

F4 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 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 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.

F4.1 Summary of Local Housing Constraints

- The costs associated with 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.
- Although Los Banos' development regulations allow for a variety of densities throughout the city, development standards are not sufficiently flexible. Residential parking requirements, permitting requirements single-room occupancy units, and subjective design standards potentially constrain the development of a variety of housing types.
- Use permit regulations for small and large residential care facilities in certain zoning districts could pose a constraint to housing for individuals with special needs and use permit regulations for emergency shelters in certain zoning districts could pose a constraint on housing access for unsheltered individuals.
- Los Banos' development review and impact fees are much higher than in other cities in the region, which may be a constraint to development.

F4.2 Non-Governmental Constraints

The availability of housing is affected by a complex set of interrelated market factors including the 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.

F4.2.1 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 F4-1 provides the average price per acre for land listed for sale throughout Los Banos in August 2023. The average price per acre was significantly higher for smaller lots, most of which are located in non-agricultural districts. The average price per acre for all plots was \$390,470.70. The price per acre is less for larger lots, which average \$76,863.27.

Table F4-1 Listed Land Prices – Los Banos

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	\$782,480.00
10 or more acres	\$76,863.27
Average \$/acre	\$390,470.70

Source: Zillow, Inc. 2023.

Table F4-2 provides the average price per acre for land sold in 2022 in Los Banos. The average price per acre for all land sales across Los Banos was \$403,245.80, slightly higher than the average list price shown above. The average sales price per acre for larger lots was \$8,981.48, which is lower than the average price per acre for all sales, but higher than the average price per acre for listed properties.

Table F4-2 Sold Land Prices – Los Banos

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	\$442,672.23
10 or more acres	\$8,981.48
Average \$/acre	\$403,245.80

Source: Zillow, Inc. 2023.

F4.2.1.1 Conclusion

The housing market (vacant and developed land) in the City of Los Banos 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.

F4.2.1.2 Recommended Action

None required.

F4.2.2 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 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 affordable multi-family projects, the cost of construction in the county is estimated to be between \$400,000 and \$675,000 per unit.¹ The estimate includes direct and indirect (e.g., insurance, permits, utilities, plans) construction costs, including material, labor, and equipment costs, the price of land, development impact fees, and administrative costs.

Table F4-3 shows the estimated cost of constructing a basic 1,500 square foot single family home to be \$300,252.19 in incorporated areas of the county and \$243,977.58 in unincorporated areas. This estimate includes construction costs such as materials, labor, and equipment costs, but does not include the price of land, development impact fees, administrative costs, or developer profit.

Table F4-3 Estimated Construction Cost

Item	Cost
Material ¹	\$146,386.55
Labor ²	\$92,711.48
Equipment ³	\$4,879.55
Total	\$243,977.58

Based on average costs of lots and units sold in 2022 and 2023. Typical 6,000 sq. ft. residential lot and 1,500 sq. ft. single-family unit; 20 percent administrative costs and developer profit.

Source: Zillow, Inc 2023

Table F4-4 shows the estimated typical development costs in Los Banos for a single-family home, assumed to be 1,600 square feet, and a 10-unit multi-family development with 800-square foot units. This includes the price of land, site improvement costs, construction costs, and permit and development impact fees; however, this does not include financing or marketing costs by the developer. As shown in the table below, the typical cost of an individual single-family development is an estimated \$772,779, while the development cost of an apartment unit is an estimated \$367,556.

¹ Central Valley Voice, City of Merced Affordable Housing Project Update, October 1, 2022, <https://centralvalleyvoice.com/2023/02/22/city-of-merced-affordable-housing-project-update/> accessed June 2023.

Table F4-4 Estimated Construction Cost

Cost Type	Single-Family ¹	Multi-Family ²
Home Price ³	\$480,000	\$2,400,000
Site Improvement Cost	\$8,000	\$20,000
Construction Cost	\$267,790	\$1,198,400
Permit and Impact Fees	\$16,989	\$57,160
Total Cost	\$772,779	\$3,675,560
Cost per Unit	\$772,779	\$367,556

(1) Assumed to be a 1,600 sq. ft. single family home.

(2) Assumed to be a 10-unit multi-family complex of 800 sq. ft. units.

(3) Land price based on average price per square foot provided by the city at \$300 per square foot

There is little that municipalities can do to mitigate the impacts of high construction costs, apart from reducing the number of local amendments to uniform building codes that unnecessarily increase construction costs without significantly adding to health, safety, or construction quality.

F4.2.2.1 Conclusion

Although the cost of construction constrains affordable housing development, construction costs are similar across jurisdictions in Merced County, illustrating that the constraints are market driven rather than a product of local policies.

F4.2.2.2 Recommended Action

None required.

F4.2.3 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, 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 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.

F4.2.3.1 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.

F4.2.3.2 Affordable Housing Financing

A description of available funding sources for affordable development is provided in Chapter F3, *Housing Needs Assessment*.

F4.2.3.3 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 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.

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, 8,028 of the applications received were for conventional loans and 2,732 were for government backed loans. As discussed in Chapter 3, *Regional Housing Constraints*, 37.0 percent of the conventional loans originated, and 12.6 percent of the applications were denied. Additionally, 10.7 percent of the government backed loans were originated and 3.1 percent of the applications were denied.

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 was 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). Black/African American residents were overrepresented in application denials (four percent of denials, three percent of the population).

F4.2.3.4 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 Los Banos, the average time between project approval and request for building permit is typically three to nine months but varies by type of project. Some projects take years to pull building permits and secure financing. Building permit approval for single-family residences is a two-step process, where the single-family residence is part of a larger development. The master plans for each residential model are approved generally within 30 to 45 days and multi-family is typically 60 days because the project sites are usually more complex.

F4.2.3.5 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.

F4.2.3.6 Recommended Action

The City shall continue to implement goals and policies to support homeownership opportunities and homebuyer education, particularly for racial and ethnic groups underrepresented in the homebuying market. This includes maintaining existing local programs such as the Homebuyer Assistance Program as well as state and federal program funding. The City will implement Program 10 to identify resources and funding to assist moderate and lower-income homebuyers. Through this program, Los Banos will promote the availability of Permanent Local Housing Allocation (PLHA) funds provide assistance for qualifying applicants includes help to cover costs of mortgage, rent, rental deposit, and/or utility expenses, with the goal of assisting eight households through these funds.

F4.2.4 Requests for Lower Development Densities

In Los Banos, requests for development at densities below anticipated densities seem to mostly occur for smaller townhouse projects on infill lots in established neighborhoods. The development approval of such projects at densities lower than maximum allowed densities is often driven by market preferences for the inclusion of certain project features and are not necessarily due to any singular code requirement. There is a strong preference for these types of developments to include two-car garages and larger unit sizes, which then limits site planning.

F4.3 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.

F4.3.1 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 district guide new development and provide both developers and the public with an understanding of how vacant land should be developed in the future. This includes the density of development that will occur within a particular zoning district, the compatibility of planned uses in each area, and the range and type of buildings and uses that will be located throughout Los Banos.

F4.3.1.1 General Plan

The Los Banos 2042 General Plan, adopted in 2022, provides policies and programs to guide development in the City. The General Plan Land Use Element 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, multi-family dwellings, townhomes, condominiums, and mobile homes. Residential densities in Los Banos cover a wide spectrum that promotes the development of various housing types.

The Los Banos General Plan contains the following residential land use designations:

- Low Density Residential: *2-6 units per acre*. Intended for single-family development on lot sizes found in more urban settings.
- Medium Density Residential: *7-20 units per acre*. Intended for small-lot single-family, low-density apartment complexes and multiple-unit homes.
- High Density Residential: *20-30 units per acre*. Intended for multi-family apartments and condominium development.
- Downtown Mixed Use: *up to 30 units per acre*. Intended for mixed-use development, located downtown, allowing for a mixture of commercial, office, institutional, public/semi-public, and residential uses.
- Agriculture/Rural: *up to 0.1 units per acre*. Intended for rural and agricultural land uses without municipal services. The typical development allows for large parcels with housing and agricultural-related service buildings and uses.

Conclusion

The General Plan includes six land use designations that allow residential uses with a density range from 0.1 to 30 dwelling units per acre. The densities are sufficiently high to allow the development of affordable housing for all income levels. Minimum densities are included to maximize residential development on a limited supply of land as well as achieve a balance and variety of housing types.

Recommended Action

None required.

F4.3.1.2 Zoning Ordinance

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 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 specific parcel.

The City’s Zoning Ordinance allows residential uses in the following residential districts:

- **Low Density Residential District (R-1):** The R-1 district is intended to provide a suitable environment for family life on a neighborhood basis, allowing single-family dwellings with a maximum residential density of six units per acre.
- **Medium Density Residential District (R-2):** The R-2 district is intended to accommodate a variety of housing types, such as detached and attached single-family homes, duplexes, and triplexes with a maximum residential density of 20 units per acre.
- **High Density Residential District (R-3):** The R-3 district is intended to accommodate multi-family uses, allowing triplexes and apartment buildings with a maximum residential density of 30 units per acre.
- **Mixed Use (M-X):** The M-X district is intended to foster retail development, with associated residential, thereby enhancing the district as a pedestrian oriented shopping area.
- **Rail Corridor District (R-C):** The R-C district is intended to allow a mix of development and a variety of housing types within the Rail Trail Corridor. Allowed residential uses include live-work facilities, stacked and courtyard flats, townhouses, cottage houses, and mixed-use development.

In Los Banos, minimum residential lot sizes are required in some districts. Table F4-5 provides the minimum lot area per dwelling unit standard by zoning district.

Table F4-5 Site Area Per Dwelling Unit (RM)

District	Lot Area
R-1	6,000 square feet (7.2 units per gross acre)
R-2	4,000 square feet (10.9 units per gross acre)
R-3	3 units per the first 6,000 square feet and 1 unit per 1,500 square feet thereafter (30 units per gross acre)
M-X	1,000 square feet (43.5 units per gross acre)
R-C	None

Source: Los Banos Zoning Ordinance, Adopted June 2023.

Conclusion

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

Recommended Action

None required.

F4.3.2 Residential Development Standards

Table F4-6 shows the development standards for residential districts. The minimum parcel area for residential districts ranges from 6,000 square feet to 40 acres. Maximum site coverage ranges from five percent to 60 percent of the lot area.

The front setback requirement is 30 feet for AC and RR districts, 15 feet for all RS, RM districts and DRM-3 district, 20 feet for the DRM-2 district, and zero to 10 feet for the D-MX district. The side setback requirement is 30 feet for AC and RR districts, 15 feet for RS and RM districts, five to 10 for DRM districts, and zero for the D-MX district. Rear setback requirement is 30 feet for AC and RR districts, five feet for RS-2 and RM-1 districts, 10 feet for RS-1, RM, and DRM districts; and zero to 10 feet for the D-MX districts.

Maximum height requirements are 35 feet for AC, RR, RS, and RM-1 districts and 30 feet for RM-2 and RM-districts. Maximum height is 30 feet for the DRM-2 district, 40-50 feet for the DRM district, and 40 feet for the D-MX district. Maximum density ranges from 0.02 units per acre in the AC district to 41 units per acre in the D-MX districts.

Table F4-6 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	Side	Rear				
R-1	6,000 sq. ft.	20 ¹	5-20	10-20 ²	30	15 ³	70	-
R-2	4,000 sq. ft.	10-20	0-5	10-20	30	-	70	-
R-3	-	15	0-20	10	50	-	70	30
M-X	1,000 sq. ft.	0 ⁴	0	0	50	-	-	-
R-C	-	0	0	0	3 Floors for mixed use buildings, stacked flats 2 Floors for live-work buildings, courtyard flats, townhouses, and cottage houses	-	-	-

¹ 10 feet for lots fronting a cul-de-sac bulb

² 10 feet for single-story and accessory structures; 20 for two-story or more structures

³ CUP required for increased height

⁴ Except if bordering major or collector street

Source: Los Banos Zoning Ordinance, Adopted June 2023.

F4.3.2.1 Conclusion

Development standards related to parcel area, setbacks, height of primary structures, site coverage, and density do not constrain residential development.

F4.3.2.2 Recommended Action

None required.

F4.3.3 Parking

According to the Turner 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. 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 F4-7 provides the residential parking requirements in Los Banos.

Table F4-7 Residential Parking Requirements

Residential Use		Required Parking Spaces
Single family units	1,000 sq. ft. or more	2 per unit
	Less than 1,000 sq. ft.	1 per unit
Two-, three-, and four-family	1 bedroom or less	1.5 per unit
	2 or more bedrooms	2 per unit
Multi-family units	1 bedroom or less	1.5 per unit
	2 or more bedrooms	2 per unit
Senior residential units	Semi-independent/dependent units	0.5 per unit plus 1 per employee
	Retirement homes	1.5 per unit plus 1 per employee

Source: Los Banos Zoning Ordinance, Adopted June 2023.

F4.3.3.1 Conclusion

Residential parking requirements for one-bedroom or smaller units pose a potential constraint to housing development. Requiring more than one parking space for smaller units can be cost prohibitive for developers and may pose site design challenges.

F4.3.3.2 Recommended Action

The City will implement Program 6 to revise parking requirements for one-bedroom units to no more than one space per unit.

F4.3.4 Open Space and Park Requirements

Open space requirements are established for the R-3 district and Rail Corridor District. In the R-3 district, each building site must provide landscaped and usable recreational and leisure areas equaling at least 200 square feet per dwelling unit. This area may include landscaped areas, walkways, recreation areas without structures, driveways, or parking spaces. The Rail Trail Corridor Regulating Plan outlines required open space in the Rail Corridor District, which consists of specific planned public spaces on planned sites. There are no open space requirements for housing development.

F4.3.4.1 Conclusion

Development standards related to open space and park requirements do not constrain residential development in Los Banos.

F4.3.4.2 Recommended Action

None required.

F4.3.5 Growth Management

The Los Banos 2030 General Plan Land Use Element guides sustainable, balanced land use patterns that meet existing needs and will sustain future needs of the city. The Land Use Element promotes a well-defined compact urban form in order to preserve and protect agricultural lands and maintain the City's character. To achieve compact development, the Land Use Element establishes an Urban Growth Boundary (UGB) in which all developed is planned to occur within. The Land Use Element designates a mix of land uses that meet the housing and economic development needs of the community while balancing growth so that mixed use and high-density residential uses are concentrated in Downtown.

F4.3.5.1 Conclusion

The City's growth management policy, as enforced by the UGB, does not constraint the development of housing in the city.

F4.3.5.2 Recommended Action

None required.

F4.3.6 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.

Article 34 of the City's Zoning Ordinance 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 Government Code Section 65915. The City grants a density bonus for housing developments consisting of five or more residential units that meet at least one of the following criteria:

- At least ten percent of the total units of the housing development as target units affordable to lower income households;
- At least five percent of the total units of the housing development as target units affordable to very low-income households;
- The project is a senior citizen housing development or is a mobile home park that limits residency based on age requirements for housing older persons;
- At least ten percent of the total dwelling units in a common interest development are for persons and families of moderate income, provided, that all units in the development are offered to the public for purchase;
- At least ten percent of the total number of proposed units of housing for transitional foster youth disabled veterans or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act;
- At least twenty percent of the total number of proposed units for lower income students in a student housing development that meets the requirements.

Density bonuses range from five percent to 35 percent dependent on the income level and percentage of affordable units. In addition, housing developments with at least 10 percent of units for transitional foster youth, disabled veterans, or homeless persons qualify for a density bonus of 20 percent. Housing developments with at least 20 percent of units for low-income students qualify for a density bonus of 35 percent. Regulatory concessions include waivers or reductions in development standards or modifications of parking requirements. Rental units must remain affordable for 55 years, and ownership units require an equity sharing agreement that is effective upon re-sale.

Applicants requesting a tentative subdivision map, parcel map, or other residential zoning entitlement development that donates land to the City for the purpose of constructing affordable housing are eligible for a density bonus. Density bonuses for housing developments with land donations range from 15 to 35 percent based on the income level and percentage of affordable units.

Inclusionary housing ordinances are implemented by local jurisdictions that require developers to reserve a certain percentage of units to further increase lower income housing stock. Los Banos does not have an inclusionary housing ordinance.

F4.3.6.1 Processing of Density Bonus and Incentive Requests

Within 30 days of receipt of a complete written proposal, the director shall notify the applicant in writing of: the types of incentives which may be recommended in order to comply with Article 34; and whether staff may support the granting of a density bonus on the basis of required development standards and findings. The target units must be compatible in floor plan, furnishings,

and exterior design to non-designated units. Further, the target units must be reasonably dispersed throughout the development. Each density bonus project shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document approved as to form by the City attorney.

F4.3.6.2 Conclusion

Recently passed state legislation includes new updates for density bonuses. Assembly Bill (AB) 571 prohibits local governments from charging affordable housing impact fees, including inclusionary zoning fees, public benefit fees, and in-lieu fees on deed-restricted affordable units that are part of a project eligible for a density bonus under state Density Bonus Law. AB 491 requires common entrances to amenities for affordable housing units and market-rate housing units in mixed income multi-family structures. AB 2345 amended the state Density Bonus Law to increase the maximum density bonus from 35 percent to 50 percent and the levels of bonus density between 35 percent and 50 percent are granted on a sliding scale. AB 1287 requires that additional density bonuses are to be administered when housing development conforms to specified requirements.

F4.3.6.3 Recommended Action

The City will implement Program 6 to revise the City's density bonus requirements to comply with state law. In addition, Program 8 will establish density bonus standards and density increases under the City's Density Bonus Ordinance. Standards for this include an expedited and streamlined project application review for housing for very low-income households, large families, persons with disabilities or developmental disabilities, and farmworkers. Under this program, the Zoning Ordinance will be amended by January 31, 2025, to establish density bonuses for the housing types listed above.

F4.3.7 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 a necessary prerequisite for the orderly development of the surrounding area. As stated in the U.S. Department of Housing and Urban Development's Study of Subdivision Requirements as a Regulatory Barrier, such requirements can reasonably be considered regulatory barriers to affordable housing if Merced 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 Ordinance requires curbs, gutters, sidewalks, and streetlights for new subdivisions. According to the City's Improvement Standards and Specifications, the typical right-of-way for residential streets is 52 feet. Private residential streets may deviate from the City standards. Streetlights and fire hydrants are required at regular intervals within the City to ensure an acceptable level of public health and safety. Residential streets shall have full off-site public improvements, including sidewalks, and other conditions to ensure development in an orderly and efficient manner.

The City's Zoning Ordinance also requires the extension of necessary utilities for all development in Los Banos. 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.

F4.3.7.1 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 58 feet, 36 feet of which is for pavement. The Municipal Code provides for a minimum right-of-way width of 36 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 Los Banos. 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 Residential Street – 58-foot right-of-way, including two travel lanes and parking. Value: range between \$4.00 to \$6.00/sf.
- Curb and Gutter – 30 inches from asphalt pavement to back of curb, 6 inches concrete over compacted native soil. Value: \$15 to \$25 per linear foot, dependent upon method of construction.
- Sidewalk – Five-to-six foot width for residential streets. Value: range between \$4.00 to \$5.00/sf.
- Sewer Lateral – Four-inch PVC (dependent upon depth) with minimum slope of one-quarter-inch per foot. Value: range between \$3,000 to \$4,000/ea.
- One-inch Water Service – One-inch copper tube sizing polyethylene pipe, meter boxes, bronze saddles, straps, and bolts. Value: range between \$2,000 to \$4,000/ea.

F4.3.7.2 Conclusion

On- and off-site improvement standards for the City of Los Banos are typical of small cities and comparable to surrounding jurisdictions. The City does not consider the requirements to be greater than those necessary to achieve health and safety requirements.

F4.3.7.3 Recommended Action

None required.

F4.3.8 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, multi-family housing, accessory dwelling units, mobile homes, agricultural employee housing, homeless shelters, and transitional housing, among

others. TableF4-8 summarizes the housing types permitted and conditionally permitted for the City of Los Banos.

TableF4-8 Residential Use Matrix

Residential Use	R-1	R-2	R-3	M-X	R-C
Single-family	P	P			
Secondary unit	P				
Duplex		P			
Triplex		P	P		
Multi-family residential				P	P
Small family daycare home	P	P	P	P	
Large family daycare home	P	P	P	P	
Day care center	U	U	U	U	
Group home	P	P			
Group Dwellings for 7 or more persons			P		
Mobile Home Parks		U	U		
Residential care facilities for 6 or fewer persons	P	P		P	
Residential care facilities for 7 or more persons	U	U	P		
Special needs housing for 6 or fewer persons	P	P			P
Special needs housing for 7 or more persons	U	U	P		P
Transitional/supportive housing for 6 or fewer persons	P	P		P	P
Transitional/supportive housing for 7 or more persons	U	U	P	P	P
Emergency homeless shelter	U	P	P		
Employee Housing for 6 or fewer persons	P	P		P	P
Employee Housing for 7 or more persons	U	U	P		
Mixed use development				P	P
Live-work facilities					P
Single room occupancy					

P = permitted; U = Use Permit
 Source: Los Banos Zoning Ordinance, Adopted June 2023.

F4.3.8.1 Conclusion

The City allows for a variety of housing types in residential districts.

F4.3.8.2 Recommended Action

None required.

F4.3.8.3 Manufactured Housing

Mobile home subdivisions are permitted in the R-2 and R-3 districts. In addition, manufactured homes are permitted as an accessory dwelling unit provided it meets the standards for new detached accessory dwelling units, including yard, setback, height, and architectural requirements. A manufactured home shall be constructed on a permanent foundation.

Conclusion

Manufactured housing requirements do not constrain residential development.

Recommended Action

None required.

F4.3.8.4 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 requirements. Both are in effect as of 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 City permits the construction of one ADU and one JADU per lot with a proposed or existing single-family dwelling. Lots with existing multi-family dwelling units are permitted no more than two ADUs. ADUs are subject to development standards and conditions outlined in Article 30, Section 9-3.3005 of the City's Zoning Ordinance and included below:

- **Minimum Lot Area.** There shall be no minimum lot area required in order to establish an ADU and/or JADU.
- **Setback Requirements.** ADUs and JADUs shall comply with the setback requirements applicable to the zoning district, except as noted below:
 - For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the existing provided setback.
 - For replacement of an existing enclosed structure, garage, or carport, no existing setback is required, beyond the existing provided setback. This provision shall only apply to ADUs and JADUs that are replacing existing structures within the same footprint that does not exceed the existing structure's size and/or height.
 - Newly constructed detached ADUs may provide a minimum setback of four (4') feet from all side and rear property lines.

- **Building Height.** Detached ADUs shall not exceed one story and a height of sixteen (16') feet, unless the ADU is constructed above a garage, in which case the structure shall comply with the height limits of the underlying zoning district.
- **Unit Size.**
 - The maximum size of a detached or attached ADU is 850 square feet for a studio or one bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
 - An attached ADU that is created on a lot with an existing or proposed single-unit dwelling is further limited to 50 percent of the floor area of the existing or proposed dwelling.
 - Application of development standards, such as floor area limit or site coverage, might further limit the size of the accessory dwelling unit, but in no case shall the floor area limit, open space, or site coverage requirement reduce the accessory dwelling unit to less than eight hundred (800) square feet.
 - The maximum size of a JADU is 500 square feet.
 - The minimum size of an ADU or JADU shall be at least that of an efficiency unit.
- **Design.** An ADU and/or JADU shall be similar or the same as the principal dwelling with respect to architectural style and design, roof pitch, color, materials, and landscaping.
- **Foundation.** A permanent foundation shall be required for all ADUs.
- **Manufactured Homes.** A manufactured home may be used as an ADU provided it meets the standards for new detached ADU in this section, including the yard, setback, height and architectural requirements. The manufactured home shall be constructed on a permanent foundation. Other types of portable or temporary housing, such as mobile homes, recreational vehicles, or tents may not be used as ADUs.
- **Fire Sprinklers.** ADUs and/or JADUs shall not be required to provide fire sprinklers if they are not required for the principal residence.
- **Passageway.** No passageway shall be required in conjunction with the construction of an ADU and/or JADU.
- **Access.** Every ADU shall have direct exterior access independent of the exterior access of the primary dwelling. The entrance to the ADU shall, whenever possible, be located on a different side of the building from the entrance to the primary dwelling unit. There shall be no exterior stairway to the second floor of a primary dwelling unit from the front of the primary dwelling unit.
- **No Separate Conveyance.** An ADU or JADU may be rented, but no access ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single unit dwelling) or from the lot and all of the dwellings (in the case of a multi-unit dwelling).
- **Short-Term Lodging.** The ADU and/or JADU shall not be rented for periods of less than 30 days.
- **Owner-Occupancy.**
 - **ADU.** Either the principal dwelling unit or the ADU must be the permanent residence of the owner of the lot. However, the owner-occupancy requirement does not apply to any ADU permitted between January 1, 2020, and January 1, 2025.
 - **JADU.** Either the principal dwelling unit or the JADU must be the permanent residence of the owner of the lot. However, the owner-occupancy requirement does not apply to any JADU unit owned by a governmental agency, land trust, or housing organization.

- Deed Restriction and Recordation Required. Prior to the issuance of a building and/or grading permit for an ADU or JADU, the property owner shall record a deed restriction with the County Recorder’s office. The deed restriction document shall notify future owners of the owner occupancy requirements, prohibition on the separate conveyance, the approved size and attributes of the unit, and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the accessory dwelling unit and/or junior accessory dwelling unit exists on the lot.

Conclusion

The City of Los Banos’ ADU Ordinance was last updated in 2021 and is not in compliance with more recently adopted state legislation.

Recommended Action

The City will implement Program 5 to revise the ADU Ordinance for compliance with state law.

F4.3.8.5 Multi-Family

Multi-family housing is permitted by right in the R-3, M-X, and R-C districts. Multi-family development is not permitted in any other zoning district.

Conclusion

Adequate land is available within the R-3, M-X and R-C districts to accommodate future multi-family development. Multi-family development requirements are not a constraint to development.

Recommended Action

None required.

F4.3.8.6 Group Homes/Residential Care Facilities

State law requires residential care facilities with six or fewer persons to be allowed by-right in all zones that allow residential uses. Group homes and residential care facilities of six or fewer persons are considered residential uses and are permitted by right in R-1 and R-2 districts. The City’s Zoning Ordinance permits residential care facilities serving more than six persons by-right in the R-3 district and with a use permit in the R-1 and R-2 districts.

In 2018, AB 2162 required cities to change their zoning 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 use. 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.

Conclusion

The conditional use permit requirement for large care facilities (more than six residents) in the R-1 and R-2 districts is a constraint to the development of these uses.

Recommended Action

The City will implement Program 6 to revise the Zoning Ordinance to allow care facilities of seven or more residents in all residential districts, approved with objectivity and certainty, and subject only to the requirements of residential uses of similar type and form.

F4.3.8.7 Emergency Shelters

The City of Los Banos allows emergency shelters by right in the R-2, R-3, and General Industrial districts and with a use permit in the R-1 district. The maximum stay for any person is limited to six months.

AB 139, which went into effect on January 1, 2020, mandates that emergency shelters may only be subject to standards that apply to residential and commercial development within the same zone. AB 139 also states that there should be sufficient parking to accommodate all staff working in the emergency shelter.

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 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

Zoning districts identified to allow emergency shelters as a permitted use without a discretionary permit must also allow residential uses. The City permits emergency shelters by-right in the R-2 district which also permits residential uses, and in the R-3 district which permits multi-family residential uses, which satisfies that requirement of AB 2339. The City's requirements for emergency shelters are as follows:

- Emergency shelters shall be operated under the authority of a governing agency or private organization that is properly registered and licensed.
- Emergency shelters shall comply with applicable California Health and Safety Codes.
- Emergency shelters shall comply with all property development standards of the zone in which they are located, and in addition, no emergency shelter shall be located within 300 feet of another such facility.
- Parking shall be as required by Title 9, Article 3, Chapter 20 "Off-Street Parking" unless the applicant provides substantial evidence demonstrating that the actual parking need is lower, subject to the approval of the Community and Economic Development Director or designee.
- Each emergency shelter shall include, at a minimum, the following:
 - Interior and exterior lighting necessary for security, safety, and operational purposes conforming to the California Code of Regulations;

Merced County Multi-Jurisdictional Housing Element (2024-2032)

- If client intake is to occur on-site, there shall be an indoor client intake/waiting area equal to a minimum of 10 square feet per bed. If an exterior waiting area is also provided, it shall be enclosed or screened from public view;
- Clean, sanitary beds and sanitation facilities, including showers and toiletries; and
- Segregated sleeping, lavatory and bathing areas that accommodates both men and women. Reasonable accommodation shall be made to provide for families.
- At least one facility manager shall be on-site at all hours the facility is open and one hour prior to and after facility operating hours. At least one full-time equivalent employee shall be required to be on-site during facility operating hours for every 20 beds in the facility.
- Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:
 - Central cooking and dining room(s);
 - Recreation areas, indoor and/or outdoors;
 - Laundry facilities for clients to wash their clothes;
 - Intake and administrative offices;
 - Counseling and other supportive services; or
 - Secure storage areas for bicycles and other personal possessions.
- The agency or organization operating the shelter shall have a written Facility Management Plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; training, counseling, and treatment programs for residents, and facility information, including the number of persons who can be served nightly, the location of onsite waiting and intake areas, the provision of onsite management, and onsite security during hours of operation.

Identified sites with the R-2 and R-3 districts must also have a minimum area of 200 square feet per unsheltered person to 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 district.

The Merced City and County Continuum of Care Point-in-Time (PIT) count estimated that 855 people experienced homelessness in Merced County in 2022, including 555 in Merced, 125 in Los Banos, and 59 in Atwater. Pursuant to AB 2339, 25,000 square feet or 0.57 acres of land is required to shelter the 125 unsheltered individuals from the 2022 PIT using 200 square feet per person.

As shown on Table F4-9, the R-2 and R-3 districts have potential capacity for more than 125 individuals in emergency shelters. Therefore, there is adequate land with appropriate zoning to accommodate emergency shelters in Los Banos.

Table F4-9 Emergency Shelter Capacity Analysis

APN	Zoning	Acreage	Realistic Capacity (beds)	Vacant/Non-Vacant
25052025	R-2	0.26	56	Vacant
25081014	R-2	0.26	56	Vacant
25081010	R-2	0.17	37	Vacant
27081024	R-2	0.48	104	Vacant
25042001	R-2	0.58	126	Vacant
25052024	R-2	0.26	56	Vacant
25051014	R-2	0.17	37	Vacant
27171040	R-3	0.29	62	Vacant
27060004	R-3	0.37	80	Vacant
27130002	R-3	3.05	664	Vacant
27130020	R-3	0.81	175	Vacant
83100084	R-3	8.47	1,845	Vacant
27171038	R-3	0.22	47	Vacant
27060007	R-3	0.32	69	Vacant
Total for vacant		23.90	3,414	

Source: City of Los Banos, 2023

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 multi-family 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’s Zoning Code is inconsistent with state law requiring low-barrier navigation centers to be allowed by-right in areas zoned for mixed use and nonresidential zones permitting multi-family uses. Additionally, the requirement to not locate an emergency shelter within 300 feet of another such facility, may constrain the provision of adequate emergency shelter facilities.

Recommended Action

The City will implement Program 6 to amend the Zoning Ordinance to explicitly allow the development of Low-Barrier Navigation Centers, by-right, in mixed-use and nonresidential districts permitting multi-family uses and remove the separation requirements.

F4.3.8.8 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 multi-family 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 as a permitted use in all zoning districts that allow residential uses, including multi-family uses. The City does not impose additional requirements on transitional and supportive housing types beyond those that apply to residential uses.

Conclusion

The City does not impose additional requirements on transitional and supportive housing types.

Recommended Action

None required.

F4.3.8.9 Farmworker Housing/Employee Housing

The Employee Housing Act (California Health and Safety Code 17021.6) requires that any employee housing consisting of no more than 36 beds in a 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.

Agriculture is only allowed in the R-1 district, subject to a use permit. Employee housing for six or fewer persons is allowed by-right in the R-1, R-2, M-X, and R-C districts and employee housing for seven or more persons is allowed by-right in the R-3 district. In R-1 districts, employee housing projects containing up to 36 beds or 12 single-family units are grandfathered in, where feasible. A CUP is required for employee housing for seven or more persons in the R-1 and R-2 districts.

Conclusion

The City’s Zoning Code does not allow employee housing for seven or more residents or 36 beds.

Recommended Action

The City will implement Program 6 to revise the Zoning Code to ensure employee housing is deemed an agricultural use, and remove CUP requirements for employee housing for seven or more residents or 36 beds in R-1 districts, in compliance with the Employee Housing Act (Health & Safety Code Section 17021.6).

Single-Room Occupancy Units

Single-room occupancy (SRO) units are permitted under a conditional use permit in the R-3 district.

Conclusion

While the City's Zoning Code permits SRO units with a CUP in the R-3 district, the development potential for these types of units is limited. This is potentially a constraint to the development of a variety of housing types in Los Banos.

Recommended Action

The City will implement Program 6 to revise the Zoning Ordinance to allow the development of SRO units in residential districts allowing multi-family uses and/or commercial districts allowing hotel and motel uses.

F4.3.9 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 peoples 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 Los Banos impose any constraints on persons with disabilities accessing appropriate and adequate housing in the city.

F4.3.9.1 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 Los Banos' definition of family is as follows:

"[O]ne or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, or fraternity or sorority house."

Conclusion

The City's definition of "family" is not restrictive.

Recommended Action

None required.

F4.3.9.2 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’s Zoning Ordinance Article 46, Reasonable Accommodation, establishes the reasonable accommodation process. Written requests for Reasonable Accommodation are reviewed and approved by the Community and Economic Development Director and decisions are issued within 30 days of the date of the application.

Conclusion

The City provides procedures for reasonable accommodation to allow modifications to facilitate access to housing for persons with disabilities without any discretionary requirements.

Recommended Action

None required.

F4.3.10 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. Development impact fees in Los Banos are much higher compared to other jurisdictions in the region, particularly for annexations, general plan amendments, zone changes, site plan review, and tentative subdivision maps. For example, the general plan amendment fee is \$8,034.82 in Los Banos, \$2,031 (Actual cost + 20%) in Atwater, and \$2,975+\$145/acre in the City of Merced. The site plan review fee is \$3,133.79 in Los Banos, compared to \$881 to \$1,469 in the city of Merced, and \$1,560 plus an engineering deposit in the

City of Livingston. Table F4-10 describes some of the residential development planning fees for both single- and multi-family development.

Table F4-10 Residential Development Planning Fees

Fee Title	Amount
Annexation	\$23,731.72
General Plan Amendment	\$8,034.82
Zone Change/Pre-Zone	\$7,489.10
Conditional Use Permit	\$1,940.24
Site Plan Review	\$3,133.79
Variance	\$1,594.30
Tentative Subdivision Map - up to 100 lots	\$9,259.06
Tentative Subdivision Map - 101+ lots	\$12,101.86
Revised Tentative Map	\$4,575.05
Planned Development	\$4,554.77
Development Agreement	\$3,500.00
Final Development Plan	\$2,000.00
Environmental Review/Categorical Exemption	\$197.75
Negative Declaration/Initial Study	Actual Cost + 20%/Deposit/Cost Recovery Contract
Environmental Impact Report	Actual Cost
Minor Subdivision/Parcel Map	\$1,024.15
Lot Line Adjustment/Parcel Merger	\$415.16
Reimbursement Agreement	\$3,500.00
Appeal	\$2,587.84
Time Extension	\$2,404.91

Source: City of Los Banos Complete Fee Schedule, Effective 2019.

Table F4-11 shows development impact and permit fees for single-family and multi-family prototype developments. In Los Banos, development impact fees average about \$32,961.17 for a single-family home, \$26,197.02 per unit for a multi-family project, and \$17,839.30 per unit for age-restricted units. The City does not usually waive fees for the development of affordable housing. However, HOME and other funds may be used to help bridge the financial gap for affordable housing.

Table F4-11 Residential Development Fees

Impact Fee	Single Family	Multi-Family	Age Restricted
Fire Fee/unit	\$1,503.94	\$1,202.67	\$814.14
Police Fee/unit	\$2,814.22	\$2,251.13	\$1,523.07
Parks & Rec. Fee/unit	\$8,401.99	\$6,721.11	\$4,547.69
Water Fee/unit	\$7,551.99	\$6,042.07	\$4,087.41
Sewer Fee/unit	\$5,794.59	\$4,636.16	\$3,137.00
Storm Drain Fee/unit	\$3,536.29	\$2,829.75	\$1,914.01
Traffic Fee/unit	\$1,558.93	\$1,079.53	\$841.64

Impact Fee	Single Family	Multi-Family	Age Restricted
General Government Fee/unit	\$839.24	\$671.87	\$454.29
Administrative Fee/unit	\$959.98	\$762.73	\$520.05
Total	\$32,961.17	\$26,197.02	\$17,839.30

Source: City of Los Banos, 2023.

Single-family development fees in Los Banos are higher than for similarly sized cities in the same county. Fees for a single-family unit range are approximately \$32,961 in Los Banos but range from \$12,326 to \$27,723 in the cities of Atwater, Dos Palos, Gustine, Livingston, and Merced. Similarly, fees for a multi-family unit are approximately \$26,197 per multi-family unit in Los Banos but range from \$8,997 to \$22,285 per unit in other cities. Table F4-12 shows a comparison of development fees in other Merced County jurisdictions.

Table F4-12 Residential Development Fee Comparison

Jurisdiction	Total Cost Per Unit	
	Single-Family	Multi-Family
Atwater	\$22,000	\$14,000
Dos Palos	\$12,435	\$12,435
Gustine	\$27,723	\$22,285
Livingston	\$18,000	\$9,200
Los Banos	\$32,961	\$26,197
Merced (City)	\$12,326	\$8,997
Merced (County)	\$30,996	\$26,423

Conclusion

Planning and development fees are higher in Los Banos than in other cities in the region and may be a constraint to development.

Recommended Action

The City will implement Program 7 to review the City’s permit fees to ensure fees do not inhibit the development of affordable housing and review the City’s development impact fees and revise to be competitive with other cities in the region.

F4.3.11 Permit Types

The City of Los Banos provides the full range of services relating to the development of property within its Sphere of Influence. Subdivision map processing, parcel maps, planned developments, special use permits, 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. Pre-application conferences can resolve misunderstandings regarding zoning and development standards and processing procedures.

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

F4.3.11.1 Site Plan Review

Projects subject to the City's site plan review process are referred to the Project Review Board for review and recommendation once the application is deemed complete by the Community Development Department. Los Banos' site plan review process consists of review by the Project Review Board, evaluating the project's consistency with the General Plan, applicable specific plans, design standards, and the Zoning Ordinance. The Project Review Board also ensures that the site plan, building layout, size, shape, scale, mass, height, architectural design, architectural components, materials, colors, landscaping, on- and off-site parking and traffic circulation, and other aspects of the physical plan for development projects are compatible with neighboring developments, are adequate and appropriate for the site, achieve the highest level of design that is feasible for the project; and that city services are adequate and available to the project. The Project Review Board issues an advisory recommendation to the Planning Commission and recommended conditions to be imposed on the project. The project is presented to the Planning Commission for evaluation for project consistency which all applicable standards, compatibility with existing and proposed development in the project vicinity, and design compatibility with the surrounding neighborhood. Site plan review takes 30-45 days after the application is deemed complete.

Residential housing projects subject to the City's site plan review process include any project requiring a discretionary permit, including subdivisions, CUPs, and variances. Residential projects including five or more units or an addition to an existing project that would result in five or more units is subject to the City's site plan review process. Projects consisting solely of individual owner, custom-built lots and homes are exempt from this requirement. The findings for approval for a site review plan are as follows:

- That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council;
- That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion;
- That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City;
- That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors;
- That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements; and
- That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

Findings that refer to "desirability of investment," "unreasonably interfere with the use and enjoyment," "keeping with the character of the surrounding neighborhood," "desirable environment," and "aesthetically of good composition" are subjective and can be a constraint to approving housing development. Additionally, the findings do not provide parameters on what constitutes a traffic hazard.

F4.3.11.2 Administrative Permits

The administrative permitting process involves project review by the Planning Director to determine conformance with applicable standards in the Zoning Ordinance. If the Planning Director determines that the project may be objectionable to property owners within the vicinity of the site, the applicant is instructed to show project maps and information to those property owners and request consent or objection to the proposed project. The application is not considered complete until a consent petition is completed. Comments from neighboring property owners are considered by the Planning Director during consideration of project approval. Project determination on an administrative permit request by the Planning Director takes one to two months after the application is deemed complete.

F4.3.11.3 Use Permits

All projects subject to a use permit require a public hearing before the Planning Commission. The Planning Commission makes findings on the projects consistency with the General Plan and Zoning Ordinance, and evaluates the project based on subjective requirements such as compatibility with adjacent and nearby uses and whether the project would adversely affect nearby uses such as religious facilities, schools, and recreational uses. Project determination on a use permit request by the Planning Commission takes two to four months after the application is deemed complete. The required findings for a use permit approval are as follows:

- That the proposed use and project is consistent with the City of Los Banos general plan, and this Code;
- That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;
- That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Findings that refer to “detriment to the public health, safety, morals, comfort, and general welfare,” “compatible with the adjacent uses,” and “detrimental or injurious to property and improvements in the neighborhood” are subjective and can be a constraint to approving housing development.

F4.3.11.4 Variances

Projects requesting a waiver of any Zoning Ordinance requirement are subject to a variance which requires a public hearing and approval by the Planning Commission. The project must be found to be consistent with the General Plan to receive approval. Project determination on a variance request by the Planning Commission takes two to four months after the application is deemed complete. The conditions of approval are as follows:

- That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity;
- That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict literal application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity; and

- That under the circumstances of any particular case, the variance, rather than the sections at issue in this chapter, actually carries out the spirit and intent of the provisions of this chapter.

F4.3.11.5 General Plan Amendments and Zone Changes

Projects that are not consistent with the General Plan or Zoning Ordinance may require approval of a general plan amendment, zone change, Zoning Ordinance amendment, or specific plan amendment. Approval of these types of proposals are discretionary, subject to CEQA, and require recommendations from the Planning Commission and approval by the City Council.

F4.3.11.6 Subdivision Map Review

City requirements for subdivisions parallel the state Subdivision Map Act requirements. The subdivision process is subject to Permit Streamlining Act requirements, but also usually requires CEQA review. All tentative subdivision maps with four or fewer lots are reviewed and approved by the Planning Commission. Tentative subdivision maps with five or more lots are reviewed by the Project Review Board prior to the submission of the map to the Planning Commission. Within 30 days after the tentative map has been filed with the Planning Department, the Project Review Board meets to 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 Municipal Code 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. 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.

F4.3.11.7 Planned Development

An application for a Planned Development district shall be submitted to the Planning Department. Once the application is deemed complete by the Planning Department, the Project Review Board reviews the application, followed by environmental review. The Planning Commission shall conduct a public hearing on the Planned Development district and make a recommendation to the City Council. The City Council then conducts a public hearing on the Planned Development district and may grant approval. Both the Planning Commission and City Council may impose conditions on the project regarding building height, lot coverage, yard setbacks, density, parking etc.

F4.3.11.8 Conclusion

Site plan and permit approvals include subjective standards that require personal interpretation to determine compliance with standards. Approval of a site plan requires findings that the project provides a “desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors. This is a constraint to development.

F4.3.11.9 Recommended Action

The City will implement Program 6 to revise Article 23 of the Zoning Ordinance to remove subjective language from the Objective Design Standards.

F4.3.12 Permit Procedures and Processing Times

The time required to process a project varies greatly from one project to another and is directly related to the size and complexity of the proposal and the number of actions or approvals needed to complete the process. Table F4-13 identifies the typical processing time 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 EIRs, General Plan Amendments, Rezones, or Variances).

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 design review. Since the majority of CEQA documents (i.e., EIRs and Negative Declarations) are prepared in response to a General Plan Amendment request, they are typically processed simultaneously. The City 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. The average number of days from entitlement to building permit is 101 days, based on a review of projects from the past 36 months.

Table F4-13 Timelines for Permit Procedures

Type of Approval or Permit	Typical Processing Times	Approval Body
Site Plan Review	30-45 Days	Planning Commission
Administrative Permit	1-2 months	Planning Director
Use Permit	2-4 months	Planning Commission
Variance	2-4 months	Planning Commission
ADU (Building Permit Review)	19 days	Building Official
Building Permit Review	30 Days	Building Official
General Plan Amendment	3-6 Months	City Council
Specific Plan Amendment	3-6 months	City Council
Zone Change	3-6 Months	City Council
Annexation	6-12 months	City Council
Tentative Minor Subdivision Map (4 or less lots)	30-45 Days	Planning Commission
Final Minor Subdivision Map (4 or less lots)	21 days	City Engineer
Tentative Subdivision Map (5 or more lots)	120-180 days	Planning Commission
Final Subdivision Map (5 or more lots)	90 days	City Council

Source: Los Banos Zoning Ordinance, Adopted September 2022.

Table F4-14 shows the typical processing procedures by project type for Los Banos. As shown, single-family units have the shortest estimated processing times (one week) while planned unit development has the longest (three to four months).

Table F4-14 Typical Processing Procedures by Project Type

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

Source: City of Los Banos, 2023

F4.3.12.1 Building Permits

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

- First review: 1 to 10 working days
- Second review: 1 to 5 working days
- Third review: 1 to 5 working days
- Fourth review: 1 to 5 working days
- Fifth review: 1 to 5 working days

F4.3.12.2 Conclusion

Permit procedures and processing times are not considered a constraint to development.

F4.3.12.3 Recommended Action

None required.

F4.3.13 State Streamlining

Under the 5th Cycle Housing Element reporting period (2015-2023), the City of Los Banos 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. No projects have been approved through SB 35 ministerial approval. The City has not adopted procedures for processing SB 35 applications and has not created a checklist for SB 35 applications.

The Housing Crisis Act of 2019 (SB 330 and amended by SB 8) establishes a statewide housing emergency and creates new state laws focused on the production and preservation of housing. SB 330 and SB 8 aim to expedite and increase certainty in the development process with changes to the

Housing Accountability Act and Permit Streamlining Act that will be in effect from January 1, 2020, to January 1, 2030. SB 330 also addresses the statewide housing shortfall with new protections for existing housing and restrictions on certain zoning actions that reduce the availability of housing. The legislation creates a preliminary application process, and housing developments will only be subject to those ordinances, fees, and policies in effect when the completed preliminary application is submitted. Like SB 35, SB 330 limits jurisdictions from imposing subjective design standards on housing developments. Objective standards are limited to design standards that involve no personal or subjective judgment by a public official. They must be verifiable by reference to an external and uniform benchmark available to both the applicant and the public official prior to application submittal.

F4.3.13.1 Conclusion

The City should amend the Zoning Code to address updates to SB 35 and SB 330 and create written procedures for the Streamlined Ministerial Approval Process.

F4.3.13.2 Recommended Action

The City will implement Housing Plan Program 6 to amend the Zoning Code to address updates to SB 35 and remove subjective judgement from the site plan review, administrative permits, and use permits and provide objectives with regard to what constitutes an impairment to the integrity and character of the zoning district, in accordance with SB 330. Additionally, under Program 3, the City will create written procedures for the Streamlined Ministerial Approval Process.

F4.3.14 Short-Term Housing Rentals

According to Section 9-3.3006 of the Zoning Ordinance, the City of Los Banos does not allow the rental of accessory dwelling units for less than 30 days.

F4.3.14.1 Conclusion

Regulations related to short-term rental housing do not constrain housing in the city.

F4.3.14.2 Recommended Action

None required.

F4.3.15 Code Enforcement

The City of Los Banos implements the California Building Code (CBC), 2022 Edition. The 2022 California Building Code is set forth to regulate and govern the conditions and maintenance of all property, buildings, and structures within the city by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use and providing for the condemnation and demolition of buildings and structures that are unfit for human occupancy and use.

The City's Enforcement Offices are authorized to enforce the provisions of the Zoning Ordinance pertaining to the use of land or buildings and the erection, construction, reconstruction, moving, alteration, or addition to any building or structure. Code Enforcement initiates action after receiving a complaint or observing a violation and notifies the property owner/tenant of any existing violations.

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. The City believes in educating residents on potential code violations to help eliminate potential violations before they occur. Each code enforcement complaint received requires a Code Enforcement Officer to respond to the call to confirm a violation, issue a warning and provide education to gain compliance, with a date for the issue to be resolved, follow up, and if the issue is not resolved, to take further action.

F4.3.15.1 Conclusion

The City has adopted the most recent CBC, the 2022 edition, therefore the code currently implemented in the City of Los Banos is up to date.

F4.3.15.2 Recommended Action

None required.

F4.3.16 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. The City's Community and Economic Development Department webpage (<https://losbanos.org/city-government/departments/community-development/>) provides links to planning permit resources and the Building Department webpage (<https://losbanos.org/city-government/departments/building/>) provides links to building permit resources. Resources on these webpages include the City's zoning and land use maps, permit application forms, planning submittal requirements, rate and fee schedule, and department contacts. However, the General Plan and land use map on the Community and Economic Development webpage is outdated. The City adopted the 2042 General Plan in 2022 and is linked on the city's website at <https://losbanos2042.org/>.

F4.3.16.1 Conclusion

While the City's website provides information on permit processing and zoning, links to some resources are outdated.

F4.3.16.2 Recommended Action

The City will implement Program 12 to evaluate its compliance with the new transparency requirements per Government Code Section 65940.1(a)(1) and make changes as necessary. The City will update links on the City's Community and Economic Development Department webpage to connect to the most recent versions of each resource and document.

F4.4 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.

F4.4.1 Flood

Los Banos is outside the 100- and 500-year FEMA flood zones. The climate in Merced County is hot and arid. The number of days with any measurable precipitation is 49 with an average of approximately 12 inches of rain per year.² In Los Banos, storm water runoff is discharged through a combination of natural and man-made drainage structures including creeks, waterways and irrigation channels. Due to the dry climate and low annual precipitation, sudden floods from rainfall are unlikely. Los Banos Creek runs north-south in the western part of the city. The Los Banos Creek Detention Reservoir collects runoff from the Los Banos Creek watershed, intermittently releasing flood-flow at 1,000 cubic feet per second (cfs). The reservoir successfully regulates flow from Los Banos Creek. Three dams close to Los Banos have the potential of inundating portions of the city, the San Luis Reservoir, Los Banos Detention Reservoir, and the Little Panoche Reservoir Dam. All three dams are owned by the Bureau of Reclamation and are regularly inspected to ascertain their structural integrity.³

The City requires construction projects which disturb one or more acres of soil to develop Storm Water Pollution Prevention Plans (SWPPP) in accordance with requirements from the State Water Resources Control Board. In addition, the City's Water Efficient Landscape Ordinance encourages implementation of best management practices in landscape and grading designs for stormwater management.

F4.4.1.1 Conclusion

Environmental constraints in Los Banos are not considered a constraint to development.

F4.4.1.2 Recommended Action

None required.

F4.4.2 Seismic Zones

Los Banos is in proximity to several major California fault lines, including the Ortigalita, Calaveras, San Andreas, and Hayward Faults. However, no active earthquake faults are known to exist in the city. New construction is required to comply with current state building code requirements related to seismic retrofitting. Therefore, earthquakes pose a less-than-significant danger to residential development.

² County of Merced. 2021. Multi-Jurisdictional Hazard Mitigation Plan. <https://web2.co.merced.ca.us/pdfs/oes/MercedCounty-MJHMP-2021-2016.pdf>

³ City of Los Banos. 2009. Safety Element. https://losbanos.org/wp-content/uploads/2013/09/plan_gp_chapter_7.pdf

F4.4.2.1 Conclusion

Environmental constraints in Los Banos are not considered a constraint to development.

F4.4.2.2 Recommended Action

None required.

F4.4.3 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 Prevention (CALFIRE) has designated the most of Los Banos as “Local Responsibility Area Unzoned” (approximately 84 percent) with small portions of the city designated as “Local Responsibility Area Moderate” (approximately 16 percent).³ Approximately three acres of the riparian forest corridor to the west of Los Banos Creek is designated as a high fire hazard severity zone, however none of the city or surrounding area is designated as a very high fire hazard severity zone.³

The City of Los Banos has adopted the 2022 California Fire Code and requires all new development and subdivisions to meet or exceed the California Fire Code provisions, which address topography, geology, climate, and development conditions. The City’s Fire Department reviews all development applications during the review process.

F4.4.3.1 Conclusion

Environmental constraints in Los Banos are not considered a constraint to development.

F4.4.3.2 Recommended Action

None required.

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