

C4 Housing Constraints Analysis

Constraints to the development of adequate 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 housing elements 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 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.

C4.1 Summary of Local Housing Constraints

- The costs associated with developing housing are increasing, and the availability of financing due to recent trends of rising interest rates make it increasingly difficult for people to buy a home or build new housing. There is a lack of federal, state, and local funding and the funding that is available is increasingly competitive.
- Although Dos Palos' development regulations allow for a variety of densities, the density ranges are lower than other nearby jurisdictions. The low maximum densities permitted in residential zones in Dos Palos limit the amount of residential development that can be built in the city and are lower than the recommended allowable density of 20 units per acre for lower-income projects. Height limits in R-3 zones are also a potential constraint to housing development.
- Most of the city is comprised of low- and medium- density zones. Medium and high-density zones are located within East Dos Palos and North Dos Palos. There are very few areas zoned for high-density residential uses in Dos Palos. The prevalence of single-family zones that do not permit other types of housing and the limited areas zoned high-density residential constitute a constraint to development.
- Residential parking requirements in Dos Palos are based on zone, not building type or unit size which is more commonly used. Parking requirements in Dos Palos are much higher than in other cities in the region, which poses a constraint to development. The City of Dos Palos' parking requirements also do not allow for a reduction of parking for qualified developments under the State Density Bonus Law.
- The City of Dos Palos does not have a Density Bonus Ordinance and therefore is not in compliance with state law. This is a constraint to development.

- The City does not include mobile or manufactured housing as a permitted use in any residential zone. According to state law Manufactured homes must be permitted in the same manner and in the same zones as conventional structures are permitted.
- The City’s lack of an Accessory Dwelling Unit (ADU) Ordinance constrains the ability to develop ADUs within the city. The City requires a conditional use permit (CUP) for granny units; however, the Zoning Code does not provide a definition, or development standards for granny units.
- There are limited locations within the city where multifamily housing can be built, particularly high-density housing, which is often more affordable to lower-income households.
- The City does not have a by-right process for transitional or supportive housing. The requirement for a CUP for rest homes in R-1-6, R-2, R-3, and R-4 zones, and assisted living facilities in C-1 zones is not consistent with state law. Additionally, the City of Dos Palos is not meeting its obligation under Assembly Bill (AB) 101 and AB 2339 to allow Low Barrier Navigation Centers and emergency shelters by-right in at least one residential zone. Nor does the City have a reasonable accommodation procedure for individuals with disabilities.
- While the City’s planning fees are significantly lower than other jurisdictions, the City does not distinguish between different types of residential units in its fee schedule. A unit in a multi-family building is charged the same development impact fees as a single-family home. However, single-family homes have greater public impacts on a per unit basis than denser, multifamily homes. As a result, multi-family development is being charged higher development impact fees than what may be needed which is a constraint to the development of multi-family housing.

C4.2 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 housing. The following analysis accounts for these non-governmental constraints.

C4.2.1 Land Costs

The cost of land can impede the production of 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 C4-1 provides the average price per acre for land listed for sale throughout Dos Palos between January 2022 and June 2023. The average price per acre is significantly higher for smaller lots, many of which are located in non-agricultural zones. The price per acre is less for larger lots averaging \$19,973. Most of these larger properties are located in agricultural zones. The average price per acre for all plots is \$112,599.

Table C4-1 Listed Land Prices – Dos Palos

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	\$205,226
10 or more acres	\$19,973
Average \$/acre	\$112,599

Source: Zillow, Inc., 2023.

Table C4-2 provides the average price per acre for land sold between January 2021 and December 2022 in Dos Palos. The average price per acre for land sales is \$124,669, higher than the average list price shown above. The average price per acre was less for larger lots (\$21,495), compared to smaller lots (\$227,843). Both are higher than the average price per acre for listed properties.

Table C4-2 Sold Land Prices – Dos Palos

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	\$227,843
10 or more acres	\$21,495.84
Average \$/acre	\$124,669.24

Source: Zillow, Inc., 2023.

Conclusion

The housing market (vacant and developed land) in Dos Palos can vary depending on location, allowable density, availability of improvements, and proposed land use of the site. In general, entitled single-family subdivisions with infrastructure extension plans command higher prices than raw undeveloped land.

While land costs increase over time, these raw costs are not necessarily a constraint to housing. In general, land costs in Merced County are lower compared to coastal counties, and comparable in price to other nearby counties such as Madera and Fresno counties. As a result, raw land costs are not considered a constraint to the development of housing.

Recommended Action

None required.

C4.2.2 Construction Costs

Construction costs include labor, material, equipment, plans, building permit, supervision, overhead and profit. Construction costs do not include the price of land, development impact fees, or site improvement costs. 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 Merced 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.

Based on recent construction, it is estimated that the cost of construction averages \$250,000 per unit.¹ However, the sample of projects is limited due to the low levels of housing construction in the city over the last several years. This estimate does not include the price of land, site improvement costs, planning and development impact fees, or financing or marketing costs by the developer.

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.

Conclusion

Although the cost of construction constrains housing development, construction costs are market driven rather than an impact of local policy.

Recommended Action

None required.

C4.2.3 Availability of Financing

Mortgage interest rates have a large 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, housing prices typically fall to compensate. 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 time.

Where financing is available, construction capital seems to be directed at the best transactions – 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.

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.

Affordable Housing Financing

A description of available funding sources for affordable development is provided in Chapter C3, *Housing Needs Assessment*.

¹ City of Dos Palos

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. While there is no local lending data for Dos Palos, the most recent data set available for the County of Merced from 2022 shows that 10,760 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*, of the total applications received for home purchase 47.7 percent of the loans originated while 15.7 percent were denied. Additional data on County HMDA data can be found in Chapter 3, *Regional Housing Constraints*.

County data shows that of the loans originated, Hispanic/Latino applicants comprised approximately 50 percent of approvals, white, non-Hispanic/Latino comprised approximately 30 percent, Asian American represented 16 percent, Black/African American applications represented three percent, and American Indian/Alaskan Native comprised less than one percent of approved applications. American Indian/Alaskan Native and Black/African American residents were the only racial populations that were representative for mortgage applications relative to proportion of population.

Hispanic/Latino residents were underrepresented for mortgage applications (50 percent of applications, 61 percent of population). White, Non-Hispanic residents were overrepresented for mortgage applications approvals relative to proportion of population (30 percent of approvals, 26 percent of population), as were Asian American residents (16 percent of approvals, eight percent of population). Of application denials, Black/African American residents were overrepresented in application denials (four percent of denials, three percent of the population).

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 Dos Palos, the average time for a single-family home between project approval and request for building permit is typically three to nine months, although this varies by type of project. Some projects take years to pull building permits and secure financing. Multi-family housing developments are likely to have a longer timeline, as construction is more complex. However, the City has not received a multi-family housing project application in many years.

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, by itself, does not provide insight into these other factors. Therefore, it is important that the City supports housing education and opportunities for all residents.

Recommended Action

The City will implement Housing Program 15 to spread awareness of home-buying education resources, particularly for racial and ethnic groups underrepresented in the homebuying market.

C4.2.4 Requests for Lower Development Densities

There have not been any requests for development at densities below anticipated densities in Dos Palos.

C4.3 Governmental Constraints

Although local governments have little influence on market factors such as interest rates and 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.

C4.3.1 Land Use Controls

Land use controls provided in the General Plan and the Zoning Ordinance influence housing production in various ways. Any permitted and conditionally permitted uses in each zone 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 can 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 Dos Palos.

C4.3.1.1 General Plan

The 1990 Dos Palos General Plan provides policies and programs to guide development in the city. The General Plan Land Use Chapter establishes land use categories that define the allowable uses and building densities/intensities throughout the city. The various types of housing units allowed in the city include single-family dwellings, multifamily dwellings, townhomes, condominiums, and mobile homes. Residential densities in Dos Palos cover a wide spectrum that promotes the development of various housing types.

The Dos Palos General Plan contains the following residential land use designations:

- Low Density Residential (LD) allows for single-family dwellings with lots sizes of approximately 10,000 square feet. Densities are between 1 to 3 dwelling units per gross acre.
- Medium Density Residential (MD) allows for single-family dwellings with lots sizes of approximately 6,000 square feet. Densities are between two and six dwelling units per gross acre.
- Medium High Density Residential (MHD) allows for multi-family development such as duplexes and condominiums. Densities are between four and 10 dwelling units per gross acre. Mobile home parks and Residential Planned Unit Developments (PUDs) may be consistent with Medium High Density.
- High Density Residential (HD) allows for multi-family development such as apartments. Densities are between five and 15 dwelling units per gross acre. Mobile home parks and Residential PUDs may be consistent with High Density.

Conclusion

The General Plan includes four residential land use designations with a density range from one to 15 dwelling units per acre. These densities are lower than nearby jurisdictions, such as Los Banos,

which allows up to 30 units per acre in high-density residential zones. The maximum densities permitted in Dos Palos limits the amount of residential development that can be built in the city, as it is lower than 20 units per acre, which the California Department of Housing and Community Development (HCD) deems the appropriate density for lower-income housing.

Recommended Action

The City will implement Housing Program 2 to revise the General Plan to include a minimum of one multi-family or mixed-use designation that allows 20 dwelling units per acre.

C4.3.1.2 Zoning Code

The City regulates the type, location, density, and scale of residential development primarily through the Zoning Code, as well as specific plan development codes. A zone is assigned to every parcel in the city and the Zoning Code 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, and parking identified for each zone. Some zones 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 specific parcel.

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

- Low-density single-family residential (R-1-10): The R-1-10 zone is intended to provide for the development of single-family residential homes at urban standards on lots not less than 10,000 square feet in area, with no more than one dwelling unit permitted on any lot.
- Medium-density single-family residential (R-1-6): The R-1-6 zone is intended to provide for the development of single-family residential homes at urban standards on lots not less than six thousand square feet in area, with no more than one dwelling unit permitted on any lot.
- Medium high-density residential (R-2); The R-2 zone is intended to provide for the development of medium-high multiple-family residential structures, where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than six thousand square feet in area.
- High-density residential (R-3): The R-3 zone is intended to provide for the development of high-density multiple family residential structures, where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety, and insulation against transmission of sound, on lots not less than six thousand square feet in area.
- High-density residential (R-4): The R-4 zone is intended to provide for the development of high-density multiple-family residential structures, where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety, and insulation against transmission of sound, on lots not less than six thousand square feet in area.
- Urban Reserve (U-R): The U-R zone is intended to be utilized to reserve in a substantially undeveloped state areas planned for future urban uses where, because the areas lack public facilities or services, or because the need for urban expansion within them is not immediate, it is necessary to prevent the development of uses or structures which might be premature or conflict with the future planned urban use of the area. Single-family dwellings are permitted as a conditional use.

In Dos Palos, minimum residential lot sizes are required in some zones. Table C4-3 provides the minimum lot area per dwelling unit standard by zone.

Table C4-3 Site Area Per Dwelling Unit

Zone	Lot Area
UR	5 acres (2 units per gross acre)
R-1-10	10,000 square feet (4.36 units per gross acre)
R-1-6	6,000 square feet (7.26 units per gross acre)
R-2	3,000 square feet (14.52 units per gross acre)
R-3	5,000 square feet for lot with one dwelling unit, for lots with multiple dwelling units 4,000 for first unit, 1,000 for second through sixth unit, 1,500 for each unit above six (23.04 units per gross acre)
R-4	5,000 square feet for lot with one dwelling unit, for lots with multiple dwelling units 1,500 for first unit, 1,000 for second through sixth unit, 1,500 for each unit above six (24.71 units per gross acre)

Source: Dos Palos Zoning Code, Adopted 1999.

Conclusion

The City of Dos Palos’ development regulations allow for a range of densities and a variety of housing types. Medium- and high-density zones are primarily concentrated within East Dos Palos and North Dos Palos. Most of the city is comprised of low- and medium-density zones (R-1) and there are few areas zoned for high-density residential. There are small pockets of R-3 scattered throughout the city, and there are currently no parcels zoned R-4 in Dos Palos. The prevalence of single-family zones that do not permit other types of housing, and the limited areas of high-density residential constitute a constraint to development. In addition, the City will need to provide additional capacity for affordable multi-family housing development (based on the default density standard of 20 dwelling units per acre, as defined by HCD). While the R-3 and R-4 zones allow up to 29.04 dwelling units per acre, there is very little land within the city zoned R-3 and no land zoned R-4.

In addition, the City’s zoning districts are not consistent with the City’s General Plan land use designations.

Recommended Action

The City will implement Housing Program 2 to review and revise the General Plan, Land Use Map, Zoning Code, and Zoning Map to ensure consistency and to revise the Zoning Code and Zoning Map to allow densities that are appropriate for lower-income housing units, consisting of at least one multi-family or mixed-use designation that allows 20 dwelling units per acre. As part of Program 2, the City will develop a new mixed-use zone with densities at up to 32 units per acre.

C4.3.2 Residential Development Standards

Table C4-4 shows the development standards for residential zones. The minimum parcel area for residential zones ranges from 6,000 square feet to five acres. Maximum site coverage ranges from 50 percent to 65 percent of the lot area.

The front setback requirement is 25 feet for lower-density residential zones (UR, R-1-10, and R-1-6), and 15 feet for medium- and high-density zones. The side setback requirement is 10 feet for R-1-10

zones, and five feet for R-1-6, R-2, R-3, R-4, and UR zones. Rear setback requirement is 15 feet for all residential zones.

Maximum height requirements are 30 feet for R-1-10, R-1-6, R-2, and R-3 zones, 40 feet in R-4 zones, and 35 feet in UR zones. Maximum density ranges from two units per acre in the UR zone to 29 units per gross acre in the R-4 zones.

Table C4-4 Residential Development Standards

Zoning District	Minimum Parcel Area	Setback Requirements (in feet)			Maximum Height (feet)	Maximum Site Coverage (percent of lot)	Maximum Density (du/acre)
		Front (feet)	Side (feet)	Rear (feet)			
R-1-10	10,000 sq ft	25	10	15	30	50	4.36
R-1-6	6,000 sq ft	20	5	15	30	60	7.26
R-2	6,000 sq ft	15	5	15	30	55	14.52
R-3	6,000 sq ft	15	5	15	30	60	23.04
R-4	6,000 sq ft	15	5	15	40*	65	24.71
UR	5 acres	25	5	15	35	-	0.2

* 30 feet for accessory structures

Source: Dos Palos Zoning Code, Adopted 1999.

Conclusion

Development standards related to parcel area, setbacks, height of primary structures, site coverage, and density are similar to nearby jurisdictions. In comparison with these similar cities, Dos Palos development standards do not pose a constraint to housing development. However, limiting maximum height to thirty feet in some high-density zones (R-3) could be a potential constraint to housing development.

Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to increase the maximum height to 35 feet in the R-3 zone and to allow minor modifications to height restrictions for developments with an affordability component.

C4.3.3 Parking

According to the Turner Center for Housing Innovation at the University of California (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.² 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 parking not only reduces the project budget but can allow for more space to build additional housing units.

Table C4-5 provides the residential parking requirements in Dos Palos.

² Turner Center for Housing Innovation at UC Berkeley, 2016. Available at: <http://turnercenter2.berkeley.edu/proforma/>

Table C4-5 Residential Parking Requirements

Residential Use	Required Parking Spaces
R-1-10	3 covered, 2 uncovered
R-1-6	2 covered (3 encouraged), 2 uncovered
R-2, R-3, and Single-Family	2 covered (3 encouraged), 2 uncovered
R-4 Multifamily	First two units: 2 covered, 2 uncovered; each additional unit: 1 covered, 1 uncovered
Convalescent homes, nursing homes, and children’s homes	1 for every 2.5 beds
Senior Housing	1 for every 3 units

Source: Dos Palos Zoning Code, Adopted 1999.

Conclusion

Residential parking requirements in Dos Palos are based on the zoning district, not by building type or unit size, which is more common. Parking requirements in R-1-10 zones require five parking spaces for one single-family home, and additional parking spaces are encouraged in other residential zones. The parking requirements do not reflect the need in the community based on family size. Requiring more than one parking space for smaller units or more than two parking spaces for single-family homes and larger units can be cost prohibitive for developers and may pose site design challenges.

Furthermore, under state Density Bonus Law, parking standards are reduced for qualifying developments, which requires a ratio of 0.5 parking spaces per unit for affordable and senior housing developments and no more than 0.3 parking spaces per unit for special needs housing developments. The City of Dos Palo’s parking requirements do not allow for a reduction in parking for qualified developments and therefore do not comply with state Density Bonus Law.

Recommended Action

Revise the Zoning Code to require no more than one space per unit for studios and one-bedroom units and no more than two spaces per unit for single-family units and units with two or more bedrooms. Revise the Zoning Code to allow reduced parking requirements for qualified affordable housing projects, in compliance with state Density Bonus Law.

Housing Program 6 directs the City to amend the Zoning Code to revise parking standards based on unit size and allow reduced parking requirements for qualified affordable housing projects.

C4.3.4 Open Space and Park Requirements

The Zoning Code does not include open space or park requirements and only specifies yard setbacks.

The 1990 Dos Palos General Plan guides sustainable physical and economic growth, while conserving natural and cultural resources. The Plan’s Open Space & Conservation Element includes goals and policies to preserve existing open space and natural lands, by prohibiting development in natural resource areas, and focusing development on non-prime farmland.

Conclusion

The City of Dos Palos does not have open space and park requirements for residential development. While the City aims to preserve agricultural land and natural resources, there is sufficient development capacity within the city's urban areas to accommodate future growth, and policies are not anticipated to constrain development.

Recommended Action

None required.

C4.3.5 Density Bonus

California law requires local jurisdictions to provide density bonuses (generally ranging from five to 80 percent) and development incentives or concessions for housing developments that include housing units that are affordable to lower- and moderate-income households or senior housing or the donation of land for housing within the local jurisdiction (Government Code Section 65915-65918). Certain housing development projects may be granted unlimited density if they meet certain conditions, including projects where 100 percent of units are affordable units (including density bonus units) with no more than 20 percent of units for moderate-income households and the project is located within on-half mile of a major transit stop as defined by subdivision (b) of Section 21155 of the Public Resources Code. An unlimited density bonus means there is no cap on the total number of residential units per acre permitted on the site; however, there are other restrictions, such as height limits, that have a practical limiting effect on the number of units that can be built. Development incentives or concessions are reductions or modifications to site development standards or architectural design requirements that result in cost reductions, such as setbacks, parking requirements, and maximum building height.

The City of Dos Palos has not adopted a density bonus program or policy.

Conclusion

The City of Dos Palos does not offer any density bonuses for affordable or senior housing developments or the donation of land for housing and is therefore not in compliance with state Density Bonus Law. This is a constraint to housing development.

Recommended Action

The City will implement Housing Program 8 to amend the Zoning Code to establish density bonuses for housing developments that include housing units affordable to very low-, low-, and moderate-income households or housing units for seniors and the donation of land for housing, consistent with state Density Bonus Law.

C4.3.6 On- and Off-Site Improvement Standards

The typical improvements required by local jurisdictions for subdivision and development of property include reasonable off-site and on-site improvements for the parcels being created, including those that are necessary for public health and safety and/or are a necessary prerequisite for the orderly development of the surrounding area. As stated in HUD's study of Subdivision Requirements as a Regulatory Barrier, such requirements can reasonably be considered regulatory barriers to housing if Dos Palos determines that the requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.

The City's Zoning Code requires that any new building have full off-site public improvements, including sidewalks, curb and gutters, driveway approach, street paving, street trees, streetlights, and other conditions to ensure development in an orderly and efficient manner. Lots with existing off-site public improvements must comply with the Dos Palos standard designs of common engineering structures and be in such a condition as that required in a new subdivision or other new development work.

Dos Palos landscaping and design requirements require that new developments include landscape yards to be provided and maintained, with a permanent source of water. Additionally, in high-density residential zones (R-3 and R-4 zones), the following requirements are included in the zoning code:

- Ground-mounted air conditioning units must be screened.
- Landscaping screening is required to have full coverage in two years.
- A minimum of one tree (other than street trees) shall be required per three units, and foundation plantings (a minimum mean horizontal depth of three feet) covering the equivalent of a minimum of fifty percent of the overall horizontal building frontage shall be required in the overall project.
- Landscaping other than turf shall be located a minimum of three feet from any fire hydrant to allow access.
- The perimeter of trash enclosures shall be planted with landscaping, such as shrubs or climbing evergreen vines, unless otherwise required by the City.
- An automatic irrigation system shall be provided to all planting areas within the project, in accordance with the City's landscape ordinance.
- Parking areas shall be landscaped with a minimum of one tree per every four spaces.

Improvement Standards

The City requires curbs, gutters, and sidewalks on all residential streets, including access ramps at corners. The typical right-of-way for local streets is approximately 60 feet, 40 feet of which is for pavement. The Municipal Code provides for a minimum right-of-way width of 40 feet for a subdivision. The Municipal Code also allows for private streets to deviate from the City standards, provided that future maintenance of the streets is assured by the developer. Streetlights and fire hydrants are required at regular intervals within the city to ensure an acceptable level of public health and safety.

The extension of necessary utilities is also a requirement for all development in Dos Palos. The City has adequate capacity to provide water and sewer service to future housing development, and only needs to extend service lines to development areas. Within the city, electricity, natural gas, and communications infrastructure are provided by outside agencies. The improvement requirements imposed by those agencies are outside the purview of the City. However, the City does require approval from those agencies prior to the approval of any subdivision map.

Public improvement standards and approximate values for each standard are listed below.

- Local Street – 60-foot right-of-way, including 20 feet of pavement with two travel lanes and two parking lanes. 2.5 inches A.C. over 12 inches compacted aggregate. Value: range between \$4.00 to \$6.00/square foot.

- Curb and Gutter – 30 inches from asphalt pavement to back of curb, 7.5 inches concrete over compacted native soil. Value: \$15 to \$25 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 \$4.00 to \$5.00/square foot.
- Sewer Lateral – 4 - 6 inch PVC and/or Orangeburg (dependent upon depth) with minimum slope of 0.25-inches per foot. Value: range between \$3,000 to \$4,000 each.
- 1-inch Water Service – 0.75 and 1 inch Copper Tube Sizing polyethylene pipe, meter boxes, bronze saddles, straps, and bolts. Value: range between \$2,000 to \$4,000/ea.

Conclusion

On- and off-site improvement standards for the City of Dos Palos are typical of small cities and comparable to surrounding jurisdictions. The landscaping and design requirements are intended to improve the appearance of residential zones within the city. These requirements are not considered greater than those necessary to achieve health and safety requirements.

Recommended Action

None required.

C4.3.7 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. People 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, multi-family housing, ADUs, mobile homes, agricultural employee housing, homeless shelters, and transitional housing, among others. Table C4-6 summarizes the housing types permitted and conditionally permitted in Dos Palos.

Table C4-6 Residential Use Matrix

Residential Use	R-1-10	R-1-6	R-2	R-3	R-4	UR
Single-family	P	P	P			C ¹
Granny units	C	C	C	C	C	
Two-family			P			
Multifamily residential			P	P	P	
Roominghouse/boardinghouse				P	P	
Small Family Rest Homes (4 or fewer patients)		C	C	C	C	
Large Rest Homes (24 or less people, including members of the resident family)				C	C	
Fraternities and Sororities				P	P	

P= permitted use; C= conditional use

¹ Provided that the site for the dwelling is in an area designated by the general plan for future residential use.

Source: Dos Palos Zoning Code

C4.3.7.1 Manufactured Housing/Mobile Homes

State law mandates that manufactured homes must be permitted in the same manner and in the same zones where conventional single-family structures are permitted (Government Code Section 65852.3). The City of Dos Palos includes a definition of “Mobile Home” in the Zoning Code, but mobile homes are not a permitted or conditional use in any of the City’s zones. Manufactured homes can be an affordable option for low-income households.

Conclusion

The City does not allow mobile or manufactured housing as a permitted use in any zone, which is a constraint to the development of housing. The City’s Zoning Code is not in compliance with state law.

Recommended Action

The City will implement Housing Program 6 to revise the Zoning Code to allow mobile and manufactured housing as a permitted use in all zones where single-family structures are permitted, subject to the same requirements as single-family housing, pursuant to state law.

C4.3.7.2 Accessory Dwelling Units

In recent years, several bills have added requirements for local governments related to 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 maximum allowable 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. Both went into effect in 2023. 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 four-foot side and rear yard setbacks.

The Zoning Code does not include a definition of ADU, or similar type of unit. However, “granny units” are allowed as a conditional use in all residential zones. The City does not have an ordinance authorizing ADUs to be allowed ministerially or “by-right” in any zone that allows either single-family or multi-family residential uses. As a result, the City is not in compliance with state law.

Conclusion

The City does permit granny units with the approval of a conditional use permit (CUP); however, the Zoning Code does not provide a definition, or development standards. Therefore, the City does not comply with state ADU Law. This is a constraint to the development of housing in Dos Palos.

Recommended Action

The City will implement Housing Program 5 to revise the Zoning Code to permit ADUs in all residential and mixed-use zones, in compliance with state ADU Law.

C4.3.7.3 Multi-family

Multi-family housing is permitted in the R-2, R-3, and R-4 zones. However, these zones are in limited locations throughout the city.

Conclusion

There are limited locations within the city where multi-family housing is permitted, particularly high-density housing, which is often more affordable to lower-income households. This is a constraint to housing development.

Recommended Action

The City will implement Housing Program 6 to revise the Zoning Code to allow multi-family housing in the Central Business District (C-1) and Service Commercial District (C-2).

C4.3.7.4 Residential Care Facilities

State law requires residential care facilities with six or fewer persons to be allowed by right in zones that permit residential uses. The City of Dos Palos does not include a definition of group homes, but allows for “rest homes,” or premises used for the housing of and caring for the ambulatory, aged or infirm, which premises require a license from the state or county. Rest Homes are included as a conditional use in R-1-6, R-2, R-3, and R-4 zones. Assisted living or skilled nursing facilities with 25 patient units or more, for military veterans, disabled, or senior citizens are permitted as a conditional use in C-1 zones.

Conclusion

The requirement for a CUP for rest homes in R-1-6, R-2, R-3, and R-4 zones, and assisted living facilities in C-1 zones is not consistent with state law. This is a constraint to housing development.

Recommended Action

The City will implement Housing Program 6 to revise the Zoning Code to include a definition of “group home” that meets state law, and allow care facilities of six or less residents by-right in all zones that allow residential uses and allow residential care facilities of seven or more residents in all residential zones, approved with objectivity and certainty, and subject only to the requirements of residential uses of similar type and form.

C4.3.7.5 Emergency Shelters and Low-Barrier Navigation Centers

AB 2339 requires that jurisdictions identify zoning designations where emergency shelters are allowed to include sites that 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

Additionally, AB 2339 requires jurisdictions to identify adequate sites that can accommodate at least 10 individuals with a minimum of 200 square feet per person on at least a 2,000 square foot vacant parcel. The parcel must also allow residential uses, such as mixed-use zones that permit residential uses.

The City does not currently allow emergency shelters as a permitted use in any zone.

In 2019, AB 101 was passed requiring that a Low-Barrier Navigation Center development be a use by-right in mixed-use districts and nonresidential districts permitting multifamily uses. 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 Ordinance to explicitly allow the development of Low-Barrier Navigation Centers, by-right, in mixed-use and nonresidential districts permitting multi-family uses.

Conclusion

The City of Dos Palos is not meeting its obligations under AB 101 and AB 2339, which requires low barrier navigation centers to be allowed by right in areas zoned for mixed use and nonresidential zones permitting multi-family uses. This is a constraint to development.

Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to explicitly allow emergency shelters by-right, in residential and mixed-use zones, as well as nonresidential zones permitting multi-family uses.

C4.3.7.6 Transitional and Supportive Housing

AB 2162 requires cities to provide a “by right” process and to expedite review for supportive housing projects of 50 units or fewer. This law applies to sites in zones where multi-family and mixed uses are permitted, including in nonresidential zones permitting multi-family uses. Additionally, AB 2162 prohibits local governments from imposing any minimum parking requirements for units occupied by supportive housing residents if the development is located within one-half mile of a public transit stop. AB 2162 requires 25 percent of the units (or a minimum of 12 units, whichever is greater) to be approved by-right with no minimum parking. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers’ units, in the development shall be restricted to residents in supportive housing. Currently, the City of Dos Palos only allows assisted living facilities with a CUP in C-1 zones.

Conclusion

The City does not allow transitional or supportive housing by right in zones where multi-family and mixed uses are permitted. Therefore, the City is not in compliance with state law. This is a constraint to development.

Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to allow transitional and supportive housing by right in all multi-family and mixed uses are permitted and amend the parking standards to reduce minimum parking requirements for transitional and supportive housing located within one-half mile of a public transit stop, in compliance with AB 2339.

C4.3.7.7 Farmworker and Employee Housing

The Employee Housing Act (Health and Safety Code Section 17021.6) requires that any employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designed for use by a single family or household, shall be deemed an agricultural land 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.

The City's Zoning Code includes an Urban Reserve zone that preserves agriculture and open space resources in undeveloped areas that are planned for future urban uses. Single-family dwellings are permitted as a conditional use in the Urban Reserve zone. Neither employee housing nor farmworker housing is defined in the City's Zoning Code, or listed as a permitted use in Urban Reserve zones.

Conclusion

Dos Palos is not in compliance with Health and Safety Code sections 17021.5 and 17021.6. This is a constraint to development.

Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to permit employee housing for six or fewer employees as a single-family use and employee housing containing up to 36 beds or 12 single-family units as an agricultural use in compliance with the Employee Housing Act.

C4.3.7.8 Single Room Occupancy Units

Single-room occupancy (SRO) units are not allowed as a permitted use in any zones, nor is a definition of SRO included in the Zoning Code.

Conclusion

By not including a definition or provisions for SRO units, developers may be discouraged from developing them. This is a constraint to development.

Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to permit SROs in all residential zones allowing multi-family and commercial zones allowing hotel and motel uses.

C4.3.8 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 Dos Palos impose any constraints to persons with disabilities accessing appropriate and adequate housing in the city.

C4.3.8.1 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 Dos Palos' definition of family is as follows:

"An individual or two or more persons related by blood, marriage or adoption, with or without the addition of not more than five foster children placed by the State Department of Social Welfare or other public agency, or not more than three persons other than foster children, excluding servants, who are not related by blood, marriage or adoption to the resident persons, living together in a single dwelling unit."

Conclusion

The City's definition of "family" restricts four or more non-related individuals from living together in a single dwelling unit. This restricts the type of living arrangements possible within the city.

Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to revise the definition of "family" to include two or more persons who are not related by blood.

C4.3.8.2 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.

The City has not adopted a reasonable accommodation procedure.

Conclusion

The City is not in compliance with state regulations to provide reasonable accommodation to persons with a disability. This constrains the provision of housing for persons with disabilities.

Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to establish reasonable accommodation procedures for persons with disabilities, consistent with state law.

C4.3.9 Planning and Development Fees

The development review process is intended to regulate all projects. Through this process, residential yard size and other open space uses are determined, which in turn control population density for conformance with the General Plan. Regulation is necessary to conserve and stabilize property values, provide adequate open space, diminish street congestion; facilitate adequate community utilities such as transportation, water, sewage, schools, parks, and other public facility requirements; and to safeguard public health, safety, and general welfare.

The City charges various fees and assessments to cover the cost of processing permits and providing certain services and utilities. Planning and development fees in Dos Palos are significantly lower in comparison with other jurisdictions in the state and region. Table C4-7 describes residential development planning fees for residential development.

Table C4-7 Residential Development Planning Fees

Fee Title	Amount
Annexation	\$600 (+ \$20/acre)
Conditional Use Permit	\$250
Site Plan Review	\$150
General Plan Amendment	\$500
Minor Subdivision	\$300

Source: City of Dos Palos Planning Application

Development in the city is typically required to pay a range of development impact fees, including, fire, park dedication and improvement fees, police, storm drainage, traffic, water and wastewater

connections, school fees, and the Merced County Regional Transportation Impact Fee. Fees are typically charged per unit, as noted in Table C4-8.

Table C4-8 Residential Development Impact Fees

	Single-Family Unit	Multifamily Unit
Fire Impact Fee	\$100/unit	\$100/unit
Park Dedication Fee	\$600/unit	\$600/unit
Park Improvement Fee	\$600/unit	\$600/unit
Police Impact Fee	\$100/unit	\$100/unit
Storm Drainage Fee	\$1,500/unit	\$1,500/unit
Traffic Impact Fee	\$100/unit	\$100/unit
Water Connection Fee	\$1,900/unit	\$1,900/unit
Wastewater Connection Fee	\$1,450/unit	\$1,450/unit
School Impact Fee	\$3.28/sq ft	\$3.38/sq ft
Merced County Regional Transportation Impact Fee	N/A	N/A
Total	\$14,217	\$11,841

Source: City of Dos Palos, 1991.

As shown, an average 1,600 square foot single-family unit would incur approximately \$14,217 in development impact fees and an 800 square foot multi-family unit would incur around \$11,841. All impact fees do not distinguish between different types of residential units in their fee schedule. A unit in a multi-family building would have much of the same development impact fees as a single-family home. This lack of distinction between unit types may result in an inaccurate relationship between the impact and development type on which it is imposed. Single-family homes consume more water, and result in greater sewer and storm drain impacts than denser, multifamily homes. As a result, multifamily development is being charged higher development impact fees than what may be needed, and the fee structure is considered a constraint to development of multifamily buildings. According to AB 602, a jurisdiction is required to establish a reasonable relationship between the fee charged and the burden posed by the development. The most recent fee schedule was adopted in 1991. The City intends to update the impact fee schedule in the near future.

Single-family development fees in Dos Palos are much lower than for similarly sized cities in the same county. Fees for a single-family unit range are approximately \$14,217 in Dos Palos but range from \$12,326 to \$32,961 in the cities of Atwater, Dos Palos, Gustine, Los Banos, and Merced. However, fees for multifamily are average, fees for a multifamily unit are approximately \$11,487 per multi-family unit in Dos Palos but range from \$5,561 to \$26,423 per unit in other cities. Table C4-9 shows a comparison of development fees in other Merced County jurisdictions.

Table C4-9 Residential Development Fee Comparison

Jurisdiction	Total Cost Per Unit	
	Single-Family	Multifamily
Atwater	\$22,000	\$14,000
Dos Palos	\$14,217	\$11,841
Gustine	\$58,103	\$47,550
Livingston	\$20,804	\$5,561
Los Banos	\$32,961	\$26,197
Merced (City)	\$12,326	\$8,997
Merced (County)	\$30,996	\$26,423

Conclusion

Planning fees are significantly lower than other similar jurisdictions, and therefore, do not represent a constraint to development. However, the City’s residential development impact fees are not compliant with state law as they have not been updated in over 30 years and do not represent a reasonable relationship between the fee charged and the burden posed by the development. This is considered a constraint to development.

Recommended Action

The City will implement Program 7 to establish a fee schedule that accurately reflects the impact of single-family and multi-family development, pursuant to AB 602.

C4.3.10 Permit Types

The City of Dos Palos provides the full range of services relating to the development of property within its boundaries. Subdivision, site plan reviews, CUPs, variances, and building plans are all processed by the City. The City actively encourages developers to meet and confer with its planning staff prior to the formal submittal of an application as a means to facilitate the timely processing of the application.

Several permitting processes may be required depending on the type of development proposal.

C4.3.10.1 Site Plan Review

The City of Dos Palos allows any permitted uses in the R-1-6 zone to be allowed in the R-1-10 zone and the R-2 zone by-right through Site Plan Review (SPR). Additionally, multi-family developments are permitted by right through SPR in R-2, R-3, and R-4 zones. SPRs are approved by City staff and the Planning Commission.

The City’s SPR process is intended to ensure proposed development is consistent with the Zoning Code and General Plan. Site plans are reviewed by the site plan review committee, which consists of the Planning Commission and/or City staff. The committee must make the following findings in order to approve a site plan:

- A. All the applicable provisions of this title are complied with.
- B. The material and design of the proposed development is compatible with existing improvements in the neighborhood.

- C. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property:
 - 1. Facilities, improvements, and utilities
 - 2. Vehicular ingress, egress and internal circulation
 - 3. Setbacks
 - 4. Height of buildings
 - 5. Location of service use areas
 - 6. Walls
 - 7. Landscaping
- D. The proposed lighting is so arranged as to deflect the light away from adjoining properties.
- E. The proposed signs will not by size, location or lighting interfere with traffic or limit visibility.
- F. That any conditions of approval are deemed necessary to protect the public health, safety and welfare. Conditions may include the following:
 - 1. Requiring special yards, spaces and buffers
 - 2. Requiring fences and walls
 - 3. Requiring enclosure of storage areas and limitation on out-of-door display of merchandise
 - 4. Requiring grading, surfacing and drainage improvements
 - 5. Regulation of points of vehicular ingress and egress
 - 6. Regulation of signs
 - 7. Requiring landscaping and maintenance thereof
 - 8. Requiring maintenance of grounds
 - 9. Requiring fire-prevention equipment and measures
 - 10. Regulation of noise, vibration, odors, electrical discharge or interference
 - 11. Regulation of lighting
 - 12. Requiring street dedications and improvements: subject to the provisions of subsection G of this section
 - 13. Such other conditions as could make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter

C4.3.10.2 Conditional Use Permits

In the R-2, R-3, R-4 zones, CUPs are required for dwelling groups consisting of two or more separate single-family dwelling units on a single lot.

CUPs are reviewed and approved by the Planning Commission and require a public hearing. To approve a CUP, the Planning Commission must make all the following findings:

- A. That the site for the proposed use is adequate in size, and shape to accommodate said use and in all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust said use with land and uses in the neighborhood.
- B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

- C. That the proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property.
- D. That the proposed use is consistent with the objectives and policies of the Dos Palos general plan.
- E. That the conditions established by the commission for the CUP are deemed necessary to protect the public health, safety and general welfare. Conditions may include the following:
 - 1. Requiring special yards, spaces and buffers
 - 2. Requiring fences and walls
 - 3. Requiring enclosure of storage areas and limitation on out-of-door display of merchandise
 - 4. Requiring grading, surfacing and drainage improvements
 - 5. Regulation of points of vehicular ingress and egress
 - 6. Regulation of signs
 - 7. Requiring landscaping and maintenance thereof
 - 8. Requiring maintenance of grounds
 - 9. Requiring fire-prevention equipment and measures
 - 10. Regulation of noise, vibration, odors, electrical discharge or interference
 - 11. Regulations of time (hours or days of operation) for certain activities
 - 12. Establishing a time period within which the proposed use shall be developed
 - 13. Regulation of the time period for which the use permit will be valid and the use may be operated
 - 14. Regulation of lighting
 - 15. Requiring a bond or deposit of money to assure faithful compliance and performance on the part of the applicant for the completion of street improvements and other facilities or the removal of such facilities
 - 16. Requiring street dedications and improvements: subject to the provisions of Section 17.60.060G
 - 17. Requiring site plan review for a use, building or structure and such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this article

C4.3.10.3 Variances

Projects requesting deviation from standards of the Zoning Code may apply for a variance, which may only apply to regulations regarding structures and physical conditions of the site, but shall not apply to types of uses where the CUP or Zoning Code amendment procedures are appropriate.

Variances are subject to a public hearing and are reviewed and approved by the Planning Commission. To approve a variance, the Planning Commission shall make all of the following findings:

- A. That because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings (but not including monetary hardship), the strict

application of the provisions of this title deprives the subject property of privileges enjoyed by a substantial number of other properties in the vicinity and under identical zoning district classifications.

- B. That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity or district in which the property is located.
- C. That the granting of the variance will not adversely affect the Dos Palos general plan or any adopted specific plan.
- D. That the granting of the variance will not constitute a grant of special privilege to the property owner.
- E. That the conditions established by the commission for the variance are deemed necessary to protect the public health, safety and general welfare. Conditions may include the following:
 - 1. Requiring special yards, spaces and buffers
 - 2. Requiring fences and walls
 - 3. Requiring enclosure of storage areas and limitation on out-of-door display of merchandise,
 - 4. Requiring grading, surfacing and drainage improvements
 - 5. Regulation of points of vehicular ingress and egress
 - 6. Regulation of signs
 - 7. Requiring landscaping and maintenance thereof
 - 8. Requiring maintenance of grounds
 - 9. Requiring fire-prevention equipment and measures
 - 10. Regulation of noise, vibration, odors, electrical discharge or interference
 - 11. Regulation of lighting
 - 12. Requiring a bond or deposit of money to assure faithful compliance and performance on the part of the applicant for the completion of street improvements and other facilities or the removal of such facilities
 - 13. Requiring street dedications and improvements: subject to the provisions of Section 17.60.060G
 - 14. Regulation of the time period for which the variance shall be valid
 - 15. Requiring site plan review for a use, building or structure and such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this article

Conclusion

Site plan and permit approvals include subjective standards that require personal interpretation to determine compliance with standards. For instance, approval of a site plan requires findings that the project “material and design of the proposed development is compatible with existing improvements in the neighborhood” (Finding B). In addition, findings for CUP approval also include subjective language, specifically “the site for the proposed use is adequate in size, and shape to accommodate said use and in all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust said use with land and uses in the neighborhood” (Finding A). Assessing whether the proposed use was adequately adjusted to consider land and uses in the neighborhood is subjective. This is a constraint to development.

Recommended Action

The City will implement Program 6 has to remove subjective standards within findings for permit approvals (Site Plan Review Finding B and CUP Finding A).

C4.3.11 Permit Procedures and Processing Times

While permit processing and development review are necessary to ensure that development proceeds in an orderly manner, permit processing fees, the costs of studies, and implementation of conditions, as well as time consumed, can impact the cost of housing development.

The processing time needed to obtain development permits and required approvals is commonly cited by the development community as a prime contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time which elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include rezoning or general plan amendment requirements, public hearing required for City Council review, or a required Negative Declaration or Environmental Impact Report (EIR).

When residential projects are initiated in the city, specific approvals are required that involve permits and inspections. Depending on the level of environmental review required, the processing time for a project may be lengthened. All development in residential zones undergo site plan review.

The Community Development Department reviews all planning applications. According to the City, the typical processing time for permits, including a subdivision, Site Plan Review, or CUP, would take one to three months. This is comparable to other nearby jurisdictions such as the City of Chowchilla, as shown in Table C4-10. 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 a CUP).

Table C4-10 Timelines for Permit Procedures Comparison

Type of Approval or Permit	City of Dos Palos	City of Chowchilla
Site Plan Review	1-3 months	4 to 6 weeks
Subdivision	1-3 months	-
Conditional Use Permit	1-3 months	3 to 4 months

Source: City of Dos Palos; City of Chowchilla, 2023

Table C4-11 shows the typical processing procedures by project type for Dos Palos. As shown, single-family units have the shortest estimated processing times (two to three months) while planned unit development has the longest (8-10 months). 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 EIRs, General Plan Amendments, Rezones, or Variances).

Table C4-11 Typical Processing Procedures by Project Type

One Single-Family Unit (Weeks)	Subdivision (Weeks)	Multifamily Units (Weeks)	Planned Unit Development (Weeks)
Design Review (2-4)	Design Review (2-4)	Design Review (2-4)	Design Review (2-4)
Site Plan (6-8)	Site Plan (6-8)	Site Plan (6-8)	Site Plan (6-8)
	Tentative Map (6-9)	Conditional Use Permit (6-9)	Conditional Use Permit (6-9)
	Environmental Assessment (12)	Environmental Assessment (12)	Environmental Assessment (18)
	Final Map (10)		
Total 8-12 Weeks	36-43 Weeks	26-33 Weeks	32-39 Weeks

Source: City of Dos Palos, 2023

C4.3.11.1 Building Permits

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

- First review: 1 to 30 working days
- Second review: 1 to 14 working days
- Third review: 1 to 14 working days
- Fourth review: 1 to 14 working days
- Fifth review: 1 to 14 working days

Building permit reviews are handled by third-party consultants, so timeframes may vary depending on the consultant’s bandwidth to conduct reviews.

C4.3.11.2 State Streamlining

Under the 5th Cycle Housing Element reporting period (2015-2023), the City of Dos Palos 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 has not adopted procedures for processing SB 35 applications nor has it created a checklist for SB 35 applications. There have not been any projects approved through SB 35 ministerial approval in Dos Palos.

C4.3.11.3 Conclusion

Permit procedures and processing times are not considered a constraint to development; however, the City should adopt a process for SB 35 applications.

C4.3.11.4 Recommended Action

The City will implement Housing Program 6 to amend the Zoning Code to establish written procedures for SB 35 projects.

C4.3.12 Transparency in the Development Process

California Government Code Section 65940.1(a)(1) requires all cities that have a website to include a current schedule of fees, exactions, and affordability requirements imposed by the city, all zoning ordinances and development standards, the current and five previous annual financial reports, and an archive of impact fee nexus studies. The City of Dos Palos has a website, but it does not include planning or development information.

C4.3.12.1 Conclusion

The City's website does not comply with state transparency requirements.

C4.3.12.2 Recommended Action

The City should evaluate its compliance with the new transparency requirements per Government Code Section 65940.1(a)(1) and make changes as necessary. Provide links on the City's website to connect to the most recent versions of each resource and document.

C4.3.13 Short-Term Housing Rentals

The City of Dos Palos does not regulate short-term rental housing in the city.

C4.3.13.1 Conclusion

There are no regulations related to short-term rental housing that constrain housing in the city.

C4.3.13.2 Recommended Action

None required.

C4.3.14 Code Enforcement

Code enforcement in the city of Dos Palos is handled by the Dos Palos Police Department. Hazardous building conditions are referred to the Building Official, who then notifies the City's building inspectors. The City contracts with CSG Consultants to conduct building inspections.

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 prioritize 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.

C4.3.14.1 Conclusion

The City contracts building inspections to a qualified consultant. However, the City has not adopted the most recent (2022) California Building Code.

C4.3.14.2 Recommended Action

The City will implement Housing Program 6 to adopt the most recent (2022) California Building Code.

C4.4 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 Dos Palos.

C4.4.1 Flood

Merced County has a number of surface water resources including rivers, creeks, reservoirs, and canals. These resources include three rivers (Merced, San Joaquin, and Chowchilla), seven major creeks (Quinto, Romero, Bear, Los Banos, Owens, Mariposa, and Deadman), five reservoirs (San Luis, O'Neil Forebay, Los Banos Creek, and Burns), and four major canals (Delta-Mendota, San Luis, the California Aqueduct, and Eastside).

Flood is a natural occurrence in the Central San Joaquin Valley. The Valley is a natural drainage basin for thousands of acres of foothill and mountain land of the Sierras. Approximately 750,000 acres in the San Joaquin Subbasin are prone to flooding. In Merced County, the flood plains of the San Joaquin and Merced rivers and their tributaries encompass nearly one half of the Valley floor. Merced County has an area of roughly 380,010 acres of land that is subject to 100-year frequency floods. However, the city of Dos Palos is not located within the San Joaquin Valley floodplain.

Flood zone mapping by the Federal Emergency Management Authority (FEMA) indicates that no area of the City is located within the 100-year floodplain. According to the Merced County Local Hazard Mitigation Plan, the City is at low risk of flood and levee failure.

C4.4.2 Seismic Zones

The nearest faults of major significance to Dos Palos are the San Andreas to the west, approximately 15 miles from the county line; the Hayward and Calaveras faults to the northwest; the White Wolf, Garlock, and Sierra Nevada faults to the south; and the Bear Mountain Fault Zone about five miles east of and parallel to the eastern border of Merced County. These faults have been and will continue to be the principal source of seismic activity affecting the County of Merced, including the City of Dos Palos. The only fault known inside the County is the "Ortogonalita," also known as the

“Telsa-Ortugalita Fault,” located in the western quarter of the County, dissecting the Coast Range in a northwesterly direction. This fault has not been historically active. There have been no records of major seismic activity originating in the county, with most epicenters in the county being below a magnitude 4.0. There are no Alquist Priolo Earthquake Fault Zones in Dos Palos. According to the Merced County Multi-Jurisdictional Hazard Mitigation Plan, the city of Dos Palos is subject to occasional earthquakes of critical severity.³

C4.4.3 Wildland/Urban Fire Hazards

Fire hazard potential is largely dependent on the extent and type of vegetation, known as surface fuels, that exists within a region. Fire hazards are typically highest in heavily wooded, undeveloped areas as trees are a greater source of fuel than low-lying brush or grassland. Suburban, urban areas, or rocky barren areas have minimal surface fuels and therefore typically have the lowest fire hazard.

The California Department of Forestry and Fire Protection (CAL FIRE) ranks fire hazard of wildland areas of the state using four main criteria: fuels, weather, assets at risk, and level of service. CAL FIRE has mapped moderate and High Fire Hazard Severity Zones (FHSZ) in Merced County, outside the city boundaries.⁴ While there are no fire severity zones within the city boundaries, the city is designated as being at increased risk from wildfires⁵

C4.4.4 Conclusion

There are few environmental constraints on future development of lands for housing in the Dos Palos area. Topography of the area is level. There are no identified sensitive natural communities in the vicinity, including wetland areas or other significant areas of protected habitat. While there is a moderate risk of earthquake damage in the city, and future wildfire occurrences are likely. The City requires all new development and subdivisions to comply with California Fire and Building Code requirements for health and safety. As a result, there are no significant environmental constraints to housing development.

C4.4.5 Recommended Action

None required.

³ Merced County. Merced County Multi-Jurisdictional Hazard Mitigation Plan.2021. <https://web2.co.merced.ca.us/pdfs/oes/MercedCounty-MJHMP-2021-2016.pdf>, accessed July 2023.

⁴ CAL FIRE. Fire Hazard Severity Zones in State Responsibility Area 2023. <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>, accessed July 2023.

⁵ CAL FIRE. Communities At Risk. 2023. <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/fire-plan/communities-at-risk/#d>, accessed July 2023.

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