Code to be in compliance with state ADU law, and implements strategies to expedite the ADU permitting process, promote development in targeted geographic areas, and to encourage affordability of ADUs.

Multifamily

Duplexes, 3- to 4-unit residential, and five- or more unit residential developments require a Site Plan Review in the RM and PO districts. Duplexes are also allowed with a CUP in the R-1 district. Multifamily uses consistent with the RM-1.5 district are permitted in conjunction with an allowed use in CC districts. The MU district permits residential uses consistent with the R-1, RM-3, or RM-1.5 districts by CUP. Multifamily uses in accordance with the RM-3 district are allowed uses in the PO district. The Zoning Code also requires all multifamily projects that contain 16 or more units to provide an on-site manager, which poses a constraint development.

Conclusion

The requirement for multifamily developments of 16 or more units to provide an onsite manager is a constraint to development as it adds additional costs. Additionally, allowing single-family residences by-right in multifamily zones potentially constrains the development of multifamily housing.

Recommended Action

Revise the Zoning Code to remove the requirement of an on-site manager for multifamily developments of 16 or more units and to prohibit single-family uses in RM districts. These changes will be implemented through Housing Plan Program 6, which directs the City to amend the Zoning Code.

Community Care Facilities

Community Care Facilities are defined by the City as any facility, place or building operated to provide non-medical care to children and adults, including children and adults with physical or mental disabilities. A residential facility is a family home, group care facility, or similar assisted living arrangement providing 24-hour non-medical services. Exeter allows licensed group care homes with six

[4] State laws governing ADUs since 2017: Assembly Bill 494 (2017), Senate Bill 229 (2017), Assembly Bill 68 (2019), Assembly Bill 881 (2019), Assembly Bill 587 (2019), Senate Bill 13 (2019), and Assembly Bill 671 (2019), Assembly Bill 3182 (2020), Assembly Bill 345 (2021), Assembly Bill 2221 (2022), Senate Bill 897 (2022), Assembly Bill 345 (2022).

or fewer persons in the R-1 and R-M zones. Exeter's zoning ordinance does not specifically permit residential care facilities or group homes for more than six persons in the R-1 and R-M zones, although it allows "public and private charitable institutions, hospitals, convalescent homes, sanitariums, or rest homes for mental, drug or alcoholic cases" with a CUP without specifying the number of persons permitted. The RM zone also allows "rest homes and nursing homes" with a CUP. The City permits "single and multi-family uses in accordance with the RM-3 district" in the PO zone, which implies that licensed group care homes with six or fewer persons are permitted in that zone. The PO zone, which permits single-family development without a CUP, allows "public and private charitable institutions, hospitals and sanitariums, rest homes or nursing homes, or group homes for the mentally handicapped, or drug or alcohol addicted" with a CUP but does not specify the number of persons permitted. All development permitted by-right or with a CUP in the R-1, RM-3, RM-1.5, CN, PO, or CC zones is permitted in the MU zone with a CUP.

A project permitted with a CUP is required to be processed through the City's Site Plan Review process, which includes a hearing before the Planning Commission. Typically, the City does not impose special design conditions on these types of projects. For projects requiring a CUP in established residential neighborhoods, planning staff require the design of the dwelling to be consistent with the local neighborhood, although the City will require additional parking beyond the standards for a similar type of dwelling in the same zone if determined to be necessary. Additionally, residential facilities are not allowed to be located within 0.25-mile of a similar facility. If structural improvements are required for an existing residential facility, a building permit would be required. If a new structure is proposed for use as a residential facility, design review would be required like any other new residential structure. The City's design review 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. All residential projects in the city require the same level of design review.

Conclusion

The requirements for review and public hearings, licensing, specificity of use or care, additional parking, and proximity are constraints for the development of community care facilities/residential facilities for six or fewer and more than six persons.

Recommended Action

Revise the Zoning Ordinance to allow residential facilities of six and fewer and seven or more residents in all zones that permit residential uses, approved with objectivity and certainty, and subject only to the requirements of residential uses of similar type and form, regardless of licensing status or type of care. This will be implemented by Housing Plan Program 6, which directs the City to revise the Zoning Code to address these changes.

Emergency Shelters

The City of Exeter permits emergency shelters with a CUP in the RM and CC districts. This requirement is not in accordance with Senate Bill 2 (Government Code Section 65583), which requires every jurisdiction to identify at least one zone where emergency shelters are allowed as a permitted use without a CUP or other discretionary permit. Additionally, the City requires one parking stall for every four beds in the shelter. This requirement is not compliant with AB 2339 which requires cities to only require sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. The City does not have other development standards or requirements for emergency shelters.

In 2019, AB 101 was passed requiring that a Low Barrier Navigation Center development be a use by right in mixed uses zones and nonresidential zones permitting multifamily uses if it meets specified requirements. A Low Barrier Navigation Center is a low barrier, temporary, service-enriched shelter that helps homeless individuals and families obtain permanent housing. The City will need to amend its Zoning Code to explicitly allow the development of Low-Barrier Navigation Centers, by-right, in mixed-use zones and nonresidential zones permitting multifamily uses.

AB 2339 was passed in 2022 and went into effect January 1, 2023. AB 2339 requires that jurisdictions identify zoning designations where emergency shelters are allowed. The identified sites must meet at least one of the following:

- Vacant and zoned for residential use;
- Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals;
- Nonvacant and is suitable for use as a shelter in the current planning period.

Identified sites must have a minimum area of 200 square feet per person to show that it may accommodate the number of people experiencing homelessness and the zoning designations identified to allow emergency shelters as a permitted use without a discretionary permit must allow residential uses. Additionally, AB 2339 requires that emergency shelters can only be subject to parking requirements such that the jurisdiction can require sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

The Kings/Tulare County Point-in-time count estimated that 1,053 people experienced homelessness in Tulare County in 2023, including 299 in Porterville, 284 in Tulare, and 434 in Visalia and 36 in the remainder of the county areas including Exeter. In Exeter, 7,200 square feet or 0.17 acres of land are required to shelter the estimated 36 individuals from the 2023 PIT, using 200 square feet per person, pursuant to AB 2339.

Exeter permits emergency shelters through a CUP in the R-M zone and CC zone. Both zones permit residential development by-right. There are nine parcels in the R-M zone that permit emergency shelters through a CUP and are within 0.5-mile of a public transit stop. Currently, there are a variety of uses occupying six of these available parcels that include commercial developments, condominiums, and pastures. However, there are three sites that are vacant. To meet the requirements of AB 2339, the City would need at least 7,200 square feet of land. Table B3-7~~Table B3-7~~ shows that if the City allows emergency shelters permitted by-right in the R-M zoning district, there would be sufficient capacity on the vacant sites and would not be considered a constraint.

Table B3-7 Capacity Analysis

APN	Acreage	Realistic Capacity (beds)	Vacant or Non-vacant
135072016	0.17	36	Vacant
135092008	0.31	68	Vacant
138122018	0.11	24	Vacant
Total Capacity	**1.18**	**128**	**–**

Source: City of Exeter and Tulare County 2023

APNs 135072016 is located on S Orange Avenue and is within walking distance of a bus stop at W Firebaugh Ave and I Street (Route 9 of Visalia Transit), and a 20-minute bus ride to Exeter Food Closet, Sequoia Youth Services, and other service organizations. APN 135092008 is located at W Firebaugh Ave and I street, also close to the bus stop. APN 138122018 is located at N Orange Street and Vine Street, an 18-minute walk to the W Firebaugh Avenue bus stop, a 16-minute walk to Exeter Food Closet, a 25-minute walk to Sequoia Youth Services, and a 10-minute walk to grocery stores and other commercial services. These parcels are as close or closer to transit and services than most parcels in the city.

Conclusion

Permit requirements for emergency shelters are not in accordance with state law, which states that jurisdictions must permit low barrier navigation centers in all mixed-use and non-residential zones where multifamily housing is permitted. Exeter only permits emergency shelters in the R-M and CC zones with approval of a CUP and requires more parking than directed by state law.

Recommended Action

Revise the Zoning Code to allow emergency shelters by-right in at the R-M zoning district. Revise the Zoning Code to be consistent with AB 2339, expanding the definition of emergency shelters to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care as well as ensuring emergency shelters are only subject to objective development standards that apply to residential to commercial development within the same zone. Additionally, revise parking requirements for emergency shelters to comply with AB 2339.

In addition, the City should revise the Zoning Code to allow low barrier navigation centers by right in the PO and CC zones, in compliance with AB 101. The City will implement Housing Plan Program 1 to encourage and coordinate development of emergency shelters and low-barrier navigation centers. The City will also implement Housing Plan Program 6 to revise the Zoning Code to allow emergency shelters by-right in at the R-M zoning district and expand the definition of emergency shelters to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care as well as ensuring emergency shelters are only subject to objective development standards that apply to residential to commercial development within the same zone, and revise parking standards for emergency shelters in order to comply with AB 2339. The City will also permit low-barrier navigation centers in all mixed-use and nonresidential zones where multifamily housing is permitted.

Transitional and Supportive Housing

"Transitional housing" is defined as buildings configured as rental housing operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

"Supportive housing" is defined as housing with no limit on length of stay that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining permanent housing, health services, and employment, as needed. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. AB 2162, which went into effect on January 1, 2019, requires that cities allow supportive housing with up to 50 units by-right in multifamily and mixed-use zones and

precludes cities from imposing parking requirements on supportive housing developments located within 0.5-mile of a public transit stop.

Transitional and supportive housing is allowed by right in the R-1 and RM districts. Government Code Section 65583 requires that supportive housing be considered a residential use and subject to only those restrictions that apply to other residential dwellings of the same type in the same zone.

Conclusion

Transitional and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the City does not permit supportive housing by-right in all zones where multifamily and mixed uses are permitted. These requirements for transitional and supportive housing do not comply with state requirements. As the City's Zoning Code is not consistent with the requirements of AB 2126, this is considered a constraint to housing for individuals in need of supportive housing options.

Recommended Action

Amend the Zoning Ordinance to comply with SB 745 to ensure that transitional and supportive housing is permitted as a residential use and is similarly permitted and only subject to the same standards of the same type in the same zone.

Revise the Zoning Code to comply with AB 2162, whereby certain supportive housing meeting specific criteria are to be permitted by right in all zones where multifamily housing is also permitted (including nonresidential zones). For such supportive housing locating within half-mile from transit, no minimum parking can be required. The City will implement Housing Plan Program and 6 to amend the Zoning Code as appropriate.

Farmworker Housing/Employee Housing

The Employee Housing Act (Health & Safety Code Section 17021.6) requires that any employee housing consisting of no more than 36 beds in a group quarter or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

In Exeter, labor camp housing is primarily occupied by farmworkers and is allowed with a CUP in the RM and PO districts. Farmworkers and other employee housing are allowed in the form of boarding homes and rooming homes are permitted in agricultural zones, both of which are allowed with a CUP in the RM and PO districts.

There are no zoning districts that allow farmworker or employee housing by right, which is not in accordance with the Employee Housing Act.

Conclusion

The City's Zoning Code does not comply with state law regarding agricultural employee housing. Farmworker and employee housing is not permitted in any of the City's agricultural zones. Employee housing requires a CUP in the RM and PO zones.

Recommended Action

Revise the Zoning Code to ensure compliance with the Employee Housing Act (Health & Safety Code Section 17021.6). The City will implement Housing Plan Program 6 to amend the Zoning Code to allow employee housing of up to 36 beds or 12 single-family units as a permitted use in all agricultural zones.

Single Room Occupancy Units (SROs)

Exeter allows SROs with a CUP in all residential districts.

Conclusion

Exeter's Zoning Code allows the development of SROs with a CUP. Requiring a CUP may be considered a constraint to development.

Recommended Action

The City will implement Housing Plan Program 6 to amend the Zoning Code to establish SRO as a permitted use in zones where multifamily and mixed-use residential developments are permitted.

B3.3.3 Housing for Persons with Disabilities

California Government Code Section 65583 requires local jurisdictions to analyze potential and actual government constraints on the maintenance, improvement, and development of housing for people with disabilities. This is to ensure that persons with either physical or mental disabilities are provided reasonable accommodation for access to and the enjoyment of all facilities, including housing. Government Code Section 65583(c)(3) also requires housing elements to provide a program to "…address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities."

This section analyzes if the zoning policies and permitting procedures in Exeter impose any constraints to persons with disabilities accessing appropriate and adequate housing in the city.

B3.3.3.1 Definition of Family

Local jurisdictions may restrict access to housing for households that do not meet the jurisdiction's definition for "family." A restrictive definition of "family" that limits the number of individuals living together may illegally limit the development and siting of group homes for persons with disabilities, but not for housing families that are similarly sized or situated. The City of Exeter's definition of family is as follows:

> An individual or two or more persons related by blood, marriage, or adoption or a group of not more than five persons, not including servants, who need not be related by blood, marriage, or adoption, living as a single housekeeping unit.

Conclusion

The City of Exeter's definition of "family" is overly restrictive.

Recommended Action

The City will implement Housing Plan Program 6 to revise the Zoning Code definition of "family" to mean all persons, related and unrelated, who occupy a single housing unit.

B3.3.3.2 Reasonable Accommodation Procedures

The federal Fair Housing Act and the California Fair Employment and Housing Act require that cities and counties provide reasonable accommodation where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. Cities and counties must also consider requests for accommodations related to housing for people with disabilities and provide the accommodation when it is determined to be "reasonable" based on fair housing laws and the case law interpreting the statutes.

Reasonable accommodation is one of the tools intended to further housing opportunities for people with disabilities. These accommodations require that local jurisdictions make modifications or exceptions in their zoning laws and other land-use regulations when accommodations are necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents with mobility impairments.

Reasonable accommodation enables developers and providers of housing for people with disabilities a means of requesting from the local government flexibility in the application of land use and zoning regulations or, in some instances, even a waiver of certain restrictions or requirements because it is necessary to achieve equal access to housing.

Section 17.62 of the Municipal Code establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices, and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws. A request for reasonable accommodation may be made by an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities. Any eligible person as defined in Section 17.62.02 may request reasonable accommodation in land use, zoning and building regulations, policies, practices, and procedures.

Action by the Planning Director

Reasonable accommodation applications are processed as an administrative matter. The Planning Director can approve, approve with conditions, or deny the application based on the findings listed below. Following a decision by the Planning Director, an administrative agreement is prepared, consistent with Section 17.63: *Administrative Agreement,* that outlines the findings and conditions of the decision. The decision is made within 30 days of receiving the application. The written decision of the Planning Director is final unless appealed to the Planning Commission consistent with the requirements contained in Section 17.06: *Appeals*.

The Planning Director shall render a decision based on the following findings.

A. The Exeter Housing Element contains policies and action programs that remove governmental constraints to housing for individuals with disabilities, including local land use and zoning constraints.
B. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities.
C. A fair housing reasonable accommodation will ensure Exeter's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

D. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws.
E. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair share housing laws.
F. Whether the requested accommodation would impose an undue financial or administrative burden on the City of Exeter.
G. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building codes.

Conclusion

Exeter provides a 30-day administrative process for requesting and approving reasonable accommodation. While information on requirements and procedure of reasonable accommodation requests is described in the Zoning Ordinance, this information is not readily accessible to the general public.

Recommended Action

None required. While there is not an identified constraint in regard to reasonable accommodation, Housing Plan Program 12 directs the City to provide a link to its Reasonable Accommodations policy on the Housing page of the City's website and include contact information for City Staff that oversee the application process.

B3.3.3.3 Building Codes and Enforcement

The City of Exeter adopted the California Building Code, 1997 Edition, which regulates the access and adaptability of buildings to accommodate persons with disabilities. California Building Standards Code and Federal Americans with Disabilities Act (ADA) is assessed and enforced by the Building Division as part of the plan check and building permit issuance process. The City's Code Enforcement, which is under the Prevention Division, enforces the local laws of the Municipal Code and investigates violations related to housing, zoning, weed abatement and all codes specifically designed to address blight and nuisances. Most of the code enforcement violations are resolved through an administrative process; others may be resolved through civil or criminal processes. The City enforces Title 24 of the California Code of Regulations, which regulates the access and adaptability of buildings to accommodate persons with disabilities. Compliance with provisions including the California Building Standards Code, is reviewed, and enforced by the Building Division as a part of the building permit submittal.

Exeter implements a local amendment to the California Building Code, which requires all new construction and/or substantial improvement (including prefabricated and mobile homes) to have a minimum floor elevation of at least 18 inches above the top of the nearest street curb, or, above the crown of the nearest street if no street curb is nearby. The requirement may be met, in the alternative, by providing adequate floor waterproofing, to the satisfaction of the building official, for all portions of the building which do not meet the minimum floor elevation. Exeter implemented this amendment to prevent damage from potential flooding. The requirement results in an approximately 25 percent increase in costs for foundation construction, but this increase in cost is minimal compared to the total cost to develop housing and is not considered by the City to be a constraint to development.

Exeter 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 Land Use Element of the General Plan does not restrict the siting of special needs housing.

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

Conclusion

No unique restrictions are in place that would constrain the development of housing for persons with disabilities.

Recommended Action

The City will continue to review and amend the Building Code to ensure that it is up to date with the California Building Code and all applicable state laws. The City will implement Housing Plan Program 6, which directs the City to revise the Building Code and adopt the most recent (2022) California Building Code.

B3.3.4 Planning and Development Fees

The City charges various fees and assessments to cover the cost of processing permits and providing certain services and utilities. Table B3-8 describes residential development planning fees for both single- and multifamily development.

The City of Exeter has lower fees than Farmersville and Lindsay, cities in Tulare County with similar sized populations. For example, a CUP application is $626 in Exeter, $1,780 in Farmersville, and $2,425 in Lindsay. A Site Plan Review is $967 in Exeter, $2,210 in Farmersville, and $2,906 in Lindsay.

Table B3-8 Residential Development Planning Fees

Fee Title	Amount
Tentative Subdivision Map Review	$1,593
Final Subdivision Map Review	$4,324
Site Plan Review	$967
Site Plan Review with zone change	$1,110
General Plan Amendment	$996
General Plan Amendment - Complex	$2,134
Zoning Code Amendment	$285
Appeal	$740
Zone Variance	$1,110
Conditional Use Permit	$626
Lot Line Adjustment	$97
Minor Deviation	$797
Tentative Parcel Map	$2,105
Final Parcel Map	$1,536
Annexation Application to City	$1,110
LAFCO Fee	Actual
Development Agreement	$1,821

Fee Title	Amount
Engineering Plan Check and Inspection	4% of site value
ADU Plan Check	$85
Engineering Special Services	$180 per hr.
Planning Special Services	$85 per hr.

Source: City of Exeter, Master Fee Schedule, 2022-2023.

Table B3-9 shows development impact and permit fees for single-family and multifamily prototype developments. Development impact and engineering/building permit fees constitute a larger percentage of the cost of a housing unit than the planning permit fees discussed above. Development impact fees cover public improvements such as water, sanitary sewer, storm drainage, parks, schools, traffic, and engineering/building plan review and field inspection.

Table B3-9 Residential Development Fees

	Cost Per Unit	
Number of Units	Multifamily	Single Family
Building permit and plan check	$1,000	$2,001
Park fee	$506	$597
Landscaped medians	$282	$395
Signals	$225	$315
Railroad crossings	–	$164
Bike paths	$23	$33.00
Public facilities	$366	$1,098
Water capital fee	–	$5,176
Water connection fee	$5,176	$330
Sewer connection fee	$729	$729
Storm Drainage	$84	$84
School impact fee ($3.20 per sq. ft.)	$2,104	$4,800
Total	**$10,495.25**	**$16,482**

Source: Exeter Zoning Code, Updated July 2018.

According to a 2019 National Impact Fees Survey of 37 jurisdictions in California, the average impact fees are $37,471 per single family unit and $21,703 per multifamily unit[5]. Exeter's fees for a single-family unit and multifamily are less than the survey average.

Development fees in Exeter are similar to other similarly sized cities in the same county. Fees for a single-family unit are around $16,482 in Exeter but range from $12,009 to $19,269 in the cities of Lindsay, Farmersville, and Woodlake. Similarly, fees for a multifamily unit are approximately $10,495 per multifamily unit in Exeter and range from $11,478 to $16,400 per unit other cities. Table B3-10 shows a comparison of development fees in other Tulare County jurisdictions.

[5] National Impact Fee Survey, 2019. Available at http://www.impactfees.com/publications%20pdf/2019survey.pdf

Table B3-10 Residential Development Fee Comparison

Jurisdiction	Total Cost Per Unit	
	Multifamily	Single Family
Dinuba	$32,796 to $33,962	$37,059 to $38,888
Exeter	$10,495.25	$16,482
Farmersville	$16,400.00	$19,269
Lindsay	$40,342.88	$12,009
Porterville	$12,000 to $14,500	$17,000 to $20,000
Tulare	$17,781	$18,677
Woodlake	$11,478	$14,607

Conclusion

Planning and development fees are not considered a constraint to development.

Recommended Action

None required.

B3.3.5 Permit Types

The City of Exeter provides the full range of services relating to the development of property within its city boundaries and Sphere of Influence. Subdivision maps, parcel maps, conditional use permits, and building plans are all processed by the City.

B3.3.5.1 Site Plan Review

All projects except those specifically exempted (i.e. single-family dwellings) go through Site Plan Review. For Site Plan Review, the site plan may only be denied if the project does not comply with city codes, standards, policies, or California Environmental Quality Act (CEQA) requirements. At a minimum, the Site Plan Review Committee includes the Planning Director, Head Building Official, City Engineer, Exeter Public Works Director, Fire Marshall, and other persons who may possess expertise in fields that would benefit the site plan review process. The Site Plan Review Committee reviews the application and approves or denies a project within 15 days and provides recommendation to the Planning Commission. The report may be forwarded to the Planning Commission if the following findings are made:

- That the location of the proposed use is in accordance with the purpose and objectives of this Ordinance and the purposes of the district in which the subject site is located.
- That the location of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience or welfare, or be materially injurious to properties or improvements in the vicinity.
- That the proposed use will not have a significant impact on the environment.
- That the proposed use will comply with applicable provisions contained in this Ordinance.
- That the proposed use is consistent with the Exeter General Plan.
- That the site for the proposed use is adequate in size, shape and location to accommodate the use for which it is proposed.

The Planning Commission makes approval or denial decisions for these projects based on the findings listed above, although this decision is not subject to a public hearing. The decision can be appealed to the City Council.

B3.3.5.2 Subdivision Map Review

All Tentative Subdivision Maps are reviewed by the Subdivision Review Committee prior to the submission of the map to the Planning Commission. The Subdivision Review Committee review the completeness and accuracy of the tentative map and the suitability of the land for purposes of subdivision, conformity of the overall design of the subdivision to the General Plan and other city plans, the provisions for and adequacy of street improvements and utilities, and provisions for public areas and services. The Subdivision Review Committee may deem it advisable to recommend additional improvements, easements, dedications, etc., to be included, in which case the subdivider is informed of the nature of the recommendations following the Committee meeting. Within 50 days after the tentative map has been filed with the City Planner or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by CEQA, the Planning Commission shall conduct a public hearing on the Tentative Parcel Map. The City Council may overrule or modify any ruling or determination of the Planning Commission in regard to a Tentative Map and may make conditional exceptions if special circumstances pertaining to the property involved justify a variance.

B3.3.5.3 Parcel Map

All Tentative Parcel Maps are reviewed by the Subdivision Review Committee prior to the submission of the map to the Planning Commission. The Subdivision Review Committee review the completeness and accuracy of the tentative map and the suitability of the land for purposes of subdivision, conformity of the overall design of the subdivision to the General Plan and other city plans, the provisions for and adequacy of street improvements and utilities, and provisions for public areas and services. The Subdivision Review Committee may deem it advisable to recommend additional improvements, easements, dedications, etc., to be included, in which case the subdivider is informed of the nature of the recommendations following the Committee meeting. Within 30 days after the tentative map has been filed with the City Planner or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by CEQA, the Planning Commission shall conduct a public hearing on the Tentative Parcel Map. If the applicant is dissatisfied with the decision of the Planning Commission, an appeal in writing to the City Council for a hearing can occur within 15 days after the decision of the Commission.

B3.3.5.4 Conditional Use Permits

Projects that require a CUP include senior housing/nursing homes, boardinghouses and rest homes, all residential uses in the Mixed-Use zone, and single-family dwellings in the CN zone. The CUP review process consists of an analysis to verify consistency of the project with the City's zoning ordinance and general plan, and requirements of CEQA. A CUP requires a public hearing and approval by the City's Planning Commission. The Planning Commission may impose reasonable conditions upon a project, subject to appeal to the City Council.

To be able to approve the CUP, the Planning Commission must be able to make the following findings:

1. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to, or inharmonious with, properties or improvements in the vicinity.
3. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
4. That the proposed use will comply with each of the applicable provisions of this ordinance. A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Planning Commission may prescribe.

Requirements related to neighborhood character ("inharmonious with properties or improvements in the vicinity") are subjective.

B3.3.5.5 Variances

An applicant must request a variance when seeking an exception to specific requirements of the Zoning Ordinance, Parking Regulations, and Sign Regulations, if those requirements would result in a hardship due to the physical conditions of a property. The Planning Director or the Planning Commission acts on variance requests. Administrative action on a variance request takes place two to four weeks after the application is deemed complete; additional time is necessary if Planning Commission review is required.

B3.3.5.6 General Plan Amendment and Zone Change

Projects that are not consistent with the General Plan or Zoning Ordinance may require approval of a General Plan Amendment or a Zone Change. Approval of these types of proposals is discretionary, subject to CEQA, and requires public hearings before the Planning Commission and City Council.

Conclusion

The requirement for Planning Commission approval for typical multifamily residential development through the Site Plan Review process is a constraint. Additionally, the requirement for discretionary permits that projects must be related to neighborhood character ("inharmonious with properties or improvements in the vicinity") is subjective.

Recommended Action

The City will implement Housing Plan Program 6 to revise the procedure for Site Plan Review approval for residential development to be limited to the Site Plan Review Committee instead of the Planning Commission. Additionally, the Program directs the City to revise findings for discretionary permits to be objective by removing the requirement for discretionary permits that projects must be related to neighborhood character ("inharmonious with properties or improvements in the vicinity").

B3.3.6 Permit Procedures and Processing Times

Processing and permit procedures can pose a considerable constraint for the production and improvement of housing. Common constraints include lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements and costly conditions of

approval. These constraints increase the final cost of housing, uncertainty in the development of the project, and overall financial risk assumed by the developer.

The Exeter Zoning Code stipulates the residential types permitted, permitted with a Site Plan Review permit, conditionally permitted, or prohibited in each residential zone district. Table B3-11~~Table B3-11~~ provides the typical processing time and approval body for various entitlement applications. It should be noted that each project does not necessarily have to complete each step in the process (i.e., small scale projects consistent with general plan and zoning designations do not generally require environmental impact reports (EIRs).

Also, certain review and approval procedures may run concurrently. For example, a ministerial review for a single-family home would be processed concurrently with the plot plan review. Since most EIRs are prepared in response to a General Plan Amendment request they are often processed simultaneously. Exeter also encourages the joint processing of related applications for a single project. As an example, a rezone petition may be reviewed in conjunction with the required site plan, a tentative tract map, and any necessary variances. As shown, minor modifications and single-family units have the shortest estimated processing times (one-two weeks) while Environmental Impact Report has the longest (4-6 months).

The average number of days from entitlement to building permit is 173.32 days, based on a review of projects from the past 18 months.

Table B3-11 Timelines for Permit Procedures

Type of Approval or Permit	Typical Processing Time	Approval Body
Site Plan Review/Design Plan Review	6 - 8 weeks	Planning Commission
Minor Modifications	1 - 2 weeks	City Staff
Minor Amendment	6 - 8 weeks	Planning Commission (PC)
Major Amendment	8 - 10 weeks	PC
Conditional Use Permit	6 - 8 weeks	PC
Variance	6 - 8 weeks	PC
Zone Change	4 - 5 months	PC and City Council (CC)
General Plan Amendment	4 - 5 months	PC and CC
Architectural/Design Review - Minor	2 - 4 weeks	City Staff Dev. Review Comm.
Architectural/Design Review - Major	4 - 8 weeks	City Staff Dev. Review Comm.
Tentative Subdivision Map	6 - 10 weeks	PC, CC if easements
Final Subdivision Map	6 - 8 weeks	CC
Tentative Parcel Map	6 - 8 weeks	PC, CC if easements
Final Parcel Map	6 - 8 weeks	CC
Negative Declaration	2 months	PC and CC
Environmental Impact Report	4 - 6 months	PC and CC
Single Family Unit/Bldg. Permit Review	2 - 4 weeks	Building Official

Source: Exeter Zoning Code

Table B3-12 shows the typical processing procedures by project type for Exeter. As shown, single-family units have the shortest estimated processing times (two to three months) while subdivisions have the

longest (six to eight months). Exeter's permit process times are consistent with typical permit processing times for cities in Tulare County.

Table B3-12 Typical Processing Procedures by Project Type

	One Single-Family Unit	Subdivision	Multifamily Units	Planned Unit Development
	Single Family Permit Review	Site Plan Review	Site Plan Review	Site Plan Review
		Tentative Map		Conditional Use Permit
	Environmental Assessment	Environmental Assessment	Environmental Assessment	Environmental Assessment
		Final Map		
		Final Map		
Estimated Processing Time	1 week	3 - 4 months	2 - 3 months	3 - 5 months

Source: Exeter Zoning Code

B3.3.6.1 Building Permits

Building permit review timelines for all projects are as follows depending on complexity and scope of work:

- First review: one to 20 working days
- Second review: one to 15 working days
- Third review: one to 15 working days
- Fourth review: one to 10 working days
- Fifth review: one to 10 working days

Conclusion

The permit procedure and processing times for multifamily developments are not a constraint. Other cities in the county have similar or longer permit processing times for multifamily developments. The processing time in Porterville is 4-6 months and two months in Farmersville.

Recommended Action

None required.

B3.3.6.2 State Streamlining (SB 35)

Under the 5th Cycle Housing Element reporting period (2015-2023), the City of Exeter has made insufficient progress toward its lower-income RHNA and is subject to SB 35 streamlining provisions for projects that include at least 50 percent affordability. SB 35 requires that eligible projects be reviewed for compliance and consistency with the City's objective standards and are not subject to discretionary processes, such as CEQA environmental review and public hearings. Eligible projects with 150 units or fewer must be approved within 90 days and projects with more than 150 units must be approved within 180 days. In addition, AB 1397 requires that 5th cycle opportunity sites re-used in the 6th cycle and identified to accommodate lower income units (very low-income and low-income) be subject to by-right approval if projects include 20 percent affordable units for lower income households on-site. The City of

Exeter has not adopted procedures for processing SB 35 applications, nor have they created a checklist for SB 35 applications. Since 2018, no projects have been approved through SB 35 ministerial approval.

In addition, AB 1397 requires that 5th cycle opportunity sites re-used in the 6th cycle and identified to accommodate lower-income units (very low-income and low-income) be subject to by-right approval if projects include at least 20 percent affordable units for lower-income households on-site.

Conclusion

The lack of permit procedures and resources for SB 35 applicants is a constraint to development.

Recommended Action

Amend the Zoning Code to provide a clear permitting process for SB 35 eligible projects and create an SB 35 application checklist. The City will amend the Zoning Code with Housing Plan Program 6 to provide a clear permitting process for SB 35 eligible projects and create an SB 35 application checklist. The City will implement Housing Plan Program 3 to comply with AB 1397.

B3.3.6.3 Permit Streamlining Act

The Permit Streamlining Act sets forth various time limits within which state and local government agencies must either approve or disapprove permits and provides that these time limits may be extended once by agreement between the parties. The City currently meets the timelines below and complies with the Permit Streamlining Act including streamlining determinate with 30-day CEQA determination:

- 30 days to deem application complete/incomplete
- 30-day period restarts with each resubmittal on an incomplete application.
- 30 days to make environmental determination after an application is deemed complete
- 60 days after the environmental determination, including a finding that the project is exempt from CEQA, the City must take action to approve or disapprove the project. Applicants can agree to an additional 90 days to take action.

Conclusion

The City complies with the Permit Streamlining Act.

Recommended Action

None required.

B3.3.7 Short-Term Housing Rentals

Exeter does not have a short-term housing rental program that regulates short-term vacation rentals in the city. As of July 2023, there were 65 active VRBO and Airbnb rentals in the city. There were 55 listings that rented the entire house and 10 listings that rented a private room within a housing unit. Short-term rentals can be found throughout the city. Public input at the community workshop noted that short-term rentals in the city may constrain long-term rental opportunities.

Conclusion

There are no regulations related to short-term rental housing in the city. Short-term rentals may contribute to a reduction in the supply of available long-term rental housing.

Recommended Action

As directed by Housing Plan Program 11, the City will monitor the impacts of short-term rentals on housing availability and affordability. Based on the findings of the report, consider adopting a short-term rental ordinance to regulate short-term rentals, including a potential short-term rental fee that would fund affordable housing development.

B3.3.8 Code Enforcement

The provisions set forth in the "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition," published by the International Conference of Building Officials, are adopted as the code for the abatement of dangerous buildings in the city. The City has the power to inspect and declare unsafe any structure or piece of equipment, be it existing or under construction, that does not meet specific Municipal Code standards. These include, but are not limited to, structures with insufficient modes of egress; structures that are unsafe or that have been made structurally unsound due to fire, earthquake, or other natural disaster; buildings that are deemed a public nuisance; and buildings that have been constructed or maintained in violation of local or state law. Once a building has been declared unsafe, the building official may issue notice that the structure be repaired, vacated, or demolished within a reasonable amount of time and with the appropriate permits.

The enforcement of building codes in the city is centered on the inspection of new construction and remodels or renovations requiring building permits. However, for existing structures, City staff prioritizes code enforcement complaints according to the severity of the violation on the community and individuals. Situations that appear to pose a serious risk to health and safety are given top priority; others are pursued in the order in which they are received, as resources are available. In most cases for non-emergency complaints, a warning letter or courtesy notice is sent to the alleged violator to verify the status of the potential compliant and to obtain compliance. Further enforcement procedures include:

- Warnings and courtesy notices typically allow 10 business days, sometimes 30 depending on the type of action/needs for correction,
- Appeals and hearings can be requested by the notices/fined party and are arranged and held by the City Administrator.
- If compliance is not obtained then administrative citations are issued with amounts starting at $100.00, then increasing to $200.00, then $500.00,
- If, after fines have been issued, compliance has still not been obtained, the City will pursue an action to abate a nuisance at cost to the property owner through the means of an abatement warrant, lien, special assessment, or other means.

Conclusion

The City of Exeter utilizes the 1997 Uniform Building Code.

Recommended Action

Revise the Building Code and adopt the most recent (2022) California Building Code. Housing Plan Program 6 directs the City to revise the Building Code and adopt the most recent California Building Code. Additionally, the City will implement Housing Plan Program 11 to advertise available rehabilitation grant programs on the City's website and ensure that Code Enforcement has the information when addressing enforcement cases.

B3.3.9 Transparency in the Development Process

To increase transparency in the development process, the City's website publishes resources that help developers and homeowners navigate the residential development and home improvement processes. Specifically, the Planning Division webpage (https://cityofexeter.com/departments/administration/planningbuilding) provides a zoning map, information on the permit center and staff contacts, the public hearing calendar, planning and building permit resources. The zoning code and zoning map, plan review procedures, fee schedule and forms and handouts, among other documents are available online.

Conclusion

The City provides general information and handouts regarding the development process on the City website. Additional information such as previous annual financial reports should be provided on the City website to facilitate and further assist residents and developers.

Recommended Action

The City of Exeter will evaluate its compliance with the new transparency requirements per Government Code Section 65940.1(a)(1) make changes as necessary. The City will implement Housing Plan Program 8 to increase transparency in the development process by evaluating its compliance with Government Code Section 65940.1(a)(1).

B3.3.10 Cumulative Impact of Development Standards

The Housing Element must analyze the cumulative effect of development standards on the development of housing and/or achieving densities after considering how all standards and/or ordinances relate to each other. In Exeter, overly restrictive density requirements; parking requirements; multifamily requirements; permit requirements for community care facilities, emergency shelters and supportive housing, farmworker housing, employee housing; and lack of streamlining procedures and objective design standards may constrain development of multifamily or special needs housing.

B3.4 Environmental Constraints

A community's environmental setting affects the feasibility and cost of developing housing. Environmental issues range from the availability of water to the suitability of land for development due to potential exposure to seismic, flooding, wildfire, and other hazards. If not properly recognized and accommodated in residential design, these environmental features could potentially endanger lives and property. This section summarizes environmental constraints to housing development in the city.

B3.4.1 Wildfire

Exeter is not designated by the California Department of Forestry and Fire Prevention (CALFIRE) as a fire hazard severity zone. According to the CALFIRE, Fire and Resource Assessment Program, the City is a Local Responsibility Area (where fire protection and response is a local responsibility). State Responsibility Areas generally include foothill areas located east of the Friant-Kern Canal and the Sierra Nevada.

Wildfire hazards in the city include vacant lands that have dry vegetation and/or agricultural debris storage (e.g., limbs, trimmings, etc.). These hazards are more common on non-irrigated lands, during drought years, and in dry seasons. The City manages vegetation in areas within and adjacent to public rights-of-way and critical facilities to reduce the risk of wildfire and property damage. The City has a nuisance abatement regulation for private property that prohibits the accumulation of wastepaper, hay, grass, weeds, litter, or any other combustible vegetation or debris that endangers a property or is liable to become a fire hazard. Fire and code enforcement personnel perform citywide property reviews and send letters of abatement to violators. Wildfire is not a constraint to the development of housing in the city.

B3.4.2 Floodplains

There is no land within a 100-year floodplain in Exeter. However, to ensure that shallow flood flows do not potentially impact existing or future residential development, new residential development is required to construct ground floors 18 inches above adjacent curb elevations. This requirement increases the cost of residential development because of the increased fill requirement but is standard and not considered a constraint to development.

B3.4.3 Seismic Zones

While Exeter is in proximity to major California fault lines, there is no specific threat or hazard from seismic ground shaking to residential development within Tulare County, and all new construction will comply with current local and state building codes. Due to the minimal historical hazard of earthquakes in the city and the use of the most current building codes and construction techniques, seismic faults do not pose a constraint to residential development.

B3.4.4 Soil Contamination

Agricultural uses may contaminate sites due to the use of pesticides and other chemicals. Soil contamination may be a concern if a Phase One Environmental Site Assessment determines there is a potential for soil contamination and contamination is substantiated by a Phase Two study. The City ensures that the necessary steps are taken to clean up residual hazardous wastes on any contaminated sites proposed for redevelopment or reuse. Soil evaluations are required as needed to ensure that risks are assessed, and appropriate remediation is provided. Developing housing on these sites can involve costs to remediate contaminated soil or groundwater. The remediation cost would typically be on the developer to address the clean-up and potential site contamination is not considered a constraint.

Conclusion

Environmental conditions in Exeter are not considered a constraint to development.

Recommended Action

None required.