



# City of Los Banos

At the Crossroads of California

[www.losbanos.org](http://www.losbanos.org)

## AGENDA

### PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**JUNE 8, 2016**

*If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 extension 118 at least 48 hours prior to the meeting.*

*The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.*

\* \* \* \* \*

*Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 extensión 118 a lo menos de 48 horas previas de la junta.*

*La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.*

*Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Planning Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.losbanos.org](http://www.losbanos.org).*

\* \* \* \* \*

*Cualquier escritura o los documentos proporcionaron a una mayoría del Departamento de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Secretaria del Departamento de Planificación del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en [www.losbanos.org](http://www.losbanos.org).*

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (Planning Commission Members)  
  
Cates \_\_, Faktorovich \_\_, Limon \_\_, Llamas \_\_, McCoy \_\_, Spada \_\_,  
Toscano \_\_

4. APPROVAL OF AGENDA.

*Recommendation: Approve the agenda as submitted.*

5. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

6. PUBLIC HEARINGS: If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.

A. Public Hearing – to Consider Site Plan Review #2016-01 for Windecker Inc. for the Development of a 4,728 Square Foot Convenience Store, Sixteen (16) Pump Fuel Stations and Self-serve Automatic Car Wash on 1.20 Acres and to Consider Conditional Use Permit #2016-05 for the Use of a Type 20 Alcohol License for the Off-sale of Beer and Wine, Located within the Highway Commercial Zoning District on the Northwest Corner of Ward Road and Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 428-160-016.

1) Planning Commission Resolution No. 2016-11 – Approving Site Plan #2016-01 for the Construction of a 4,288 Square Foot Fresh Fill Convenience Store, 4,590 Square Foot Chevron Fuel Station with Canopy, and 525 Square Foot Automatic Car Wash Located at 2270 Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 428-160-016.

2) Planning Commission Resolution No. 2016-12 – Recommending Approval of Conditional Use Permit #2016-05 to the Los Banos City Council for the Off-sale of Beer and Wine for Windecker Inc., Located at 2270 Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 428-160-016.

*Recommendation: Receive staff report, open the continued public hearing, receive public comment, close the public hearing, and adopt the resolutions as submitted.*

B. Public Hearing – to Consider a Conditional Use Permit to Allow the Use of a Type 20 Alcohol License for the Off-sale of Beer and Wine for the 99 Cent Only Store Located at 1209 W. Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 431-141-020.

1) Planning Commission Resolution No. 2016-25 – Recommending Approval of Conditional Use Permit #2016-09 to the Los Banos City Council for the Use of a Type 20 Alcohol License for the Off-sale of Beer and Wine for the 99 Cent Only Store Located at 1209 W. Pacheco Boulevard.

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

- C. Public Hearing – to Consider a Conditional Use Permit to Allow the Operation of a Professional Office in the General Industrial Zoning District (I) for Merced County Community Action Agency – WIC Program Located at 30 W. G Street, Suites A & B, More Specifically Identified as Assessor's Parcel Numbers: 081-190-017 and 081-190-018.

- 1) Planning Commission Resolution No. 2016-26 – Approving Conditional Use Permit #2016-11 for Merced County Community Action Agency WIC Program Located at 30 W. G Street, Suites A & B, More Specifically Identified as Assessor's Parcel Numbers: 081-190-017 and 081-190-018.

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

- D. Public Hearing – to Consider a Conditional Use Permit to Allow the Operation of a Retail Store for WIC Programs in the General Industrial Zoning District (I) Located at 30 W. G Street, Suite C, More Specifically Identified as Assessor's Parcel Number: 081-190-019.

- 1) Planning Commission Resolution No. 2016-27 – Approving Conditional Use Permit #2016-06 for Baby's Nutrition Located at 30 W. G Street, Suite C, More Specifically Identified as Assessor's Parcel Number: 081-190-019.

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

- E. Public Hearing – to Consider a Recommendation to the Los Banos City Council for a Proposed General Plan Amendment that Would Update the Housing Element of the Los Banos General Plan Pursuant to State law (**Continued from May 25, 2016**).

- 1) Planning Commission Resolution No. 2016-28 – Recommending to the City Council Approval of a General Plan Amendment for the 2014-2023 Housing Element and Associated Negative Declaration (SCH #2016041070).

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

7. DESIGN REVIEW STUDY SESSION – THE CONSTRUCTION OF A NEW 8,712 SQUARE FOOT AUTO PARTS STORE LOCATED AT THE NORTHWEST CORNER OF PACHECO BOULEVARD AND SIXTH STREET IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT.

*Recommendation: Receive staff report and provide initial feedback to the applicant.*

8. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.
9. COMMISSIONER REPORTS.
  - A. Cates
  - B. Faktorovich
  - C. Limon
  - D. Llamas
  - E. McCoy
  - F. Spada
  - G. Toscano
10. ADJOURNMENT.

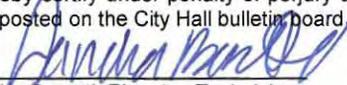
### **APPEAL RIGHTS AND FILING PROCEDURES**

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filing written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2326)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of \$150.00 must accompany the notice of appeal.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

  
Sandra Benetti, Planning Technician

Dated this 3<sup>rd</sup> day of June 2016



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN SPADA AND PLANNING COMMISSIONERS**

**FROM: STACY SOUZA ELMS, SENIOR PLANNER** *SE*

**FOR: JUNE 8, 2016**

**SUBJECT: SITE PLAN REVIEW #2016-01 AND CONDITIONAL USE PERMIT #2016-05 – WINDECKER CONVENIENCE STORE AND FUEL STATION**

**RECOMMENDATIONS:**

1. That the Planning Commission adopt Resolution No. 2016-11 approving Site Plan Review #2016-01 for the development of a 4,288 square foot convenience store, 4,590 square foot fuel station, and 525 square foot car wash located on the northwest corner of Ward Road and Pacheco Blvd.
2. That the Planning Commission adopt Resolution No. 2016-12 recommending approval of Conditional Use Permit #2016-05 to the Los Banos City Council for the use of a Type 20 alcohol license for the off-sale of beer and wine for Windecker Inc. located on the northwest corner of Ward Road and Pacheco Blvd.

**BACKGROUND/DESCRIPTION:**

The project proposal is for the construction of a new 4,288 square foot Fresh Fill convenience store, 4,590 square foot Chevron fuel station with canopy, and 525 square foot car wash on 1.20 acres. The applicant, Windecker Inc., currently operates a Fresh Fill convenience store and Chevron fuel station at 1164 Pacheco Blvd.

The proposed project is located at the northwest corner of Ward Rd. and Pacheco Blvd in the College Plaza Shopping Center. The proposed Fresh Fill convenience store will include a drive-thru window, which is a new concept for the west coast, in addition to typical convenience store merchandise. The convenience store will include a juice bar and pre-packaged sandwiches that can be purchased through the drive-thru for extra customer convenience.

The College Plaza Shopping Center currently consists of various retailers including Food 4 Less, Dollar Tree, Panda Express, Verizon Wireless, CostU Less Insurance, H&R Block, Big 5 Sporting Goods, In Shape City, California Beauty Supply, Modern

Cuts, KK Nails, Leslie's Pool Supply, Pizza Factory, Aaron's Rent to Own, Village Liquor, and Sherwin Williams Paints. The proposed buildings included in the site plan would cover approximately 18.4% of the existing 1.2 acre project site.

The applicant is also requesting a Conditional Use Permit for the use of a Type 20 alcohol license to permit the off-sale of beer and wine in the proposed location.

**LOCATION AND ACCESS:**

The 1.2 acre Project site is located on the northeast corner of Ward Road and Pacheco Blvd.



**LAND USE:**

Property	Land Use	Zone	General Plan
Project Site	Undeveloped	H-C	Commercial
North	Commercial	H-C	Commercial
East	Commercial	H-C	Commercial
South	Undeveloped	H-C	Commercial
West	Undeveloped	H-C	Commercial

H-C = Highway Commercial

## **ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, this project was evaluated within the context of the College Plaza Mitigated Negative Declaration (MND), certified by the City on March 14, 2001. The Community and Economic Development Department has determined that the proposed project was adequately described, examined, and evaluated in the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND. The City determined that the development of the College Plaza would have a less than significant effect on the environment with mitigation measures. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND. The CEQA findings attached hereto, document the determination by the City that the environmental review in the MND is adequate under CEQA.

## **SITE PLAN ANALYSIS:**

### ***Code Requirements***

Pursuant to Section 9-3.2316(a) of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan or shall grant or modify the site plan subject to reasonable conditions as may be imposed.

### ***Project Design***

The Project proposes the development of approximately 1.2 acres within the College Plaza Shopping Center with a 4,288 square foot convenience store, 4,590 square foot fuel station with canopy, and 525 square foot self-serve automatic car wash with a "Reclaim System" that will recycle water. The fuel station will include diesel and there will be three underground storage tanks. It is anticipated that the convenience store will employ 4 to 5 employees.

The site plan indicates 19 parking spaces will be provided designating 1 parking space for handicap parking. According to Section 9-3.2004 of the Los Banos Municipal Code, the minimum off-street parking required for convenience stores is 5.4 parking spaces per 1,000 square feet of gross floor area and fuel sales are required 2 parking spaces minimum plus 1 parking space per each service bay. Pursuant to the Municipal Code, the project would be required to provide 29 parking spaces; however the College Plaza Shopping Center consists of a reciprocal parking easement with more than sufficient parking for the entire plaza, which will meet the requirement for 29 parking spaces.

### ***Land Use***

The project site is designated as Commercial according to the Los Banos General Plan and Highway Commercial (H-C) in accordance with the Zoning Map. The proposed project will provide commercial uses of a convenience store and fuel station with car wash, which are appropriate uses in the Highway Commercial zoning district. The proposed use is consistent with the Los Banos General Plan and Municipal Code.

### ***Traffic***

The site plan indicates that access to the site will be provided from driveways on Ward Road and Pacheco Blvd. The Pacheco Blvd. driveway will be limited to right turns in and out only as the driveway is restricted by an existing pork chop. A full access driveway is existing on Ward Road.

### ***Infrastructure***

**Water:** The City of Los Banos would provide water service to the Project site. Water service would be provided off Ward Road which connects through the College Plaza and has already been stubbed to the project site parcel in anticipation of this development. The Project will connect to the existing line with a domestic and landscape line to the Project site.

**Sewer:** The City of Los Banos would provide wastewater service to the Project site. The Project site will connect to existing sewer services provided in the College Plaza and planned for the future development of this project site.

**Drainage:** The City of Los Banos would provide storm water services to the Project site. The Project will connect to the existing line located on Ward Road and Pacheco Blvd.

It should be noted that all City infrastructure has been sized to accommodate this use and will be built in accordance with the City's Utility Master Plans.

### ***Signage***

The site plan indicates the location of a proposed free standing sign located on the corner of Ward Road and Pacheco Blvd. The maximum height of the pole sign will be 20' as permitted in the Los Banos Municipal Code. The applicant will be required to obtain a building permit through the formal sign review process prior to final occupancy. Conditions have been included to ensure the applicant will follow the provisions set forth in the Municipal Code.

### **DESIGN REVIEW**

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on March 23, 2016 to provide the applicant with feedback early on in the design process. The Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code.

The following recommendations were made by the Planning Commission and the architect incorporated the recommended suggestions into the site plan:

#### Architecture:

- The Planning Commission recommended a pitched roof over the entry way tower with an enhance roof.

- Would like to see the addition of ceramic tiles around the building to break up the massing.
- Suggested covering the trash enclosure.
- Discussed moving the landscape to the west eliminate two parking stalls to accommodate stacking from the car wash so as not to conflict with traffic from the exit of the drive thru.

Landscaping:

- The Planning Commission desires to see a variety of drought tolerant plants incorporated into the planting areas which provide more color.
- Suggested using a variation of colors of river rock.
- Suggested using the gray water from the car wash for irrigation.

**PROJECT REVIEW BOARD**

The Project Review Board (PRB) reviewed the project proposal on April 19, 2016 for these aspects

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB has requested the repositioning of the propane tanks closer to Ward Road and away from Pacheco Blvd. and has provided a positive recommendation for the development of the proposed project with conditions of approval incorporated into the project.

**FINDINGS FOR APPROVAL:**

The Planning Commission shall approve a Site Plan if it makes all of the following findings specified in the Municipal Code. The Planning Commission shall consider and

evaluate those aspects of the project described in Section 9-3.2317(b) and 9-3.2318(c). In approving a site plan, the Planning Commission shall make the following findings before approving a site plan:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
  - a. *The General Plan land use designation for the project site is Commercial, which is intended for large-scale commercial developments that serve both residents, visitors, and the surrounding region. Examples of this land use include: shopping centers, large format retail, auto sales and travel-related services such as hotels, gas stations, and restaurants.*

*The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:*

***ECONOMIC DEVELOPMENT POLICY ED-G-1:***

*Help create jobs and improve job quality for existing and future Los Banos residents.*

***LAND USE POLICY LU-G-1:***

*Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.*

***LAND USE POLICY LU-G-10:***

*Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.*

*Evidence/Analysis:* *The project is consistent with the General Plan Commercial land use designation. The proposed convenience store and fuel station would provide services for local residents as well as the surrounding region and visitors traveling through Los Banos. The proposed project will create employment opportunities for various ranges of employees searching for entry level positions to management positions. The proposed development will be an attractive addition to the College Plaza Shopping Center and will be compatible with and complementary of existing commercial uses at the site.*

- b. *The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian shopper, but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.*

*Evidence/Analysis: The proposed development is consistent with the Zoning Code as gasoline service stations are uses permitted in the district. The proposed uses of the facility cater to travelers and motorists along the highway and will provide convenience to its customers with the automatic car wash and drive-thru convenience store.*

2. 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.

*The College Plaza has been designed and planned for the proposed development of a convenience store and fuel station at the southeast corner of the Plaza. There is no evidence that the project will impair the neighborhood, or interfere with the use and enjoyment of existing or proposed developments. By providing suitable ingress and egress the project has been designed in a manner that it will not create traffic hazard or congestion*

3. 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.

*The design of the proposed development is in keeping with the existing design and architecture of the Shopping Center. The applicant received recommendations from the Planning Commission Design Review Study Session and has incorporated those suggestions within the proposed project.*

4. 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.

*The design of the project will be desirable for its occupants, as well as its neighbors as the proposal incorporates design elements, materials, textures and colors that are complementary to the existing shopping center and has incorporated the City's Design Guidelines within the architecture of the site.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*The proposed use is permitted in the Highway Commercial zoning district and is in conformance with all other applicable requirements. The landscape plan will provide for attractive landscaping upon maturity and achieve the City's 50% shade tree canopy ordinance.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*The design of the expansion conforms to good planning in that the physical design elements are compatible with the Design Guideline characteristics of the Mission/Spanish style elements of the Design Guidelines. The site design allows for safe circulation of vehicles and safe pathway for handicap access as well as pedestrian access.*

## **CONDITIONAL USE PERMIT ANALYSIS FOR OFF-SALE BEER AND WINE:**

### ***Code Requirements***

A use permit, as specified in the Los Banos Municipal Code Section 9-3.2322, is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. A use permit may be granted if the proposal is conforming to the following criteria:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
2. 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;
3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

### **On-Sale and Off-Sale Alcoholic Beverages:**

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00pm and 7:00am.

The proposal conforms to the criteria set forth in the Municipal Code as stated in Exhibit B (Project Findings) attached to Resolution No. 2016-12.



License Type <sup>1</sup>	Business Name	Premises Address
21	Food 4 Less	2000 E. Pacheco Blvd.
20	Walgreens	1360 E. Pacheco Blvd.
20	Dollar General #14768	1989 E. Pacheco Blvd.
21	Village Liquor & More	2260 E. Pacheco Blvd.
21	Circle K Stores Inc	410 N. Mercey Springs Rd.

Type 20 license = Off-sale beer and wine    Type 21 license = Off-sale general

The beer and wine will be kept in a specific location as shown on the attached floor plan. The applicant has also provided a security plan showing the camera locations.

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the project site on April 15, 2016. As of the date of this staff report, three (3) comments have been received and are attached to this staff report (Attachment 7).

**RECOMMENDATION:**

1. That the Planning Commission adopt Resolution No. 2016-11 approving Site Plan Review #2016-01 for the development of a 4,288 square foot convenience store, 4,590 square foot fuel station, and 525 square foot car wash located on the northwest corner of Ward Road and Pacheco Blvd.
2. That the Planning Commission adopt Resolution No. 2016-12 recommending approval of Conditional Use Permit #2016-05 to the Los Banos City Council for the use of a Type 20 alcohol license for the off-sale of beer and wine for Windecker Inc. located on the northwest corner of Ward Road and Pacheco Blvd.

**ATTACHMENTS:**

1. Resolution 2016-11 approving Site Plan Review #2016-01  
Exhibit A: CEQA Findings  
Exhibit B: Findings for Approval  
Exhibit C: Conditions of Approval
2. Resolution 2016-12 recommending approval of Conditional Use Permit #2016-05  
Exhibit A: CEQA Findings  
Exhibit B: Findings for Approval  
Exhibit C: Conditional of Approval
3. Site Plan
4. Elevations
5. Landscape Plan
6. Floor plan with Camera Locations

<sup>1</sup> California Department of Alcoholic Beverage Control  
<http://www.abc.ca.gov/datport/AHCityRep.asp>

7. Public Comments (3)
8. Public Hearing Notice – April 15, 2016

## RESOLUTION #2016-11

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN #2016-01 FOR THE CONSTRUCTION OF A 4,288 SQUARE FOOT FRESH FILL CONVENIENCE STORE, 4,590 SQUARE FOOT CHEVRON FUEL STATION WITH CANOPY, AND 525 SQUARE FOOT AUTOMATIC CAR WASH LOCATED AT 2270 PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-160-016**

WHEREAS, the Los Banos General Plan was adopted in July 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the subject property has a land use designation of Commercial pursuant to the Los Banos General Plan and is zoned Highway Commercial by the Los Banos Zoning Map; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2016-014 was adequately evaluated in the College Plaza Mitigated Negative Declaration; and

WHEREAS, a public hearing was duly noticed for April 27, 2016 and continued to June 8, 2016, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on April 15, 2016 to consider and take testimony regarding the Site Plan Review #2016-01; and

WHEREAS, at the April 27, 2016 and June 8, 2016 Planning Commission Meetings the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos does hereby make the findings set forth in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Site Plan #2016-01 for the construction of a 4,288 square foot Fresh Fill convenience store, 4,590 square foot Chevron fuel station with canopy, and 525 square foot automatic car wash for Windecker Inc. located at

2270 Pacheco Boulevard, more specifically identified as Assessor's Parcel Numbers: 428-160-016, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8<sup>th</sup> day of June 2016, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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Tom Spada, Planning Commission Chair

ATTEST:

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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2016-01 – WINDECKER INC

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, this project was evaluated within the context of the College Plaza Mitigated Negative Declaration (MND), certified by the City on March 14, 2001. The Community and Economic Development Department has determined that the proposed project was adequately described, examined, and evaluated in the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND. The City determined that the College Plaza would have a less than significant effect on the environment with mitigation measures. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND. The CEQA findings attached hereto, document the determination by the City that the environmental review in the MND is adequate under CEQA.
2. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Mitigated Negative Declaration.
3. No further environmental documentation is required as the proposed project was contemplated and adequately analyzed in the Mitigated Negative Declaration.
4. The City of Los Banos Community Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the mitigated negative declaration is based and will be certified by the Los Banos City Planning Commission.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF SITE PLAN #2016-01 – WINDECKER INC.

The City of Los Banos Planning Commission hereby finds as follows:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
  - a. The General Plan land use designation for the project site is Commercial, which is intended for large-scale commercial developments that serve both residents, visitors, and the surrounding region. Examples of this land use include: shopping centers, large format retail, auto sales and travel-related services such as hotels, gas stations, and restaurants.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

#### **ECONOMIC DEVELOPMENT POLICY ED-G-1:**

Help create jobs and improve job quality for existing and future Los Banos residents.

#### **LAND USE POLICY LU-G-1:**

Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.

#### **LAND USE POLICY LU-G-10:**

Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

*Evidence/Analysis: The project is consistent with the General Plan Commercial land use designation. The proposed convenience store and fuel station would provide services for local residents as well as the surrounding region and visitors traveling through Los Banos. The proposed project will create employment opportunities for various ranges of employees searching for entry level positions to management positions. The proposed development will be an attractive addition to the College Plaza Shopping Center and will be compatible with and complementary of existing commercial uses at the site.*

- b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian

shopper, but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.

*Evidence/Analysis: The proposed development is consistent with the Zoning Code as gasoline service stations are uses permitted in the district. The proposed uses of the facility cater to travelers and motorists along the highway and will provide convenience to its customers with the automatic car wash and drive-thru convenience store.*

2. 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.

*The College Plaza has been designed and planned for the proposed development of a convenience store and fuel station at the southeast corner of the Plaza. There is no evidence that the project will impair the neighborhood, or interfere with the use and enjoyment of existing or proposed developments. By providing suitable ingress and egress the project has been designed in a manner that it will not create traffic hazard or congestion*

3. 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.

*The design of the proposed development is in keeping with the existing design and architecture of the Shopping Center. The applicant received recommendations from the Planning Commission Design Review Study Session and has incorporated those suggestions within the proposed project.*

4. 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.

*The design of the project will be desirable for its occupants, as well as its neighbors as the proposal incorporates design elements, materials, textures and colors that are complementary to the existing shopping center and has incorporated the City's Design Guidelines within the architecture of the site.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*The proposed use is permitted in the Highway Commercial zoning district and is in conformance with all other applicable requirements. The landscape plan will provide for attractive landscaping upon maturity and achieve the City's 50% shade tree canopy ordinance.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*The design of the expansion conforms to good planning in that the physical design elements are compatible with the Design Guideline characteristics of the Mission/Spanish style elements of the Design Guidelines. The site design allows for safe circulation of vehicles and safe pathway for handicap access as well as pedestrian access.*

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR SITE PLAN #2016-01 – WINDECKER INC.

#### Planning:

1. This Site Plan shall expire if an application for a building permit is not applied for within 24 months from date of approval. One six-month extension may be allowed through a written submittal that would be approved by the Community and Economic Development Director.
2. Subject to and in addition to the conditions of approval set forth herein the development and construction of all improvements for the Project shall substantially conform to the conditionally approved Site Plan approved by the Planning Commission consisting of the site plan layout, exterior elevations, landscape plan, floor plan, and color renderings (herein after "site plan"). The applicant shall submit a revised Site Plan to the Community and Economic Development Department reflecting any modifications, additions, and conditions of approval approved by the Planning Commission within 30 days from Planning Commission approval. Said revised Site Plan shall be reviewed by the Community and Economic Development Department and stamped "conditionally approved" for purposes of providing a clear record of the approved Site Plan.
3. Full compliance with all conditions of approval shall be satisfied prior to issuance of any certificate of occupancy. Any proposed modifications to the approved Site Plan shall require approval by the Community and Economic Development Director or Planning Commission as appropriate.
4. Any application for a building permit shall be reviewed by the Community and Economic Development Department for a determination as to whether such application conforms to the prior design and site development review approval by the Planning Commission.
5. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the site plan, save and except that caused solely by the City's active negligence.
6. Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
7. The applicant shall comply with all requirements of other appropriate governmental agencies.

8. The applicant shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
9. The applicant shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
10. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
11. The applicant shall require all contractors and subcontractors to obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
12. The applicant shall obtain any necessary encroachment permits from Caltrans or other jurisdictions prior to performing any work within that jurisdiction's right-of-way.
13. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City.
14. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.
15. A minimum 200-foot separation shall be maintained between the public right-of-way and adjacent retail stores from material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 50 feet of the public right-of-way or adjacent retailers, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Community and Economic Development Department.
16. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site. Pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Community and Economic Development Department.
17. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.

18. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Community and Economic Development Director and shall be removed in accordance with Title 9, Chapter 3, Article 39 Temporary Use Ordinance of the Los Banos Municipal Code.
19. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
20. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community Development Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”
21. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of

the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

22. The site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.
  - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
  - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
  - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
23. Prior to issuance of building permits, the developer/applicant shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:
  - a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
  - b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and

- c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.
24. The project site shall include a bicycle rack. Size and location shall be approved by the Community and Economic Development Director.
25. All development impact fees shall be paid in full prior to occupancy and as a condition of issuance of an occupancy permit. The developer shall provide a receipt from the Los Banos Unified School District for all applicable school impact fees.

**Utilities and Drainage:**

26. Subject to the review and approval of the Los Banos Public Works Department, project improvement plans shall include Best Management Practices (BMPs) to reduce the introduction of oils and other contaminants to the Los Banos storm water drainage system and main canal. Water quality safeguards shall be installed prior to occupancy of the parking lots. A water quality Best Management Practices plan shall be implemented upon occupancy.
27. A trash enclosure shall be built according to City specifications; colors, materials, and textures matching those of the main building, and provide for recycling services within. A concrete apron is required across the width of the trash enclosure opening that shall extend a minimum depth of ten feet in front of the opening. The location shall be specifically shown on the improvement plans and approved by the Community and Economic Development Director.
28. Approved backflow devices shall be installed as required per City standards.
29. Separate landscape and domestic service meters shall be installed.

**Landscape and Lighting:**

30. Prior to issuance of a building permit the applicant shall submit a lighting plan pursuant to standards in the Los Banos Standards and Specifications and Caltrans standards for Pacheco frontage. All exterior lighting including parking lot lighting, shall meet the provisions of the Los Banos Municipal Code.
31. All landscaping and irrigation shall be continuously maintained in a healthy and thriving manner and shall fulfill the City Shade Canopy Ordinance. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity or an approved alternative should a different type of landscape material be determined to fare better than the deceased material in the project environment. The applicant shall provide the Public Works Department a Landscape Plan and a Landscape Maintenance Plan describing their strategy for maintaining all landscaped areas in a healthy, litter free and thriving manner. Said plan shall identify responsible parties and be submitted for

Public Works Department approval prior to issuance of building permit(s). Failure to maintain and replace landscaping and shade canopy in a healthy manner may result in administrative citations and fines.

32. All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall of landscaping or combination thereof.
33. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

**Signage:**

34. All advertising signage shall be subject to Sign Review and permit approval from both the Community Development and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.
35. The maximum height of freestanding and monument signs shall be twenty (20') feet unless a Conditional Use Permit is applied for and granted per the Municipal Code.

**Design/Aesthetics:**

36. The design of the improvements shall be conforming to the approved site plan. Any significant changes in color or architecture (i.e. paint, texture, material) shall require written approval by the Community and Economic Development Director or Planning Commission approval. The applicant shall maintain the color as presented in the site plan for the life of the project. Any changes to the site plan as to color or architecture shall require prior approval by the Community and Economic Development Director or Planning Commission. This condition shall be applicable beyond the issuance of an occupancy permit.
37. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way.

**Police Department**

38. Install easy to view surveillance cameras inside and outside of the building subject to the prior approval of the Police Chief as to the location and quantity.

**Fire Department**

39. The location of the propane tank as indicated on the proposed site plan shall be moved to the eastern side of the site along Ward Road in a location to be approved by the Fire Chief.

40. The blow off fire hydrant shall be located on the southeast corner of the property near Pacheco Blvd. and Ward intersection.
41. A permit shall be obtained by the Fire Department for the installation of fuel tanks.
42. The location of Emergency Fuel Shut Off shall be approved by the Fire Department.
43. There shall be an exterior electrical disconnect for Fire Department use only.
44. Commercial grade Knox Boxes shall be required on the exterior of the building in the area of the front entrance. Applications can be obtained through the Fire Department.
45. A fire alarm control panel shall be located within the fire control room. A minimum of one (1) pull station and one (1) audio visual station shall be provided within 5' of the front entrance. The fire alarm system shall be plan checked and approved by the Los Banos Fire Department. These plans shall be through deferred submittal to the Fire Department.
46. There shall be a two (2) - ten (10") inch addresses of a contrasting color on the building facing Pacheco Blvd. (south elevation) and the other facing Ward Road (east elevation).
47. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to occupancy.

### **Public Works**

48. There shall be an ADA compliant "path of travel" extending to the building Ward Road.
49. The developer shall prepare improvement plans for the entire site and plans shall be approved by the City Engineer prior to the start of any site work. Included in those improvement plans shall be, but not limited to, topography, site, grading and drainage, utilities, striping and signage, landscape, on and offsite lighting (street frontage), and offsite improvements. These improvements shall be installed per City of Los Banos Standards.
50. The developer shall prepare, prior to issuance of a building permit, a landscape and lighting plan. The landscape and lighting plan shall be approved by the Community and Economic Development Department and Public Works Department prior to issuance of a building permit, and shall be prepared by a Landscape Architects and shall include the size, type of fixtures to be used on site, and include a Lumen Dispersion Map and comply with the City of Los Banos

shade tree canopy ordinance. The landscape plan shall be designed in accordance with the City's "Water Efficient Landscape Ordinance".

51. A Storm Water Pollution Prevention Plan (SWPPP) shall be generated if the property is greater than 1-acre. In any case Construction and Post-Construction Best Management Practices (BMP's) shall be implemented to the City's MS-4 Phase II designation.
52. The developer shall prepare a grading and drainage plan and improvement plan prior to the issuance of a building permit. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.
53. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the developer per the City of Los Banos Utility Master Plans.
54. All new utility services are to be under-grounded.
55. All development fees, including but not limited to all inspection fees, processing fees, landscape and light plan fees, and improvement plan fees shall be paid prior to issuance of the building permit.
56. All work performed within/adjacent to the State Right-of-Way will be subject to Caltrans Standards and Specifications, including an encroachment permit.
57. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.
58. The Landscape Plan shall be designed to have trees meet the City Shade Canopy requirements of 50% parking stall coverage in 5 years over the new parking lot area.
59. The Landscape Plan shall include areas between back of curb and edge of sidewalk.
60. The trash enclosure shall be large enough to accommodate a solid waste dumpster and recycling waste dumpster.



## RESOLUTION No. 2016-12

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT #2016-05 TO THE LOS BANOS CITY COUNCIL FOR THE OFF-SALE OF BEER AND WINE FOR WINDECKER INC., LOCATED AT 2270 PACHECO BLVD.; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-160-016**

WHEREAS, Windecker Inc. has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 20 alcohol license for the off-sale of beer and wine for Windecker Inc., located at 2270 Pacheco Blvd., more specifically identified as Assessor's Parcel Number: 428-160-016; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on April 15, 2016 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, it has been found that the proposal will not contribute to the undue proliferation of crime, loitering or create traffic problems or capacity issues; and

WHEREAS, it has been found that the proposal will not adversely affect churches, schools or public areas; and

WHEREAS, it has been found the proposal will not interfere with the movement of people along an important pedestrian street; and

WHEREAS, the use is located and will be operated so as to avoid disruption of residents sleep; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Conditional Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use

Permit #2016-05 for Windecker Inc. was adequately evaluated in the College Plaza Mitigated Negative Declaration; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend the approval of Conditional Use Permit #2016-05 to the Los Banos City Council to allow for the off-sale of alcoholic beverages in conjunction with an ABC License, Type 20, off-sale beer and wine for Windecker located at 2270 Pacheco Blvd., more specifically identified as Assessor's Parcel Number: 428-160-016, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8<sup>th</sup> day of June 2016 by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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Tom Spada, Planning Commission Chairperson

ATTEST:

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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2016-01 – WINDECKER INC

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, this project was evaluated within the context of the College Plaza Mitigated Negative Declaration (MND), certified by the City on March 14, 2001. The Community and Economic Development Department has determined that the proposed project was adequately described, examined, and evaluated in the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND. The City determined that the College Plaza would have a less than significant effect on the environment with mitigation measures. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND. The CEQA findings attached hereto, document the determination by the City that the environmental review in the MND is adequate under CEQA.
2. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Mitigated Negative Declaration.
3. No further environmental documentation is required as the proposed project was contemplated and adequately analyzed in the Mitigated Negative Declaration.
4. The City of Los Banos Community Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the mitigated negative declaration is based and will be certified by the Los Banos City Planning Commission.

## EXHIBIT B

### FINDINGS FOR APPROVAL FOR CONDITIONAL USE PERMIT #2016-05 – WINDECKER INC.

The City of Los Banos Planning Commission hereby finds as follows:

#### 1. General Findings:

##### 1. The project is consistent with the City of Los Banos General Plan.

- a. The existing General Plan land use designation for the project site is Commercial, which permits large-scale commercial developments that serve both residents, visitors, and the surrounding region.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

#### **ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

Evidence/Analysis: The proposed convenience store and fuel station would provide services for local residents and visitors traveling through the City of Los Banos. The proposed sale of beer and wine would provide a convenience for the customers of the shopping center and will be a use that is compatible with and complementary of existing commercial uses at the site.

2. 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.

Evidence/Analysis: The proposed use will be conducted within the College Plaza Shopping Center and will not result in significant operational changes to the existing commercial area. The areas function and character is Commercial, which includes uses that serve and sell alcohol. The project would include conditions of approval which regulate the operational characteristics of the businesses and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

3. 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.

Evidence/Analysis: The proposed use will be conducted within the College Plaza. The off-sale of beer and wine in the convenience store setting will not result in significant operational changes to the existing shopping center and neighboring commercial areas. The proposed conditions of approval would ensure consistency with other uses in the shopping center and promote compatibility.

## B. Specific Findings

4. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

Evidence/Analysis: As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently five (5). The census tract area and function is primarily commercial in nature which allows for the sale and serving of alcohol. The addition of a sixth license will not contribute to the undue proliferation of alcohol sales in the area. The proposed sale of beer would expand the convenience store and fuel station use that is compatible with and complementary of existing commercial uses at the site. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering.

5. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

Evidence/Analysis: There are currently no churches located within the College Plaza. In addition, conditions of approval which regulate the operational characteristics of selling alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity. The proposal will not adversely affect churches as alcohol will not be consumed outside or on the premises and is not the primary use of the premises.

6. That the proposal will not interfere with the movement of people along an important pedestrian street.

Evidence/Analysis: The consumption of alcohol will not be allowed on the premises.

7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Evidence/Analysis: No consumption of alcohol will occur on the premises. The nearest residential window is located more than 100 feet away from the front entrance to the facility. The convenience store and fuel station will be subject to the Los Banos Municipal Code Noise Ordinance. The project will include conditions of approval which regulate the operational characteristics of allowing the sale alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2016-05 – WINDECKER INC.

#### Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all.
2. Conditional Use Permit 2016-05 is for Windecker Inc. located at 2270 Pacheco Blvd.; more specifically identified as Assessor's Parcel Number: 428-160-016 and the requested use shall expire after one (1) year from date of approval by the Los Banos City Council unless implemented. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 20 "Beer and Wine" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Planning Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the property free of litter at all times in the parking lot area and the areas adjacent to the premises with permission from the property owners.
7. The Planning Commission reserves the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects in the neighborhood resulting from the use of alcohol on the premises.

8. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
9. The exterior of the premises, including adjacent public sidewalks and the parking lot areas, shall be illuminated during all hours of darkness when the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel.
10. The premises shall be operated primarily as a Fresh Fill convenience store and Chevron fuel station as described in the operational statement prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises may cause a review, amendment or revocation of the Use Permit.
11. The applicant/operator shall have monitoring cameras where the alcohol is displayed in the store at all times. All interior surveillance cameras shall be equipped with audio recording. The applicant shall keep the video recordings for 30 days and make them available to law enforcement upon request.
12. The premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved conditional use permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
13. Authorization of a Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
14. Alcoholic Beverages are to be displayed only in the areas shown on the approved floor plan attached herein and incorporated by reference.

14. All cooler doors which contain alcohol, including the beer cave, shall contain a chime which rings and notifies store personnel when a customer opens the door(s).
15. The applicant/operator shall provide signage on the door of the beer refrigerator which states the area is monitored by video surveillance at all times.
16. The applicant/operator shall provide signs prohibiting loitering and open alcoholic containers on the property and/or building subject to the approval of the Community and Economic Development Director.

**HEADY DESIGN & ASSOCIATES**  
 7365 Carmel Ave suite #230  
 Rancho Conejo, California 91730  
 Phone (909) 561-1202  
 email: heady@headydesign.com

**SITE PLAN**

FRESH FILL CONVENIENCE STORE  
 LOS BANOS, CA  
 HIGHWAY 152 AND WARD ROAD

Rev #	Date	Revision Description

CONTRACT NO. WFL001  
 DRAWN BY: SGG  
 DATE: 6-03-16  
 SCALE: 1/20  
 DRAWING: **SP1**

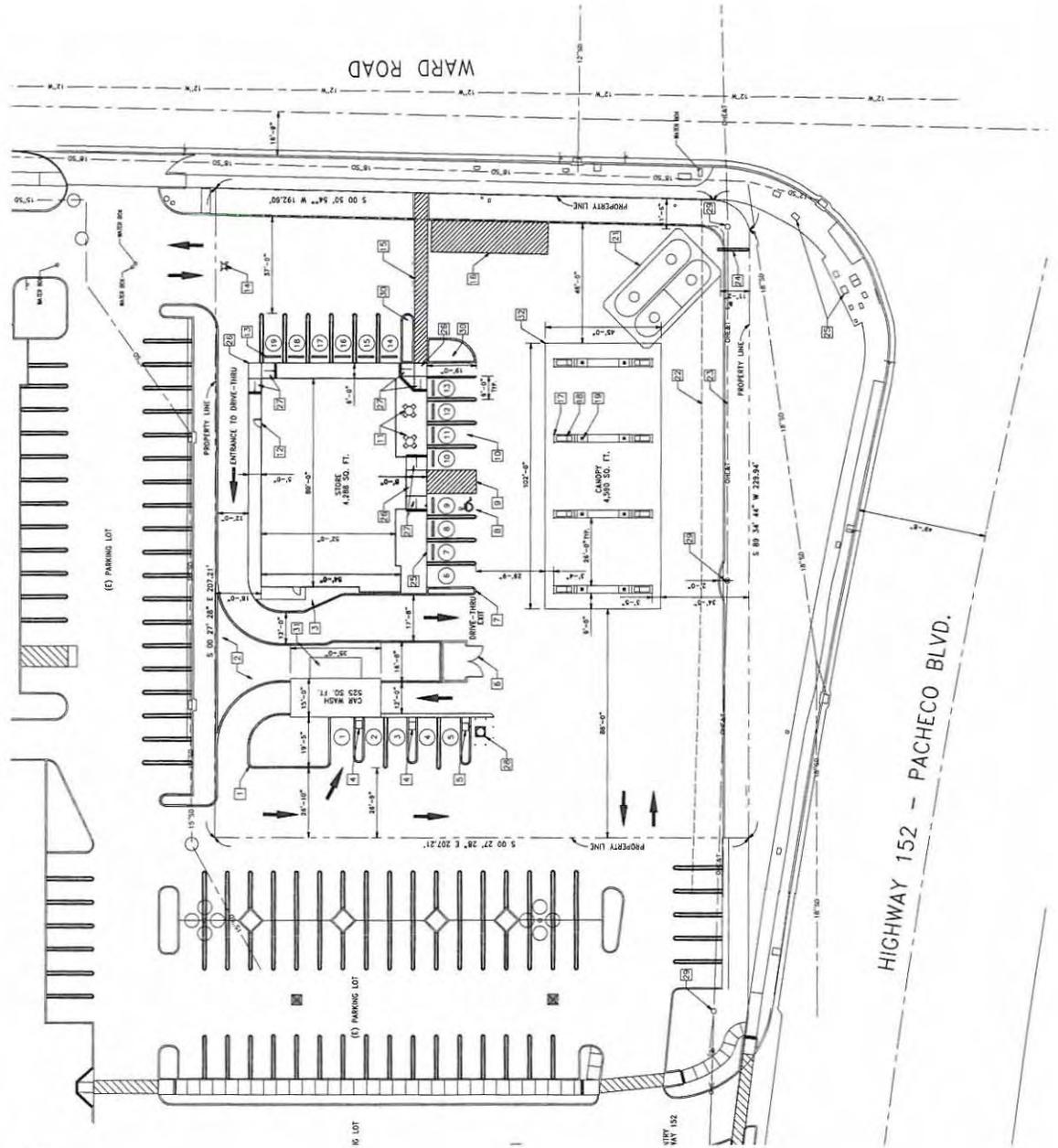


**PROJECT DATA**

PROJECT ADDRESS: ONE MAIN ROAD & HWY 152  
 SITE CROSS STREET ADDRESS: 17171 WARD ROAD  
 SQUARE FOOTAGE: 4,288 SQ. FT. CANOPY PROVIDED  
 NUMBER OF STORES: 1  
 NUMBER OF STALLS: 18  
 LANDSCAPE PERCENTAGE: 28% (11% EXISTING, 17% NEW)  
 BLDG. OCCUPANCY: M  
 PARKING REQUIRED: 18 TOTALS (18 REQUIRED)

NAME OF BUSINESS: GAS STATION, CONVENIENCE STORE, CAR WASH

- SITE NOTES**
- (N) LANDSCAPING (847 SQ. FT.)
  - (N) LANDSCAPING (1330 SQ. FT.)
  - (N) LANDSCAPING (191 SQ. FT.)
  - (N) VACUUM
  - (N) CAR CHANGING STATION
  - (N) 10' x 16' TRASH ENCLOSURE
  - (N) CONCRETE CURB
  - (N) 9' x 19' ADA PARKING STALL
  - (N) ADA LOADING ZONE (VAN ACCESSIBLE)
  - (N) 9' x 19' PARKING STALL (TYP.)
  - (N) EXTERIOR SEATING AREA
  - (N) LOADING ACCESS DOOR
  - (N) WHEEL STOP (TYP.)
  - (N) FIRE HYDRANT
  - (N) ADA ACCESS PATH
  - (N) 4" BOLLARD (TYP.)
  - (N) MULTI PURPOSE RESPONDER (TYP.)
  - (N) 17' x 17' STRUCTURAL COLUMN (TYP.)
  - (N) 480 SQ. FT. CANOPY W/ SOLAR PANELS
  - (N) 20,000 GAL DIESEL AND FUEL TANK
  - (N) EXHAUST
  - (N) OVERHEAD POWER LINES
  - (N) PRIMARY TO SIGN
  - (N) RASSED 6" CURB
  - (N) ADA LEVEL LANDING
  - (N) ADA RAMP 5% SLOPE
  - (N) VERTICAL PROPANE TANK W/ 4" BOLLARDS
  - (N) POWER PULL
  - (N) LANDSCAPING
  - (N) 6' x 20' EQUIPMENT ROOM
  - (N) 45' x 105' FILLING BODY CANOPY

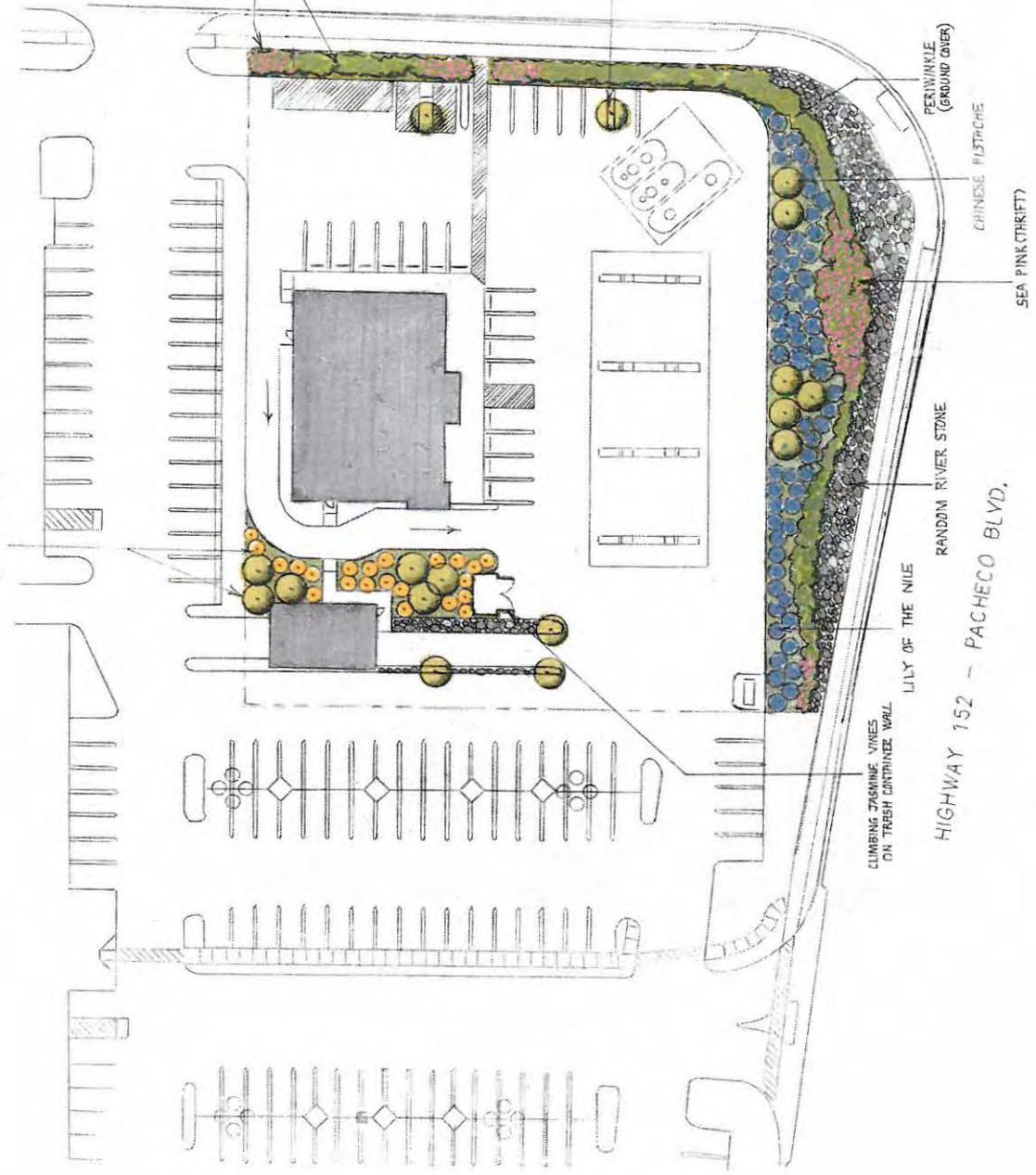


**NORTH**  
 SCALE: 1/20

THIS DRAWING IS THE PROPERTY OF HEADY DESIGN & ASSOCIATES. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HEADY DESIGN & ASSOCIATES.

NORTH  
SCALE: 1:20

DAY LILIES + DWARF CONIFER TREES  
(STELLA D'OR)



LANDSCAPE PLAN  
CHEVRON STATION/CONVENIENCE STORE  
HIGHWAY 152 + WARD ROAD  
LOS BANOS, CALIFORNIA  
WYN KONSEP/DALEBURNING.COM  
714 692-4657  
HUNTINGTON BEACH, CALIF. 92647  
MARCH 18, 2016  
SCALE: 1:20

HIGHWAY 152 - PACHECO BLYD.

**HEADY DESIGN & ASSOCIATES**  
 7965 Carmelian Ave suite #239  
 Rancho Cucamonga, California 91730  
 Phone (909) 591-1202  
 email: heady@headydesign.com

**HDA**

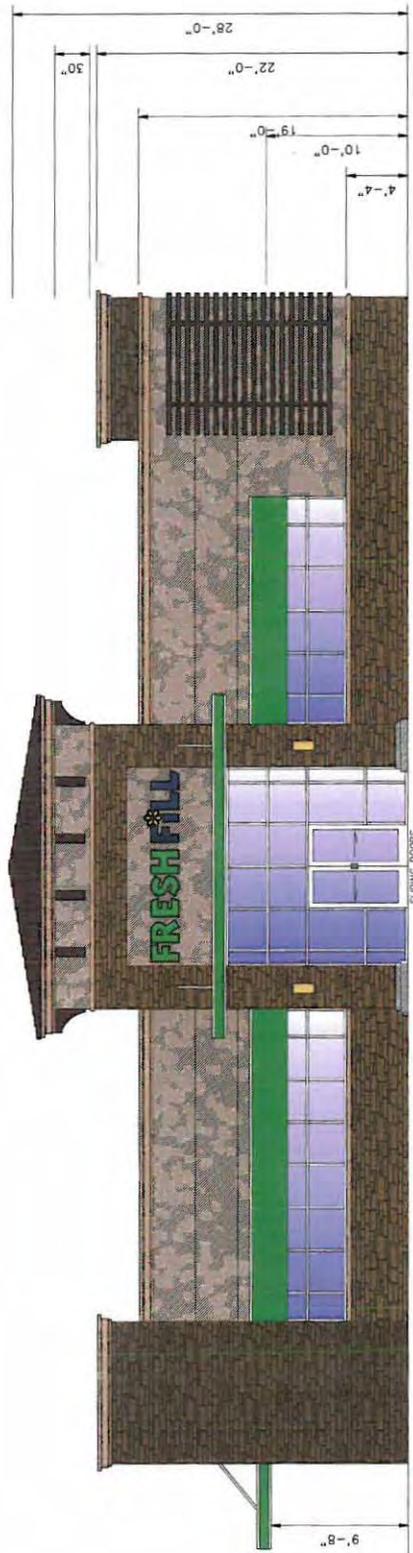
**STORE EXTERIOR ELEVATIONS**  
 2270 PACHECO BLVD  
 LOS BANOS, CA 93835

Rev. #	Date	Revision Description

Documents prepared by Headly Design Associates, including the drawings, are to be used only for the specific project and site. No other use, reproduction, or distribution is permitted without the written consent of Headly Design Associates. The drawings are prepared and issued as a design concept only. They are not to be used for construction purposes. Headly Design Associates and its employees shall not be held liable for any errors or omissions in the drawings or for any consequences arising from the use of the drawings.

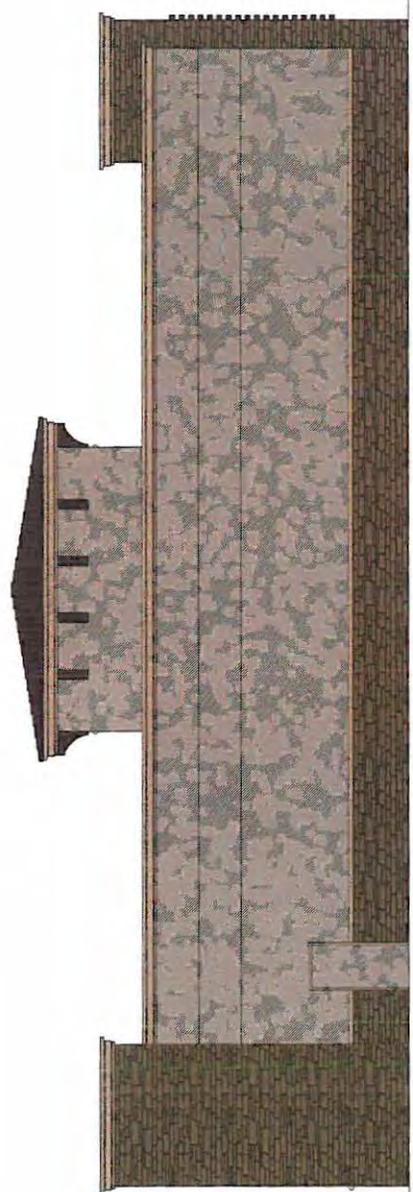
JOB NO.: WFL-001  
 DRAWN BY: 5050  
 DATE: 6/01/2016  
 SCALE: 1/4"=1'-0"

DRAWINGS:  
**A03.1**



A  
 SCALE 1/4"=1'

SOUTH ELEVATION



B  
 SCALE 1/4"=1'

NORTH ELEVATION

**HEADY DESIGN & ASSOCIATES**  
 7365 Carmelien Ave suite #239  
 Rancho Dominguez, California 91730  
 Phone: (909) 581-1302  
 email: theedy@headydesign.com



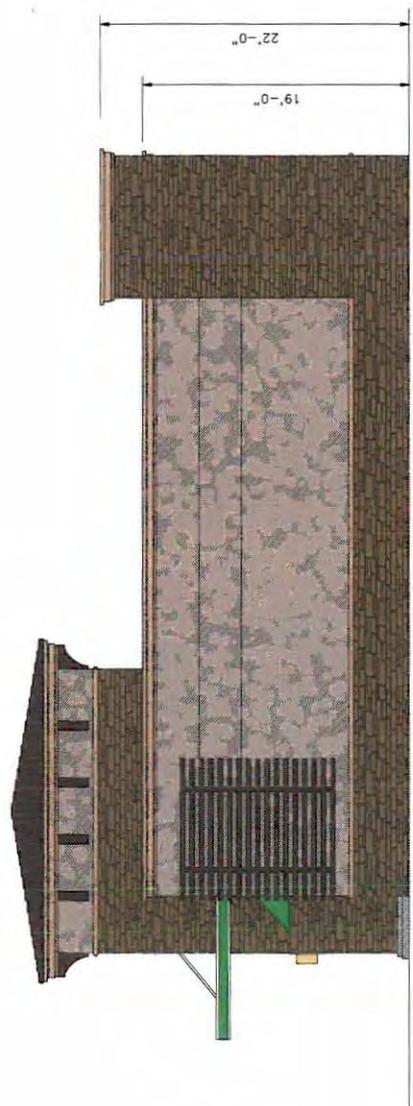
**STORE EXTERIOR  
 ELEVATIONS**  
 2270 PACHECO BLVD  
 LOS BANOS, CA 93835

Rev. #	Date	Revision Description

**JOB NO.:** WF-001  
**DRAWN BY:** SMO  
**DATE:** 8/12/2016  
**SCALE:** 1/4"=1'-0"  
**DRAWINGS:** A03.2



WEST ELEVATION  
 SCALE 1/4"=1'-0"  
 A



EAST ELEVATION  
 SCALE 1/4"=1'-0"  
 B







IN-SHAPE MANAGEMENT COMPANY, INC.



6 SO. EL DORADO ST., 7TH FLOOR  
STOCKTON, CALIFORNIA 95202

REPLY TO:  
BRIAN HERON  
V 209.985.6329  
BRIAN@NAIBENCHMARK.COM

April 22, 2016

*Via Facsimile and Email*

Attention: Stacey Souza Elms, Senior Planner  
CITY OF LOS BANOS COMMUNITY AND  
ECONOMIC DEVELOPMENT  
520 "J" Street  
Los Banos, California 93635

Los Banos Planning Commissioners  
CITY OF LOS BANOS PLANNING COMMISSION  
520 "J" Street  
Los Banos, California 93635

Re: Fresh Fill Convenience Store  
Highway 152 (Pacheco Boulevard) and Ward Road - APN 428-160-016 ("Subject Property")

Dear Ms. Elms and Esteemed Commissioners:

This correspondence is being addressed to you with respect to a project which the undersigned believes may be set to be heard by the Los Banos Planning Commission at its next regularly-scheduled meeting on April 27, 2016. The proposed project is a convenience store, fueling station and car wash proposed for the northwest corner of Highway 152 and Ward Road within the area known as College Plaza Shopping Center ("Shopping Center"). The Applicant is believed to be Heady Design and Associates.

In-Shape Management Company, Inc. is owner of parcel number 428-160-029 at 2220 East Pacheco Boulevard which is also within the Shopping Center and which abuts the Subject Property on the west/northwest. In-Shape Management Company, Inc. is one of the owners of parcel number 428-160-029 within the Shopping Center. In-Shape Health Clubs is a tenant in the Shopping Center at 2240 East Pacheco Boulevard (APN 428-160-030).

The parcels comprising the Shopping Center are subject to that certain Grant of Reciprocal Easements and Declaration of Covenants, Conditions and Restrictions recorded January 8, 2001 as amended on May 1, 2001 (First Amendment), October 17, 2001 (Second Amendment) and June 19, 2006 (Third Amendment) (collectively, "Declaration").

The Declaration includes development guidelines and parameters to which all parcels within the Shopping Center are subject, including the Subject Property. The proposed project appears not to be compliant with provisions of the Declaration, as follows.

1. The project proposes to remove existing parking and change access/drive aisle locations. Specifically, three (3) parking spaces are proposed for removal to allow for an additional egress from the Subject Property. Such changes are subject to approval by a Voting Majority Interest (Declaration paragraph 2.2.3).
2. The Declaration limits the Building Area on the Subject Property to 3,930 square feet (First Amendment).

3. The proposed project includes a drive through at the convenience store building. The Declaration expressly prohibits any fast food restaurants on the Subject Property, including "Burger King, Wendy's, Carl's Jr., Taco Bell, Del Taco, Pizza Hut, Subway Sandwiches, McDonald's, Jack in the Box, Foster Freeze, Dairy Queen or similar establishments" (Second Amendment). Any fast food use, or any comparable use for which a drive-through lane is material, would constitute a violation of this language in the Declaration.

4. The proposed project may present other development and/or design elements, unknown to the undersigned at this time, which constitute further violations of the Declaration.

Any change to the site plan, parking, circulation or other material aspects of the Shopping Center are subject to consent of a Voting Majority Interest of the Shopping Center and subsequent recorded documentation.

The undersigned do not oppose the proposed project *per se*, but assert the project is subject to review and consent of a Voting Majority Interest under the Declaration before the project can go forward or be considered by the Planning Commission. It is respectfully requested that consideration of the project by the Planning Commission be continued until such time as Applicant can demonstrate compliance with the Declaration.

Respectfully submitted,

IN-SHAPE MANAGEMENT COMPANY, INC.



Paul Rothbard, Vice-President

IN-SHAPE HEALTH CLUBS, LLC



Paul Rothbard, CEO

cc by email only:

Harry Heady – Heady Design & Associates

Thakor and Manjula Patel (owners, APN 428-160-027)

Realty Income Properties 12, LLC (owner, APN 428-160-030)

Brian Heron and Grace Heron (owners, APN 428-160-029)

Mort Rothbard (owner, APN 428-160-029)

Umesh Patel, Property Manager  
340 Scenic Avenue  
Piedmont, CA 94611  
[umesh@avondalproperties.net](mailto:umesh@avondalproperties.net)

April 24, 2016

City of Los Banos Planning Commission  
c/o Stacy Souza Elms, Senior Planner  
City of Los Banos  
520 J Street  
Los Banos, CA 93635

RE: Proposed Gas Station/Convenience Store at APN 428-160-016 (Site Plan Review #2016-01 and Conditional Use Permit #2016-05 Windecker Convenience Store and Fuel Station)

Dear Chairman Spada and Planning Commissioners,

Our letter is in regards to the proposed development of a 4,728 convenience store, 16 pump fuel station and self-service car wash at parcel number 428-160-016 scheduled for hearing on April 27, 2016. We own the property directly adjacent to the proposed development at 2260 East Pacheco Blvd whose tenants include Village Liquor and Sherwin Williams Paints. Our property is located within the College Plaza Shopping Center, of which the proposed fuel station/convenience store will also be a part.

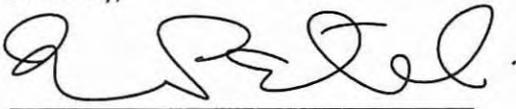
As the proposed development is located within the College Plaza Shopping Center, it is also subject to the Grant of Reciprocal Easements and Declaration of Covenants, Conditions and Restrictions as recorded January 8, 2001 as amended on May 1, 2001 (First Amendment), October 17, 2001 (Second Amendment) and June 19, 2006 (Third Amendment). However, upon our review of the site plan and application, we have determined that the development does not conform to the requirements outlined within the CC&R's as outlined below:

1. The CC&R's limit the building size to 3,930 square feet, while the application proposes a building size of 4,728 square feet (not including other structures such as the car wash). Our property's tenants benefit from their visibility from Pacheco Blvd. However, increasing the building size by 20% would block our tenants' visibility to the main thoroughfare of Pacheco Blvd.
2. The proposed development has increased the size and altered the locations of egress for its property. This has resulted in the loss of two parking spaces on our property. Such removal of existing parking spaces and changes to access would require approval of the voting majority interest of the center. Additionally, the development already does not conform to the City's own on-site parking requirements. Elimination of additional existing parking spaces on our adjacent lot would further exacerbate any potential parking issues.

3. The inclusion of a drive-through could possible violate the CC&R's as they do not allow for any fast food establishments on this site. While the applicant has proposed that only convenience store items will be served, those may include prepared food items which would be prohibited.
4. As we have just learned of this project upon receipt of the Notice of Hearing, more time is needed to review the applicant's design of the building to ensure conformance to the CC&R's.

We believe that approval of this project would be premature as it is in conflict with the CC&R's of the master development, and therefore would need to resolve this issues prior to any potential approval by the Planning Commission. We respectfully request that the Planning Commission continue consideration of the proposed development until the voting members have had the ability to review and possibly provide consent for a plan that conforms to the development's CC&R's.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thakor G. Patel', written over a horizontal line.

Thakor G. Patel, Owner

IN-SHAPE MANAGEMENT COMPANY, INC.



6 SO. EL DORADO ST., 7TH FLOOR  
STOCKTON, CALIFORNIA 95202

REPLY TO:  
BRIAN HERON  
V 209.985.6329  
BRIAN@NAIBENCHMARK.COM

April 25, 2016

*Via Email to Stacy Souza Elms for Distribution*

Attention: Stacy Souza Elms, Senior Planner

CITY OF LOS BANOS COMMUNITY AND

ECONOMIC DEVELOPMENT

520 "J" Street

Los Banos, California 93635

Los Banos Planning Commissioners

CITY OF LOS BANOS PLANNING COMMISSION

520 "J" Street

Los Banos, California 93635

Re: Site Plan Review # 2016-01 and Conditional Use Permit # 2016-05  
Windecker Convenience Store and Fuel Station with Car Wash  
Highway 152 (Pacheco Boulevard) and Ward Road - APN 428-160-016 ("Subject Property")

Dear Ms. Elms and Esteemed Commissioners:

This correspondence supplements the correspondence dated April 22, 2016 concerning the above-referenced project. The undersigned is now in possession of the Staff Report for this project and respectfully adds the following comments.

1. Ten (10) days' public notice of these proceedings is required under Municipal Code section 9-3.2304 to property owners within 300 feet of the Subject Property. The Staff Report indicates notice was mailed on or about April 15, 2016, thus the ten (10)-day notice required under the Code was not given. As of the date of this letter, the undersigned has been unable to confirm that notices were received by In-Shape Management Company, Inc. or Realty Income Properties 12, LLC. Both parcels are situated within 300 feet of the Subject Property.

2. The nature of use proposed for the drive-through is subject to approval by a Voting Majority Interest in the Shopping Center.

3. The nature of utility service for the proposed uses and the manner in which those utilities tie in and/or affect other parcels/users/owners in the Shopping Center is subject to approval by a Voting Majority Interest in the Shopping Center.

As previously stated, any change to the site plan, parking, circulation or other material aspects of the Shopping Center are subject to consent of a Voting Majority Interest of the Shopping Center and subsequent recorded documentation.

The undersigned do not oppose the proposed project *per se*, but assert the project is subject to review and consent of a Voting Majority Interest under the Declaration before the project can go forward or be considered by the Planning Commission. It is respectfully requested that consideration of the project by the Planning Commission be continued until such time as Applicant can demonstrate compliance with the Declaration.

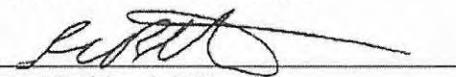
Respectfully submitted,

IN-SHAPE MANAGEMENT COMPANY, INC.



Paul Rothbard, Vice-President

IN-SHAPE HEALTH CLUBS, LLC



Paul Rothbard, CEO

cc by email only:

Harry Heady – Heady Design & Associates

Thakor and Manjula Patel (owners, APN 428-160-027)

Realty Income Properties 12, LLC (owner, APN 428-160-030)

Brian Heron and Grace Heron (owners, APN 428-160-029)

Mort Rothbard (owner, APN 428-160-029)



City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

Date: April 15, 2016

Regarding: Notice of Public Hearing

Proposal: Site Plan Review #20116-01 and Conditional Use Permit #2016-05 –  
Windecker Convenience Store and Fuel Station

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Site Plan Review #2016-01 and Conditional Use Permit #2016-05 for Windecker Inc. The project proposal is for the development of a 4,728 square foot convenience store, 16 pump fuel station and self-serve automatic car wash on 1.20 acres. In addition, the applicant is requesting the use of a Type 20 alcohol license for the off-sale of beer and wine. The project site is located within the Highway Commercial zoning district on the northwest corner of Ward Road and Pacheco Blvd.; more specifically described as Assessor's Parcel Number: 428-160-016.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, April 27, 2016 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Senior Planner at City Hall or at (209) 827-7000, Ext. 133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms  
Senior Planner



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN SPADA AND COMMISSIONERS**

**FROM: STACY SOUZA ELMS, SENIOR PLANNER** *SE*

**DATE: JUNE 8, 2016**

**SUBJECT: 99 CENT ONLY STORE CONDITIONAL USE PERMIT #2016-09 FOR THE OFF-SALE OF BEER AND WINE**

**RECOMMENDATION:**

That the Planning Commission adopt Resolution No. 2016-25 recommending approval of Conditional Use Permit #2016-09 to the Los Banos City Council for the off-sale of beer and wine for 99 Cent Only Stores located at 1209 W. Pacheco Boulevard.

**PROJECT BACKGROUND/DESCRIPTION:**

On March 25, 2015, the Los Banos Planning Commission approved Site Plan Review #2014-01 for the construction of a 99 Cent Only Store. The store was recently constructed and has been operational since May 25, 2016 in the City of Los Banos.

The applicant, 99 Cent Only Stores, is currently requesting a Conditional Use Permit for a Type 20 alcohol license for the off-sale of beer and wine at 1209 W. Pacheco Blvd.

**LOCATION AND ACCESS:**

The project site is located at 1209 W. Pacheco Blvd., more specifically identified as Assessor's Parcel Number: 431-141-020.



**LAND USE:**

Property	Land Use	Zone	General Plan
Project site	Commercial	H-C	Commercial
North	Agriculture	H-C	Commercial
South	Undeveloped/Commercial	H-C	Commercial
East	Undeveloped/Commercial	H-C	Commercial
West	Undeveloped/Commercial	H-C	Commercial

H-C = Highway Commercial

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant's request for the on-sale of beer involves the permitting and licensing of an existing private structure and involves no expansion at 1209 W. Pacheco Blvd.

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## USE PERMIT ANALYSIS

### ***Code Requirements***

Pursuant to the Los Banos Municipal Code Section 9-3.2322, a Conditional Use Permit is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. The Planning Commission is the recommending body and the City Council is the decision making body for Conditional Use Permits for the on-sale and off-sale of alcoholic beverages. A Conditional Use Permit may be granted if the proposed use is conforming to the following criteria:

#### **General Use Permit Criteria:**

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
2. 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;
3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

#### **Specific On-Sale and Off-Sale Alcoholic Beverages Criteria:**

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Staff has evaluated the proposal pursuant to the above criteria set forth in the Municipal Code and offers the following observations:

The project will not contribute to the proliferation of alcohol in the area or cause an increase in crime in that the proposed use will be ancillary to the property which is primarily a general merchandise/grocery store. In the immediate shopping center there are no other locations for the off-sale of beer and wine. The closest locations are Target to the west and La Esperanza Mercado to the east in the San Luis Plaza Shopping Center. Also, this is not a high crime area and it is not anticipated that the off-sale of beer and wine will create a crime or loitering problem. In addition, there will be

---

no cold storage of beer on site and beer products will only be sold in the manufacturer's pre-packaged containers.

The proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds. The proposed use is approximately 284 feet from an existing church to the southeast in the San Luis Shopping Center. The two parcels are separated by a parking lot and do not share any common areas such as driveways or parking areas. No alcohol will be consumed at the location, but will be sold for off-site consumption.

The proposal will not have an affect with the movement of people in that no alcohol will be allowed to be consumed on-site at any time and it is not anticipated that persons will congregate on sidewalks or streets as a result of the proposed use. Security cameras will be placed on the exterior and interior of the building to notify store personnel of any unlawful activity. Alcohol will not be allowed to be consumed on the premises. Signage will also be provided on the property and building which prohibit loitering and open alcoholic containers.

The beer and wine will be kept in a specific location as shown on the attached floor plan. The applicant has also provided a security plan showing the camera locations.

The Los Banos Police Chief has reviewed the location of security cameras shown on the application Floor Plan and has indicated that he was satisfied with the proposed plans. Signage will be provided on the doors of the alcohol refrigerators which state the area is monitored by video surveillance at all times. Additional conditions have been incorporated into the project which will require video surveillance of the store to be accessible to law enforcement whenever needed as well as a chime on the doors of the alcohol displays which employees know that customers are accessing alcohol.

### ***Alcoholic Beverage Control***

The Alcoholic Beverage Control Board (ABC) is the issuing authority for a Type 20 alcohol license. The City's authority for the sale of alcohol is through its land use powers embodied within the Los Banos Zoning Code.

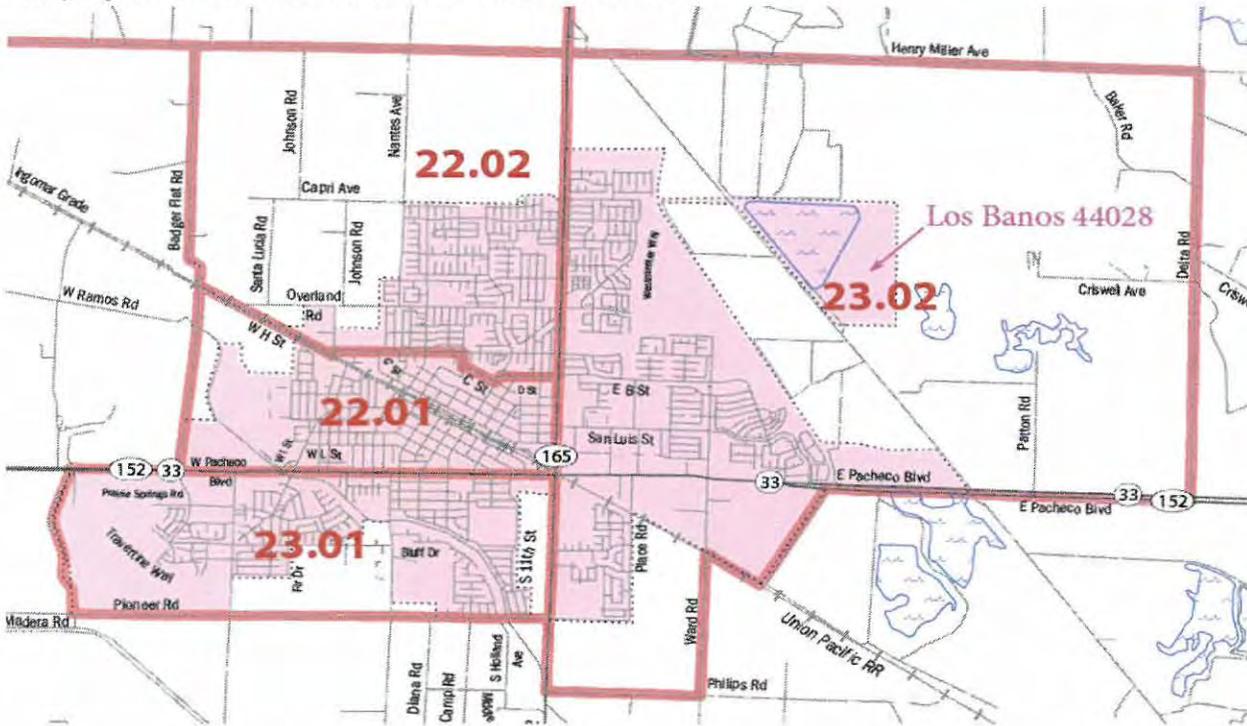
ABC has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- a) Restrictions as to hours of sale
- b) Display of signs
- c) Employment of designated persons
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law
- e) The portion of the privileges to be exercised under the license
- f) The personal conduct of the licensee

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified.

**Census Tract**

The project site is located in census tract 23.01.



As of the date of this report, there are nine (9) on-sale licenses currently in use in this specific census tract. According to Section 23817.5 of the Business and Professions Code there are no limitations to how many on-sale beer and wine licenses may be issued in a census tract. Limitations are only specified for off-sale of beer and wine and off-sale general licenses.

License Type <sup>1</sup>	Business Name	Premises Address
20	Los Banos Chevron	2531 E. Pacheco Blvd.
21	Rite Aid Store 5855	1317 E. Pacheco Blvd.
20	Larry's Shell	849 W. Pacheco Blvd.
20	7 Eleven Store 2237	603 Pacheco Blvd. #A
21	Walmart Store 2117	1575 W. Pacheco Blvd.
86	Walmart Store 2117	1575 W. Pacheco Blvd.
20	La Esperanza Mercado	937 W. Pacheco Blvd.
21	Target T2359	1405 W. Pacheco Blvd.
20	Los Banos Valero	1063 E. Pacheco Blvd.

<sup>1</sup> California Department of Alcoholic Beverage Control  
<http://www.abc.ca.gov/datport/AHCityRep.asp>

Type 20 license = Off-sale beer and wine  
Type 21 license = Off-sale general alcohol  
Type 86 license = Instructional Tasting

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on May 27, 2016. As of the date of this staff report, no comments have been received.

**APPLICABLE ORDINANCES/GUIDELINES:**

Los Banos General Plan

Los Banos Municipal Code – Section 9-3.2322

ABC Act, California Business and Professions Code

**RECOMMENDATION:**

That the Planning Commission adopt Resolution No. 2016-25 recommending approval of Conditional Use Permit #2016-09 to the Los Banos City Council for the off-sale of beer and wine for 99 Cent Only Stores located at 1209 W. Pacheco Boulevard.

**ATTACHMENTS:**

1. Resolution 2015-48
  - Exhibit A CEQA Findings
  - Exhibit B Project Findings
  - Exhibit C Conditions of Approval
2. Floor Plan
3. Public Hearing Notice – November 27, 2015

## RESOLUTION NO. 2016-25

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT #2016-09 TO THE LOS BANOS CITY COUNCIL FOR THE USE OF A TYPE 20 ALCOHOL LICENSE FOR THE OFF-SALE OF BEER AND WINE FOR THE 99 CENT ONLY STORE LOCATED AT 1209 WEST PACHECO BOULEVARD**

WHEREAS, the applicant, 99 Cent Only Stores, has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 20 alcohol license for the off-sale of beer and wine located at 1209 W. Pacheco Blvd., more specifically identified as Assessor's Parcel Number: 431-141-020; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on May 27, 2016 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Conditional Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2016-09 for the 99 Cent Only Store was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 as the project site is an existing facility; and

WHEREAS, the request/proposed use satisfies the criteria of the Los Banos Municipal Code.

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend the approval of Conditional Use Permit #2016-09 to the Los Banos City Council to allow the off-sale of beer and wine, Type 20, for the 99 Cent Only Store located at 1209 W. Pacheco Blvd., more specifically identified as Assessor's Parcel Number: 431-141-020, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8<sup>th</sup> day of June 2016 by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
Tom Spada, Planning Commission Chairman

ATTEST:

\_\_\_\_\_  
Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2016-09 – 99 CENT ONLY STORE**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2016-09 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the on-sale of beer and wine involves the permitting and licensing of an existing private structure and involves no expansion at 1209 W. Pacheco Blvd.
2. Conditional Use Permit #2016-09 was adequately noticed on May 27, 2016 for consideration at a public meeting on June 8, 2016.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

## EXHIBIT B

### FINDINGS FOR APPROVAL FOR CONDITIONAL USE PERMIT #2016-09 – 99 CENT ONLY STORE

The City of Los Banos Planning Commission hereby finds as follows:

1. General Findings:

- a. The project is consistent with the City of Los Banos General Plan.

The existing General Plan land use designation for the project site is Commercial, which permits large-scale commercial developments that serve both residents, visitors, and the surrounding region. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district for commercial uses that do not specialize in serving the pedestrian shopper but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

**ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

**LAND USE POLICY LU-G-10:**

Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

Evidence/Analysis: The 99 Cent Only Store will have the ability to provide a wider range of goods within the commercial district in which the store is located. The proposed use would expand an existing regional commercial/retail use that is compatible with and complementary of existing commercial/retail uses at the site. In addition, the project would also be consistent with General Plan land use policies as set forth above.

- b. 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.

Evidence/Analysis: The off-sale of beer and wine will be conducted in accordance with ABC regulations and therefore, will not be a nuisance or detrimental to the neighborhood in which the store is located. The project contains conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

2. 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.

Evidence/Analysis: The location of the beer and wine will be in a specific location. The proposed tasting area will be complimentary to the existing off-sale of alcohol at the store, and will be conducted pursuant to ABC regulations. The proposed conditions of approval would ensure consistency with other uses in shopping center and promote compatibility.

#### A. Specific Findings

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

Evidence/Analysis: The 99 Cent Only Store will conduct the off-sale of beer and wine pursuant to ABC regulations and will implement security measures at the store to combat crime and loitering. The proposed use is not anticipated to generate significant traffic as the use will largely serve customers already shopping in the store.

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

Evidence/Analysis: The proposed use is approximately 284 feet from an existing church to the southeast. The two parcels are separated by a parking lot and do not share any common areas such as driveways or parking areas.

3. That the proposal will not interfere with the movement of people along an important pedestrian street.

Evidence/Analysis: Alcohol will not be allowed to be consumed on-site at any time and it is not anticipated that persons will congregate on sidewalks or streets as a result of the proposed use. Security cameras will be placed on the exterior and interior of the building to notify store personnel of any unlawful activity. Signage will also be provided on the property and building which prohibit loitering and open alcoholic containers.

4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Evidence/Analysis: The regulated use involves the sale of alcohol. All of these sales will be conducted interior to the building, and consumption of alcohol is not allowed on the premises per the conditions of approval and city ordinance. The nearest residential windows are located more than 100 feet away from the retail store. Based upon these considerations, the Planning Commission finds that there is no evidence that the use will cause disruption of sleep

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2016-09 – 99 CENT ONLY STORE

#### Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all.
2. Conditional Use Permit 2016-09 is for 99 Cent Only Store #441 located at 1209 W. Pacheco Blvd.; more specifically identified as Assessor's Parcel Number: 431-141-020 and the requested use shall expire after one (1) year from date of approval by the Los Banos City Council unless implemented. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 20 "Beer and Wine" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Planning Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the property free of litter at all times in the parking lot area and the areas adjacent to the premises with permission from the property owners.
7. The Planning Commission reserves the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects in the neighborhood resulting from the use of alcohol on the premises.

8. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
9. The exterior of the premises, including adjacent public sidewalks and the parking lot areas, shall be illuminated during all hours of darkness when the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel.
10. The premises shall be operated primarily as a 99 Cent Store general merchandise/ grocery store as described in the operational statement prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises may cause a review, amendment or revocation of the Use Permit.
11. The applicant/operator shall have monitoring cameras where the alcohol is displayed in the store at all times. All interior surveillance cameras shall be equipped with audio recording. The applicant shall keep the video recordings for 30 days and make them available to law enforcement upon request.
12. The premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved conditional use permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
13. Authorization of a Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
14. Alcoholic Beverages are to be displayed only in the areas shown on the approved floor plan attached herein and incorporated by reference.

14. The applicant/operator shall provide signs prohibiting loitering and open alcoholic containers on the property and/or building subject to the approval of the Community and Economic Development Director.





City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: May 27, 2016

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-09 – Type 20 Alcohol License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit to allow the use of a Type 20 Alcohol License for the off-sale of beer and wine. The requested Conditional Use Permit is for the 99 Cent Only Store located at 1209 W. Pacheco Boulevard, more specifically described as Assessor's Parcel Number: 431-141-020.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, June 8, 2016 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Senior Planner at City Hall or at (209) 827-7000, Ext. 133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms  
Senior Planner



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN SPADA AND COMMISSIONERS**

**FROM: STACY SOUZA ELMS, SENIOR PLANNER** *SEE*

**DATE: JUNE 8, 2016**

**SUBJECT: CONDITIONAL USE PERMIT #2016-11 – MERCED COUNTY  
COMMUNITY ACTION AGENCY – WIC**

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-26 approving Conditional Use Permit #2016-11 for the operation of a Women, Infants, and Children (WIC) facility in the General Industrial zoning district located at 30 W. G Street, Suites A & B.

**PROJECT BACKGROUND/DESCRIPTION:**

The requested Conditional Use Permit is for the operation of a WIC facility at 30 W. G Street, Suites A & B. The property is located within the General Industrial (I) zoning district. A professional office is not specifically a permitted use within the General Industrial (I) zoning district, but may be permitted subject to meeting the criteria set forth in the Zoning Code and obtaining a Conditional Use Permit. Pursuant to the Zoning Code, the uses deemed appropriate by the Planning Commission may be permitted subject to securing a Conditional Use Permit.

The applicant, Merced County Community Action Agency is requesting to operate a WIC facility that helps pregnant women, new mothers, and young children eat well, stay healthy and be active. The program is funded by the U.S. Department of Agriculture (USDA). WIC provides food and support. The Los Banos WIC program provides individual counseling on nutrition, group education classes, and breastfeeding support. Participants typically spend about 30 minutes at the site. Vouchers for specific nutritious foods are distributed to participant families. The facility will also be used for other county health programs including “All Dads Matter” and “All Moms Matter”.

Merced County Community Action Agency currently operates a WIC facility at 340 I Street in the City of Los Banos. Their intent is to move to this new location, which will better meet the needs of the programs they provide and the families they serve.

The proposed use will operate Monday thru Friday from 8 a.m. to 5 p.m. and on Wednesdays from 8:30 a.m. to 5:30 p.m. The facility will consist of approximately 4,000 square feet and will have a reception area and five cubicles, a classroom, four offices, a break room, and two bathrooms.

Merced County Community Action Agency is requesting to locate in the Hacienda Business Park, which consists of various businesses such as Merced County Mental Health, Fastenal, DaVita Dialysis, Tomato Growing Board Association, IEM, Conquer MMA Fitness, Paraiso Brewery, Windecker Inc., and Bases Academy.

**LOCATION:**

The project site is located in the Hacienda Business Park at 30 W. G Street, Suites A & B, more specifically identified as Assessor's Parcel Numbers: 081-190-017 and 018.



**LAND USE:**

Property	Land Use	Zone	General Plan
Project site	Industrial	I	I
North	Industrial	I	I
South	Industrial	I	I
East	Residential	R-2	MDR
West	Industrial	I	I

I = Industrial

R-2/MDR = Medium Density Residential

The project site was originally zoned Light Industrial at the time the buildings were constructed. The Zoning Code at the time permitted administrative and executive offices as uses by right and as such the Hacienda Business Park has uses in the complex which are more office/medical use tenants. The Hacienda Business Park consists of a reciprocal parking easement. There is sufficient parking onsite as the parking immediately adjacent to 30 W. G Street consists of 38 spaces and the Municipal Code requires WIC to provide 20 spaces (4,000/200).

#### **ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA Article 19, Section 15301 - Existing Facilities.

#### **USE PERMIT ANALYSIS**

##### ***Code Requirements***

Pursuant to Section 9-3.2322 of the Los Banos Municipal Code, before any Conditional Use Permit may be granted, the Planning Commission shall make the following findings:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
  - a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

##### **ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

Evidence/Analysis: The WIC facility will provide social services for women, infants, and children of Los Banos. In addition, the project would also be consistent with General Plan land use policies as set forth above.

- b. The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences on non-industrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances.

Evidence/Analysis: The proposed use is consistent with the Zoning Code as it will be compatible with existing uses in the Hacienda Business Park and is similar in nature with existing uses such as Merced County Mental Health. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

2. 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;

Evidence/Analysis: The proposed use is similar to most of the existing uses within the Hacienda Business Park and will be less intensive than most of the permitted uses. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance or detrimental to the neighborhood.

3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

The proposed use will be less intensive than most of the permitted uses within the General Industrial zoning district. This use is compatible with adjacent uses that provide professional and medical services to the community. Conditions of approval have been incorporated into the project to ensure the business is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on May 27, 2016. As of the date of this staff report, no comments have been received.

**APPLICABLE ORDINANCES/GUIDELINES:**

Los Banos General Plan

Los Banos Municipal Code – Section 9-3.1502 and Section 9-3.2322

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-26 approving Conditional Use Permit #2016-11 for the operation of a Women, Infants, and Children (WIC) facility in the General Industrial zoning district located at 30 W. G Street, Suites A & B.

**ATTACHMENTS:**

1. Resolution #2016-26

- Exhibit A CEQA Findings
- Exhibit B Project Findings
- Exhibit C Conditions of Approval
- 2. Site Plan
- 3. Site Photos
- 4. Public Hearing Notice – May 27, 2016

## **RESOLUTION No. 2016-26**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2016-11 FOR MERCED COUNTY COMMUNITY ACTION AGENCY WIC PROGRAM LOCATED AT 30 W. G STREET, SUITES A & B, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-190-017 AND 081-190-018**

WHEREAS, Merced County Community Action Agency has requested that the City of Los Banos consider a Conditional Use Permit to allow the operation of a Women, Infants, and Children (WIC) facility in the General Industrial zoning district located at 30 W. G Street, Suites A & B, more specifically identified as Assessor's Parcel Number: 081-190-017 and 081-190-018; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on May 27, 2016 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, the project has been determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 - Existing Facilities.

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit #2016-11 to allow the operation of a WIC facility at 30 W. G Street, Suites A & B, more specifically identified as Assessor's Parcel Number: 081-190-017 and 081-190-018, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8<sup>th</sup> day of June 2016 by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

---

Tom Spada, Planning Commission Chair

ATTEST:

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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2016-11 – MERCED COUNTY COMMUNITY ACTION AGENCY WIC PROGRAM**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Conditional Use Permit #2016-11 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301.
2. Conditional Use Permit #2016-11 was adequately noticed and circulated for public review and comment on May 27, 2016 for consideration at a public meeting on June 8, 2016 and no comments were received.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT #2016-11 – MERCED COUNTY COMMUNITY ACTION AGENCY WIC PROGRAM

#### FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
  - a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

#### **ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

Evidence/Analysis: The WIC facility will provide social services for women, infants, and children of Los Banos. In addition, the project would also be consistent with General Plan land use policies as set forth above.

- b. The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences on non-industrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances.

Evidence/Analysis: The proposed use is consistent with the Zoning Code as it will be compatible with existing uses in the Hacienda Business Park and is similar in nature with existing uses such as

Merced County Mental Health. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

2. 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;

Evidence/Analysis: The proposed use is similar to some of the existing uses within the Hacienda Business Park and will be less intensive than most of the permitted uses. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance or detrimental to the neighborhood.

3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

Evidence/Analysis: The proposed use will be less intensive than most of the permitted uses within the General Industrial zoning district. This use is compatible with adjacent uses that provide professional and medical services to the community. Conditions of approval have been incorporated into the project to ensure the business is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2016-11 – MERCED COUNTY COMMUNITY ACTION AGENCY WIC PROGRAM

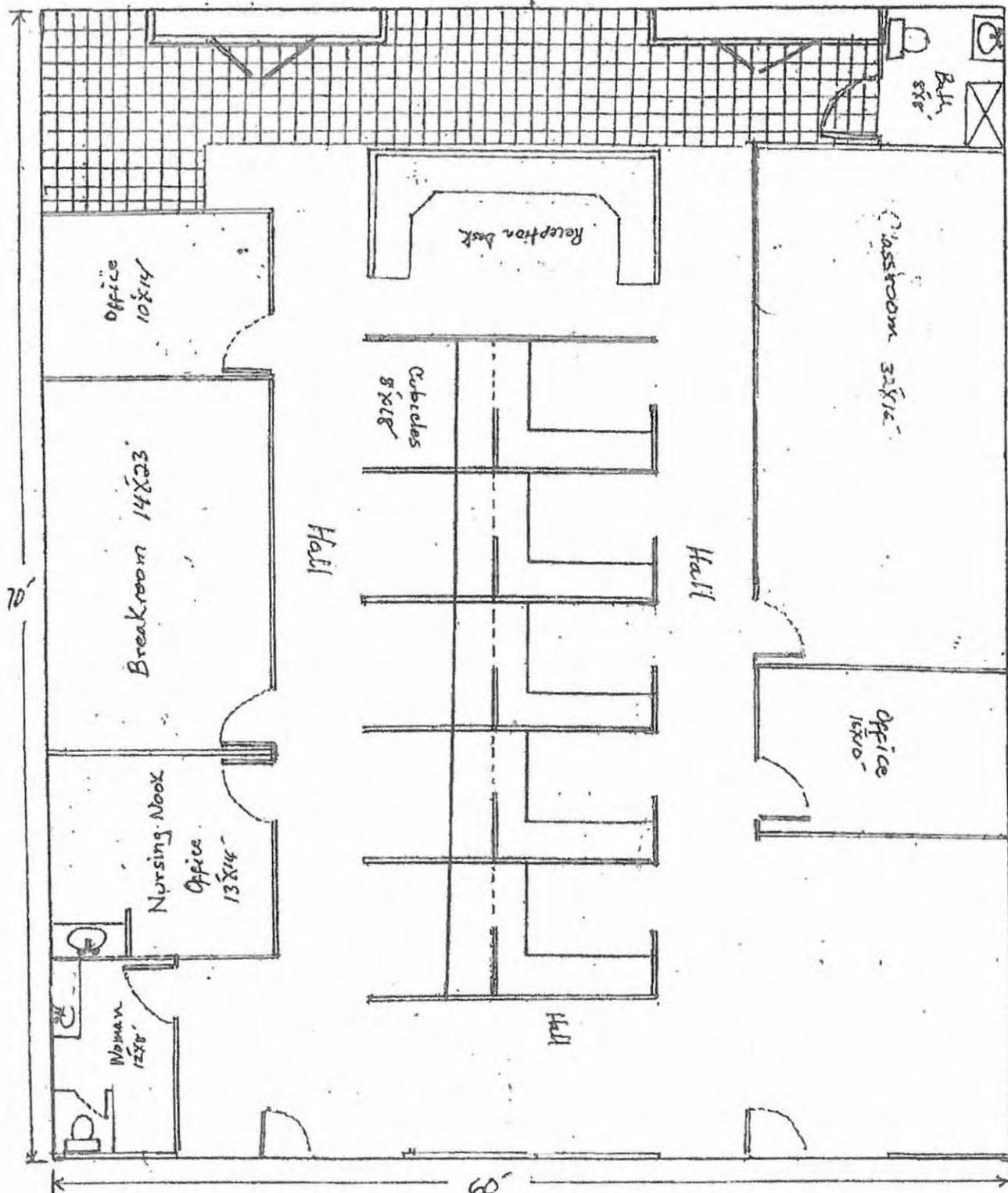
#### Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. Conditional Use Permit 2016-11 is for Merced County Community Action Agency located at 30 W. G Street, Suites A & B; more specifically identified as Assessor's Parcel Numbers: 081-190-017 and 081-190-018. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
3. Subject to and in addition to these conditions of approval for Conditional Use Permit #2016-11 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, Staff Report, and Floor Plan.
4. The applicant shall comply with all applicable City ordinances, specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
5. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.
6. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all

liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

7. The premises shall be operated as a Women, Infants, and Children (WIC) facility as described and in conformance with the application prepared by the applicant and filed with the Community and Economic Development Department. Any new use or modification/expansion of uses shall be subject to the prior review and approval of the Planning Commission.
8. The premises of the subject site shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved conditional use permit or filed operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.
9. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
10. All activities shall be confined to the inside of the building.
11. If the use is discontinued for a period of 12 months, this Conditional Use Permit shall lapse and become void.
12. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:
  - a. Conditions of approval have not been fulfilled;
  - b. A significant change or intensification of the approved use;
  - c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

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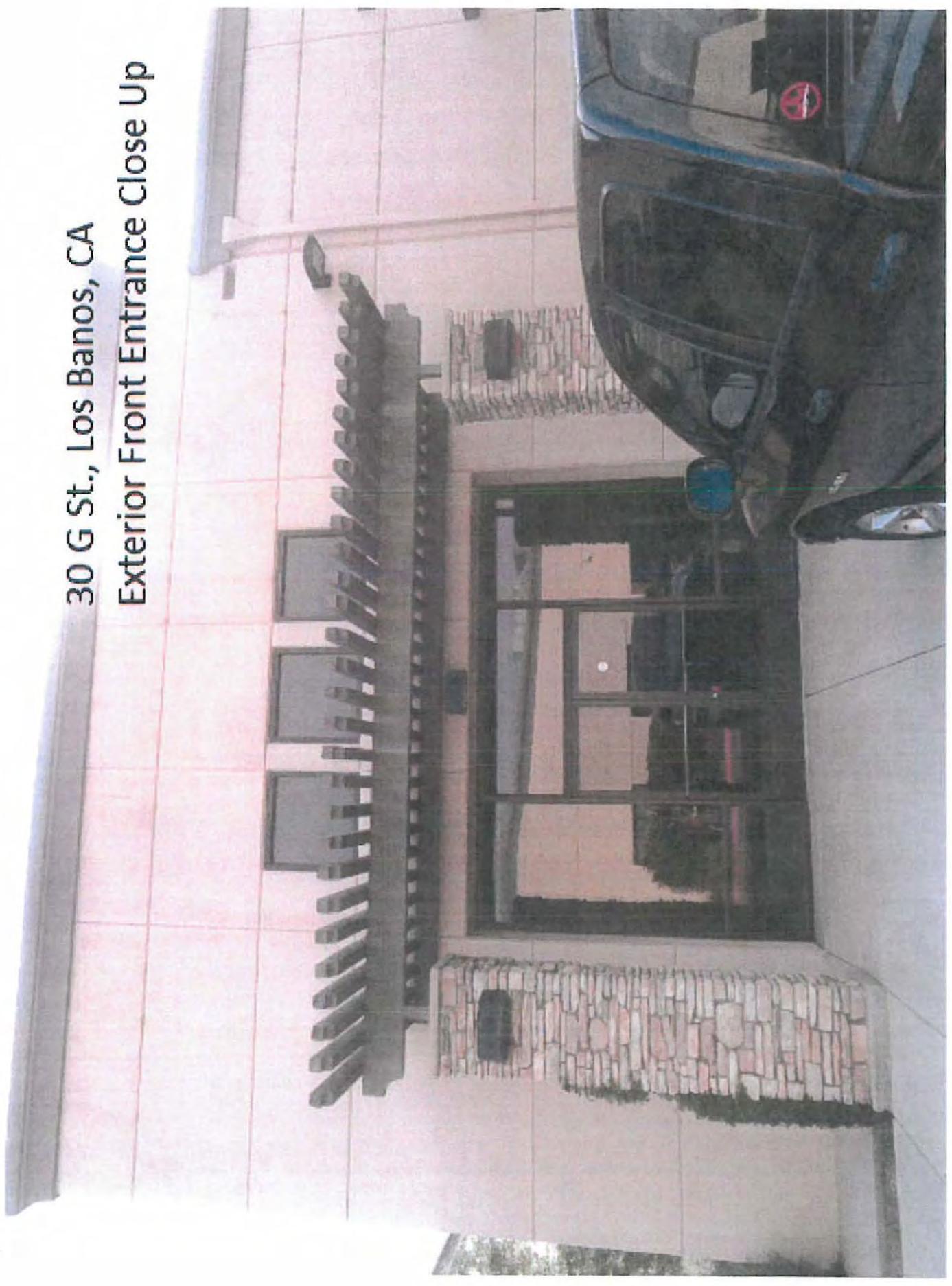
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Back

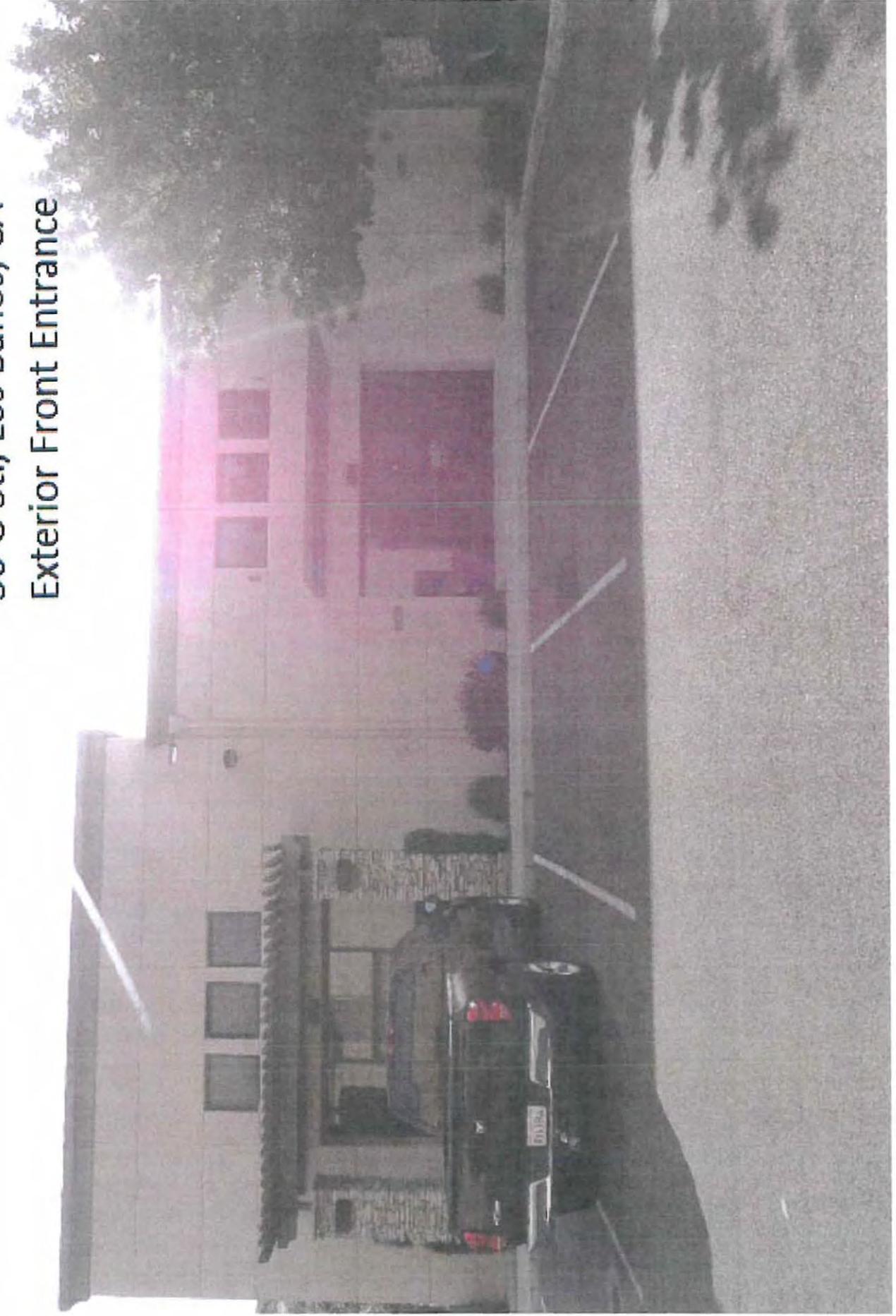
Reception Desk &  
 cubicles by others

*Ronald Green* 1-5-2016

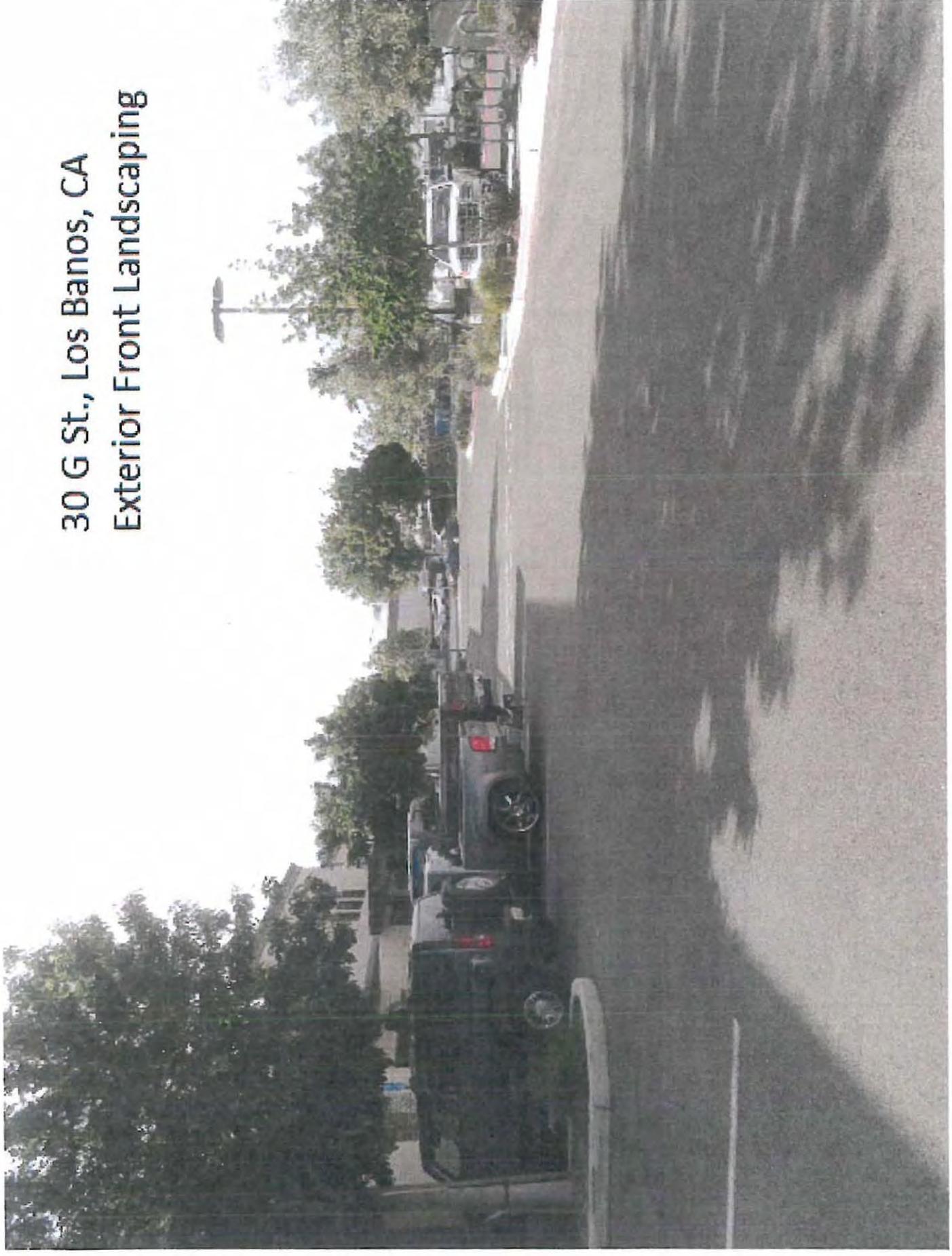
30 G St., Los Banos, CA  
Exterior Front Entrance Close Up



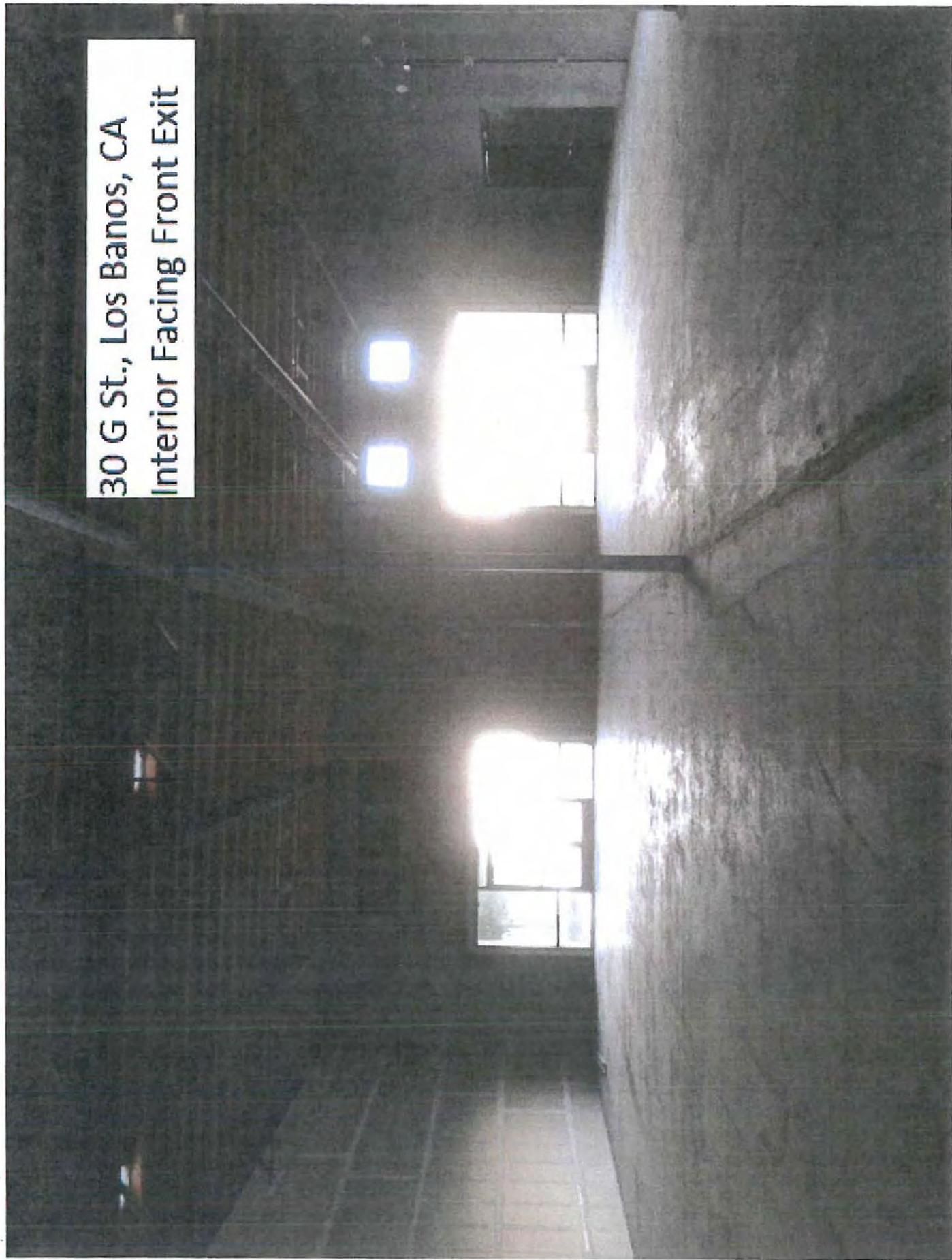
30 G St., Los Banos, CA  
Exterior Front Entrance



30 G St., Los Banos, CA  
Exterior Front Landscaping



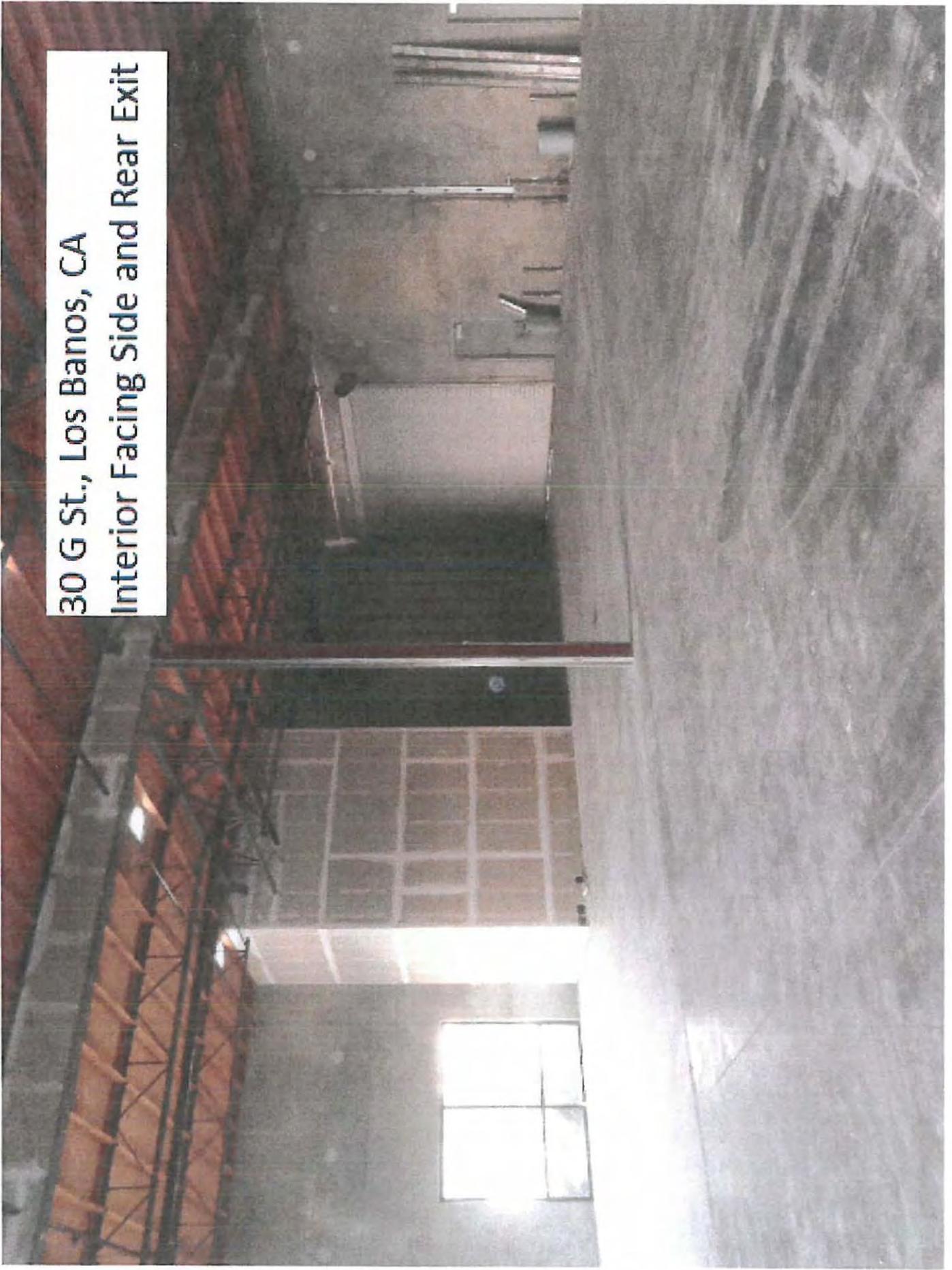
30 G St., Los Banos, CA  
Interior Facing Front Exit



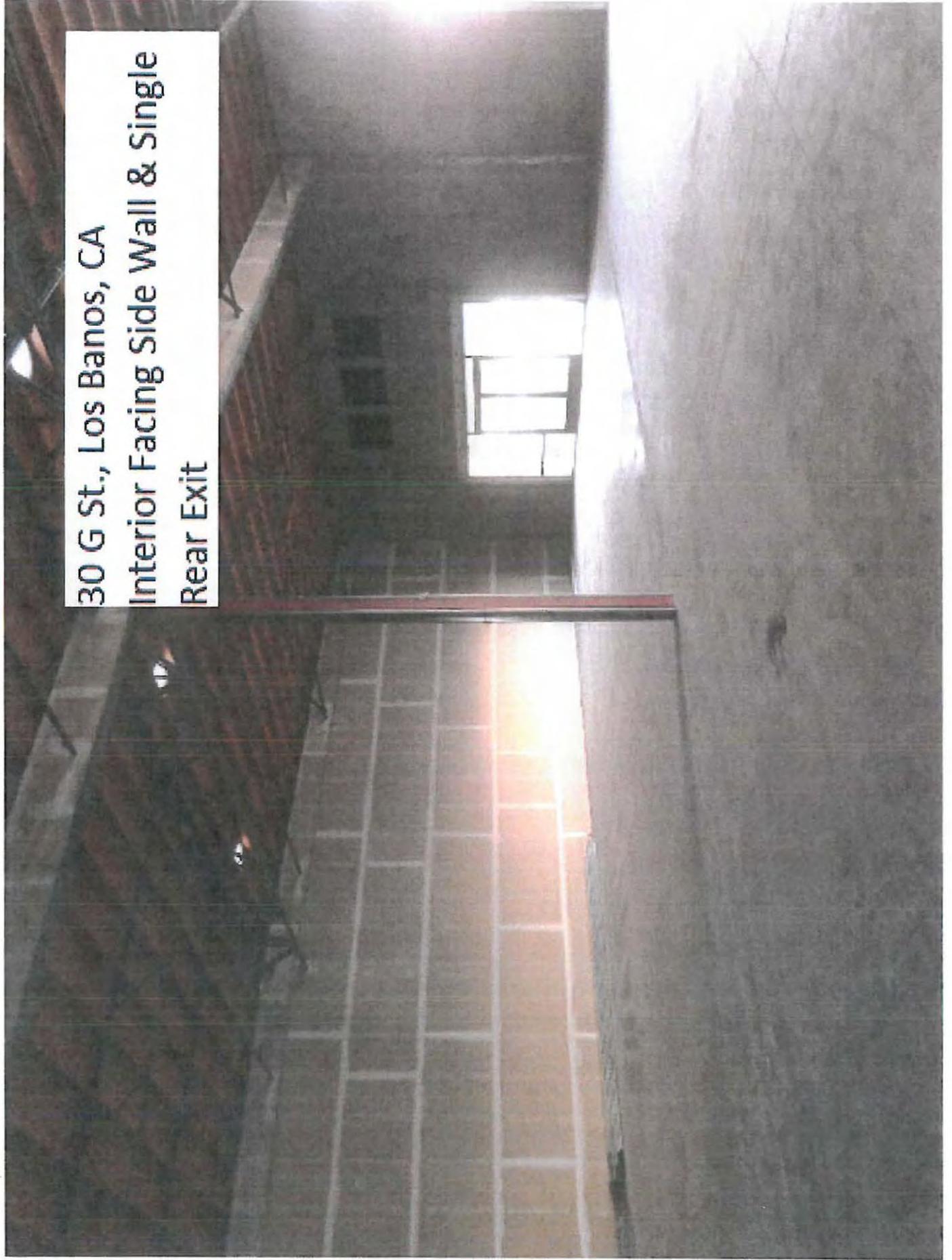
30 G St., Los Banos, CA  
Interior Facing Rear Exit



30 G St., Los Banos, CA  
Interior Facing Side and Rear Exit



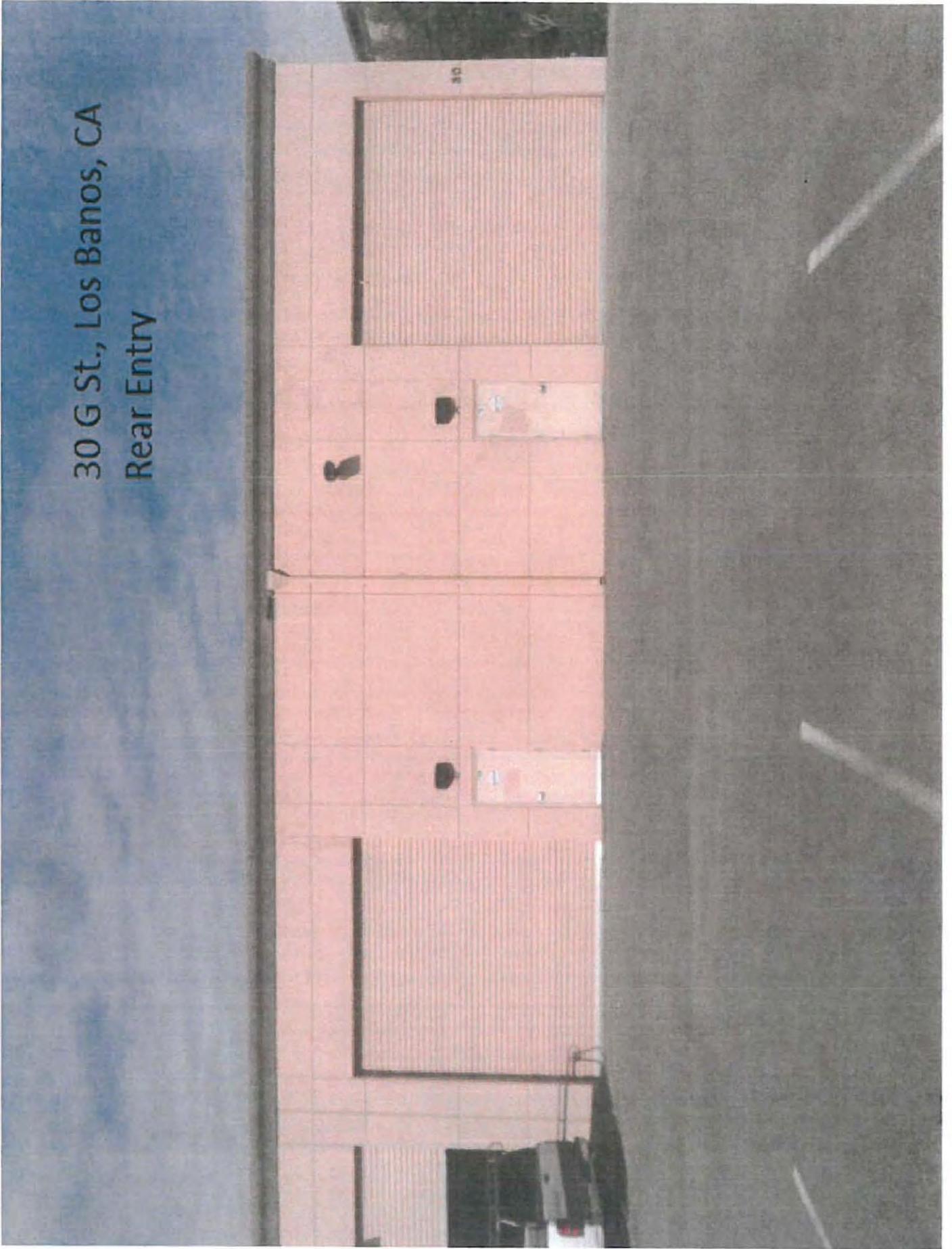
30 G St., Los Banos, CA  
Interior Facing Side Wall & Single  
Rear Exit



30 G St., Los Banos, CA  
Rear Building Exterior With  
Parking Spaces



30 G St., Los Banos, CA  
Rear Entry





City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: May 27, 2016

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-11 – Merced County Community  
Action Agency - WIC

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit to allow the operation of a professional office in the General Industrial zoning district (I) for Merced County Community Action Agency – WIC Program. The subject property is located at 30 W. G Street, Suites A & B, more specifically described as Assessor's Parcel Number: 081-190-017 and 081-190-018.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, June 8, 2016 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Senior Planner at City Hall or at (209) 827-7000, Ext. 133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms  
Senior Planner



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN SPADA AND COMMISSIONERS**

**FROM: STACY SOUZA ELMS, SENIOR PLANNER** *se*

**DATE: JUNE 8, 2016**

**SUBJECT: CONDITIONAL USE PERMIT #2016-06 – BABY’S NUTRITION**

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-27 approving Conditional Use Permit #2016-06 for the operation of retail food distribution/sales for the California WIC program in the General Industrial zoning district located at 30 W. G Street, Suite C.

**PROJECT BACKGROUND/DESCRIPTION:**

The requested Conditional Use Permit is for the operation of retail food distribution/sales for the California WIC program located at 30 W. G Street, Suite C. The property is located within the General Industrial (I) zoning district. Retail sales is not specifically a permitted use within the General Industrial (I) zoning district, but may be permitted subject to meeting the criteria set forth in the Zoning Code and obtaining a Conditional Use Permit. Pursuant to the Zoning Code, the uses deemed appropriate by the Planning Commission may be permitted subject to securing a Conditional Use Permit.

The applicant, Nasser Salem (d.b.a. Baby’s Nutrition) is requesting to operate a store which sells packaged foods and dry goods for the California WIC program. Merced County Community Action Agency, proposed to be located next door, will educate and counsel families to establish lifelong healthy habits. The WIC program distributes vouchers that are redeemable at Baby’s Nutrition. The proposed use is complementary to the WIC Program and is most appropriately located within the same vicinity as the WIC Program.

Baby’s Nutrition currently operates an existing facility at 928 Fourth Street and this would be their second location.

The proposed use will operate Monday thru Friday from 8 a.m. to 7 p.m. and on Saturdays from 9 a.m. to 5 p.m. The facility will consist of approximately 2,100 square

feet and will have a customer area, counter, employee area with shelves and coolers, and a storage room.

**LOCATION:**

The project site is located in the Hacienda Business Park at 30 W. G Street, Suites A & B, more specifically identified as Assessor's Parcel Numbers: 081-190-017 and 018.



**LAND USE:**

Property	Land Use	Zone	General Plan
Project site	Industrial	I	I
North	Industrial	I	I
South	Industrial	I	I
East	Residential	R-2	MDR
West	Industrial	I	I

I = Industrial                  R-2/MDR = Medium Density Residential

The project site was originally zoned Light Industrial at the time the buildings were constructed. The Zoning Code at the time permitted administrative and executive offices as uses by right and as such the Hacienda Business Park has uses in the complex which are more office/medical use tenants consistent with the Light Industrial designation. The Hacienda Business Park provides parking for the entire Business Park through a reciprocal parking easement. There is sufficient parking onsite as the parking immediately adjacent to 30 W. G Street consists of 38 spaces and the Municipal Code requires Baby's Nutrition to provide 7 spaces (2,100/300). Baby's Nutrition is

close to the WIC facility and will be mostly drawing customers who are already at the Hacienda Business Park visiting the WIC Program. It is not anticipated that Baby's Nutrition will intensify parking as most of its customers will be distributed vouchers next door from WIC and will conveniently walk next door to Baby's Nutrition to redeem their vouchers.

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA Article 19, Section 15301 - Existing Facilities.

**USE PERMIT ANALYSIS**

***Code Requirements***

Pursuant to Section 9-3.2322 of the Los Banos Municipal Code, before any Conditional Use Permit may be granted, the Planning Commission shall make the following findings:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
  - a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

**ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

**LAND USE POLICY LU-G-13:**

Foster high quality design and allow secondary uses in Employment Park or industrial areas if they can complement or enhance the primary use.

Evidence/Analysis: Baby's Nutrition will provide goods for families in Los Banos and is complementary to the WIC facility located next door to the project site. In addition, the project would also be consistent with General Plan land use policies as set forth above in that the distribution of food products is a similar activity to wholesale and distribution activities permitted in the Industrial Zone.

- b. The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences on non-industrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances. This activity will not restrict other Industrial activities in the area.

Evidence/Analysis: The proposed use is consistent with the Zoning Code as it will be compatible with existing uses in the Hacienda Business Park and is complementary to the WIC facility next door. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

2. 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;

Evidence/Analysis: The proposed use is similar to most of the existing uses within the Hacienda Business Park and will be less intensive than most of the permitted uses. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance or detrimental to the neighborhood.

3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

Evidence/Analysis: The proposed use is compatible with most of the existing uses in the area and will be less intensive than most of the permitted uses within the General Industrial zoning district. Conditions of approval have been incorporated into the project to ensure the business is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on May 27, 2016. As of the date of this staff report, no comments have been received.

**APPLICABLE ORDINANCES/GUIDELINES:**

Los Banos General Plan

Los Banos Municipal Code – Section 9-3.1502 and Section 9-3.2322

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-27 approving Conditional

Use Permit #2016-06 for the operation of retail food distribution/sales for the California WIC program in the General Industrial zoning district located at 30 W. G Street, Suite C.

**ATTACHMENTS:**

1. Resolution #2016-27
  - Exhibit A CEQA Findings
  - Exhibit B Project Findings
  - Exhibit C Conditions of Approval
2. Site Plan
3. Site Photos
4. Public Hearing Notice – May 27, 2016

## **RESOLUTION No. 2016-27**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2016-06 FOR BABY'S NUTRITION LOCATED AT 30 W. G STREET, SUITE C, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-190-019**

WHEREAS, the applicant, Nasser Salem (d.b.a. Baby's Nutrition) has requested that the City of Los Banos consider a Conditional Use Permit to allow the operation of retail food distribution/sales for the California WIC Program in the General Industrial zoning district located at 30 W. G Street, Suite C, more specifically identified as Assessor's Parcel Number: 081-190-019; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on May 27, 2016 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, the project has been determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 - Existing Facilities.

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit #2016-06 to allow the operation of Baby's Nutrition at 30 W. G Street, Suite C, more specifically identified as Assessor's Parcel Number: 081-190-019, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8<sup>th</sup> day of June 2016 by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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Tom Spada, Planning Commission Chair

ATTEST:

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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2016-06 – BABY’S NUTRITION**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Conditional Use Permit #2016-11 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301.
2. Conditional Use Permit #2016-06 was adequately noticed and circulated for public review and comment on May 27, 2016 for consideration at a public meeting on June 8, 2016 and no comments were received.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT #2016-06 – BABY'S NUTRITION

#### FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
  - a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

#### **ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

#### **LAND USE POLICY LU-G-13:**

Foster high quality design and allow secondary uses in Employment Park or industrial areas if they can complement or enhance the primary use.

Evidence/Analysis: Baby's Nutrition will provide goods for families in Los Banos and is complementary to the WIC facility located next door to the project site. In addition, the project would also be consistent with General Plan land use policies as set forth above in that the distribution of food products is a similar activity to wholesale and distribution activities permitted in the Industrial Zone.

- b. The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting

influences on non-industrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances.

Evidence/Analysis: The proposed use is consistent with the Zoning Code as it will be compatible with existing uses in the Hacienda Business Park and is complementary to the WIC facility next door. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

2. 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;

Evidence/Analysis: The proposed use is similar to most of the existing uses within the Hacienda Business Park and will be less intensive than most of the permitted uses. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance or detrimental to the neighborhood.

3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

Evidence/Analysis: The proposed use is compatible with most of the existing uses in the area and will be less intensive than most of the permitted uses within the General Industrial zoning district. Conditions of approval have been incorporated into the project to ensure the business is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2016-06 – BABY'S NUTRITION

#### Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. Conditional Use Permit 2016-06 is for Baby's Nutrition located at 30 W. G Street, Suite C; more specifically identified as Assessor's Parcel Number: 081-190-019. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
3. Subject to and in addition to these conditions of approval for Conditional Use Permit #2016-06 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, Staff Report, and Floor Plan.
4. The applicant shall comply with all applicable City ordinances, specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
5. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.
6. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental

determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

7. The premises shall be operated as a retail food distribution/sales for the California WIC program as described and in conformance with the application prepared by the applicant and filed with the Community and Economic Development Department. Any new use or modification/expansion of uses shall be subject to the prior review and approval of the Planning Commission.
8. The premises of the subject site shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved conditional use permit or filed operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.
9. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
10. All activities shall be confined to the inside of the building.
11. If the use is discontinued for a period of 12 months, this Conditional Use Permit shall lapse and become void.
12. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:
  - a. Conditions of approval have not been fulfilled;
  - b. A significant change or intensification of the approved use;
  - c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.









City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: May 27, 2016

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-06 – Baby's Nutrition

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit to allow the operation of a retail store for WIC programs in the General Industrial zoning district (I). The subject property is located at 30 W. G Street, Suite C, more specifically described as Assessor's Parcel Number: 081-190-019.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, June 8, 2016 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Senior Planner at City Hall or at (209) 827-7000, Ext. 133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms  
Senior Planner



*City of*  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN SPADA AND PLANNING COMMISSIONERS**

**FROM: STACY SOUZA ELMS, SENIOR PLANNER **

**FOR: JUNE 8, 2016**

**SUBJECT: 2014-2023 HOUSING ELEMENT**

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-28 recommending approval to the Los Banos City Council of a General Plan Amendment to update the 2014-2023 Housing Element and associated Negative Declaration (SCH #2016041070).

**DISCUSSION:**

On February 10, 2016, the Los Banos Planning Commission recommended to the City Council to authorize Staff to submit the Draft 2014-2023 Housing Element to Housing and Community Development (HCD) for a mandated sixty (60) day review period, and to release the Draft 2014-2023 Housing Element for public review.

The Department of Housing and Community Development (HCD) is responsible for reviewing all draft and final housing elements. HCD has reviewed the City's Draft 2014-2023 Housing Element and reported its findings in a letter dated May 5, 2016. A copy of the HCD Letter is included with the revised 2014-2023 Housing Element (Appendix H). Revisions have been made as requested by HCD to comply with statutory requirements.

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an initial study was prepared to identify and assess potential environmental impacts as a result of this project. Through the initial study, staff determined that the project would not result in any significant adverse affects. Staff prepared a Notice of Intent for Negative Declaration (SCH #2016041070) which was posted at the Merced County Clerk's Office and sent to the State Clearinghouse for circulation and reviews on April 22, 2016 and closed on May 23, 2016. One comment was received from the Department of Transportation (Caltrans), which is attached for your review.

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on May 13, 2013. As of the date of this report no comments have been received.

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-28 recommending approval to the Los Banos City Council of a General Plan Amendment to update the 2014-2023 Housing Element and associated Negative Declaration (SCH #2016041070).

**ATTACHMENTS:**

1. Resolution 2016-28  
Exhibit CEQA Findings
2. Negative Declaration (SCH#2016041070)
3. Caltrans Comment Letter
4. 2014-2023 Housing Element
5. Public Hearing Notice – May 13, 2016

**RESOLUTION NO. 2016-28**

**A RESOLUTION OF THE PLANNING  
COMMISSION OF THE CITY OF LOS  
BANOS RECOMMENDING TO THE CITY  
COUNCIL APPROVAL OF A GENERAL  
PLAN AMENDMENT FOR THE 2014-2023  
HOUSING ELEMENT AND ASSOCIATED  
NEGATIVE DECLARATION (SCH  
#2016041070)**

WHEREAS, an update to the Housing Element of the City of Los Banos General Plan is required by Section 65588 of the California Government Code; and

WHEREAS, the 2014-2023 Housing Element Update was prepared in order to address housing needs from January 1, 2014 to September 30, 2023 as required by law; and

WHEREAS, the California Department of Housing and Community Development has reviewed the Draft 2014-2023 Housing Element in accordance with the Government Code; and

WHEREAS, a public hearing was duly noticed for May 25, 2016 and continued to June 8, 2016, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise on May 13, 2016 to consider and take testimony regarding the 2014-2023 Housing Element; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the 2014-2023 Housing Element was adequately evaluated in Initial Study/ Negative Declaration (SCH#2016041070); and

WHEREAS, at the June 8, 2016 Planning Commission meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the 2014-2023 Housing Element and staff report; and has studied the compatibility with the General Plan; and

WHEREAS, the Los Banos Planning Commission finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare of the City will be furthered by the adoption of the 2014-2023 Housing Element; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos does hereby make

the findings set forth in Exhibit A (CEQA Findings), attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend approval of a General Plan Amendment for the 2014-2023 Housing Element and associated Negative Declaration (SCH#2016041070) to the Los Banos City Council.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8th day of June 2016, by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Tom Spada, Planning Commission Chairman

ATTEST:

\_\_\_\_\_  
Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR THE 2014-2023 HOUSING ELEMENT**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the Los Banos 2014-2023 Housing Element was evaluated in an Initial Study which determined that the project would not involve any significant environmental effects and a Negative Declaration (SCH#2016041070) was made.
2. The Negative Declaration was adequately noticed and circulated for public review. The City distributed the Notice of Intent with copies of the Negative Declaration, and posted the Notice of Intent at the Merced County Clerk's office on April 22, 2016 and one comment letter was received from the Department of Transportation (CALTRANS).
3. On the basis of the whole record, including the Negative Declaration and public comment, the Planning Commission finds that there is no substantial evidence that the Project may have a significant effect on the environment.
4. The Negative Declaration was prepared in compliance with CEQA and on the basis of the whole record, there is no substantial evidence of significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Initial Study/Negative Declaration.
5. The City of Los Banos Community Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the negative declaration is based.
6. Prior to considering the proposed Project, the Planning Commission considered the Negative Declaration.





City of  
**Los Banos**  
*At the Crossroads of California*

**DATE:** April 22, 2016

**TO:** Residents of the City of Los Banos and Interested Agencies

**FROM:** City of Los Banos Community & Economic Development Department

**RE:** Notice of Intent to Adopt a Negative Declaration

Notice is hereby given that pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15072 & 15105, the City of Los Banos is considering a recommendation that the project herein identified will have no significant environmental impacts, in compliance with CEQA *Guidelines* and is providing an "Intent to Adopt a Negative Declaration of Environmental Impact" for the project.

All interested persons are invited to comment on the draft Negative Declaration pursuant to the provisions of CEQA. The 30-day public review period commences on April 22, 2016. Written comments on the draft Negative Declaration must be submitted no later than 5:00 P.M. on May 23, 2016, and should be submitted to: City of Los Banos, Community & Economic Development Department, Attn: Stacy Souza Elms, Senior Planner, 520 "J" Street, Los Banos, CA 93635. The draft Negative Declaration is available for review on the City's website at <http://www.losbanos.org>, or during regular business hours at the City of Los Banos Community & Economic Development Department, City Hall.

This is not a notice of public hearing. Future public hearings regarding this project will be duly noticed as required by law.

**Project Title:** City of Los Banos 2014-2023 Housing Element

**Project Description:** The proposed 2014-2023 Housing Element is an update to the 2009-2014 Housing Element adopted by the City of Los Banos in 2009. The 2014-2023 Housing Element was drafted to consist of the identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element includes the identification of adequate sites for housing, including rental housing, factory-built housing, mobile homes and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The Housing Element includes the following:

- Analysis of the City's demographics (i.e. population and employment trends);
- Identify City's Housing Needs as projected by Merced County Association of Governments;
- Inventory of land suitable for future residential development;

- Analysis of potential constraints (i.e. infrastructure, costs of development, etc.) related to residential development;
- Goals, Policies, Objectives, and Programs for the maintenance, preservation, improvement, and development of housing;
- Goals, Policies, Objectives, and Programs for the City to provide housing for persons of all income levels, including multi-family rental housing, factory built housing, mobile homes, farmworker housing, emergency shelters and transitional housing; and,
- Programs to assist in the development of housing needs for persons of extremely low, very low, low, and moderate income households.

If you have any questions regarding the project or this notice, please contact Stacy Souza Elms at the City of Los Banos Community & Economic Development Department at (209) 827-7000.



*City of*  
**Los Banos**  
*At the Crossroads of California*

**INITIAL STUDY /  
NEGATIVE DECLARATION**

for the

**CITY OF LOS BANOS**

**2014-2023 LOS BANOS HOUSING ELEMENT UPDATE**

**City of Los Banos**

April 22, 2016



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## **NEGATIVE DECLARATION**

Lead Agency:  
City of Los Banos  
520 J Street  
Los Banos, California 93635

### **PROJECT NAME:**

2014-2023 Housing Element Update

### **PROJECT PROPONENT AND LEAD AGENCY:**

Project Proponent: City of Los Banos  
520 J Street  
Los Banos, California 93635

Lead Agency: City of Los Banos  
520 J Street  
Los Banos, California 93635

### **PROJECT LOCATION:**

The City of Los Banos is located in Merced County (County), in the San Joaquin Valley of the State of California. Merced County is boarded by Mariposa County to the east, portions of San Benito and Santa Clara counties to the west, Stanislaus County to the north and portions of Madera and Fresno Counties to the south. Figure -1, Location Map, has been included to illustrate the City's location and boundary.



**PROJECT DESCRIPTION:**

The 2014-2023 Housing Element is an update to the 2009-2014 Housing Element that was adopted by the City of Los Banos City Council in 2009. The California State Law (Government Code Sections 65580 through 65589) mandates the contents of the Housing Element. The 2014-2023 Housing Element addresses State Law requirements and statutory regulations. Government Code §65583 requires that the Housing Element consist of the following components:

- A review of the previous Element’s goals, policies, programs, and objectives to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element;
- An assessment of housing needs and an inventory of resources and constraints related to the meeting of these needs;
- An analysis and program for preserving assisted housing developments;
- A statement of community goals, quantified objectives, and policies relative to the preservation, improvement, and development of housing;
- A program which sets forth a schedule of actions that the City is undertaking or intends to undertake, in implementing the policies set forth in the Housing Element. The program must do all of the following:
  - a. Identify actions that will be taken to make adequate sites available to accommodate the City’s share of the regional housing need, if the need could not be accommodated by the existing inventory of residential sites;
  - b. Assist in the development of adequate housing to meet the needs of extremely low, very low, low, and moderate income households;
  - c. Address, and where appropriate, remove governmental constraints to the maintenance, improvement, and development of housing;
  - d. Conserve and improve the condition of the existing affordable housing stock;
  - e. Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability; and,
  - f. Preserve assisted housing developments for lower income households.

The physical development of Los Banos is guided by the 2030 General Plan (adopted July 15, 2009), and as part of the City’s adopted General Plan, the Housing Element must include identification and analysis of existing and projected housing needs; an identification of resources and constraints to address its housing needs; and goals, policies, and implementation programs for adequate housing opportunities for all economic segments of the City.

The update of the Housing Element is necessary to ensure that housing policies properly address changing conditions as well as existing and projected housing needs. The Housing Element plans for and guides development of affordable housing to address the needs of lower income households and special needs groups and minimizes, where possible, the impediments of production of affordable housing.

The City's 2014-2023 Housing Element is organized in eight (8) Sections; 1 – Introduction, 2 – Housing Needs Assessment, 3 – Resource Inventory, 4 – Future Housing Developments, 5 – Review of the 2009 – 2014 Housing Element, 6 – 2014-2023 Objectives and Policies, 7 – Implementation Programs, and 8 – Quantified Objectives.

The 2014-2023 Housing Element contains the City's objectives, policies, and proposed plan of actions to implement the City's housing program. The City's housing Objectives, Policies, and Programs are identified below:

**Objective 1:** Provide adequate sites for residential development and alternate housing choices at affordable costs for all segments of the City

1. The City shall designate sufficient land at various densities to allow for the construction of sufficient housing to meet its legally adopted HCD Regional Housing Needs Allocation (RHNA) between 2014 and 2023. The City shall review, as needed, the amount of land designated for various residential uses in conjunction with the amount of and types of housing produced in the previous year to determine if any changes in the General Plan or Zoning Ordinance may be needed to meet the City's housing needs. A review of the supply of vacant land and development patterns over the preceding year will be incorporated into each annual evaluation of the City's implementation of the Housing Element programs.
- 1A. Create and maintain an up to date site inventory detailing the amount, type and size of vacant or underused parcels, and assist developers in identifying land suitable for residential development.
- 1B. Continue to seek grant funding from State and Federal sources to assist in the development of affordable housing.
- 1C. To facilitate the development of multifamily housing affordable to lower-income households, the City will identify and rezone approximately 10 acres of vacant land currently zoned R-1 to the R-3 zoning district, allowing exclusively residential uses by right (not requiring a conditional use permit, planned development or any other discretionary approval), containing a minimum of 16 units per site and a minimum density of 20 units per acre by March 2017. The rezoned sites will be selected from the list of identified sites within the R-1 zone in Appendix E of this element and will include only sites that are no less than one acre and no larger than 10 acres in size

- 1D To meet the Unaccommodated Need from the 4<sup>th</sup> Cycle identified in Program 1C of the 2009-2014 Housing Element and AB1233 Analysis located in Section 5, the City will rezone the site(s) listed in Table V-6 and adopt a General Plan Amendment (if necessary). The site(s) will meet the following criteria:
- Can meet a minimum of 16 units;
  - Can meet a minimum density of twenty (20) dwelling units per acre;
  - Rezone to a district that permits residential uses (by-right)

Failure to rezone the site(s) to address the Unaccommodated Need from the 4<sup>th</sup> Cycle by the timeframe will result in Housing Element non-compliance.

**Objective 2: Remove Governmental Constraints**

2. Staff will periodically review the development standards for the residential zones to identify standards that may constrain the development of affordable housing and housing for special groups, such as disabled individuals.
- 2A. Affordable housing developers often face constraints in developing affordable housing projects. One way the City can assist such developers is by providing fast-track/priority processing for low-income and special needs housing projects. This service can encourage affordable housing development by allowing developers to go through the approval and permitting process quicker, keeping costs down and unit affordable. Options include:
- Assigning a primary contact for priority housing developments to assist with all necessary entitlement and the assisting of navigating various local departments.
  - Holding pre-application development conferences.
  - Providing information about permit streamlining at the planning counter, on the City's website and in other public places to increase awareness.
- 2B. Continue to utilize State funding for first time homebuyers program.
- 2C. Actively enforce the Nuisance Ordinance with regard to abandoned or vacant homes.
- 2D. In accordance with Government Code Section 65589.7, immediately following City Council adoption, the City must deliver to all public agencies or private entities that provide water and sewer services to properties within Los Banos, a copy of the 2014-2023 Housing Element. The City of Los Banos provides water and sewer services to all residents and businesses within the City. As such, a copy of the adopted 2014-2023 Housing Element will be provided to the applicable Department(s) within 30-days. The City will also establish a written procedure by the end of 2017 pursuant to Government Code Section 65589.7 to provide water and sewer service to developments with units affordable to lower income households.

- 2E. To promote continued opportunity for public engagement, the City shall conduct an annual Housing Element review and provide opportunities for public engagement and discussion in conjunction with the State requirement of written review of the General Plan by April 1 of each year (per Government Code Section 65400). The City shall also use the Planning Commission and City Council as an avenue for public input on housing issues and housing element implementation. Notices shall be prepared in English and Spanish and be published in a newspaper of general circulation and posted at City Hall. Website and social media notification shall be encouraged. To ensure General Plan Consistency between the Housing Element and other elements of the General Plan, the City shall, in addition to the requirements above, complete the following:
- Maintain the Draft General Plan Housing Element Review on the City's website;
  - Develop an evaluation matrix to determine the consistency between the Housing Element policies and programs and the other Elements of the General Plan.

**Objective 3: Encourage the maintenance, improvement and rehabilitation of the City's existing housing stock and encourage the maintenance and upkeep of existing affordable housing**

3. Continue programs for rehabilitation
- 3A. Provide information to homeowners and nonprofit groups regarding funding and assistance programs.
- 3B. Monitor at risk units by establishing and maintaining close contact with property owners regarding their long term plan for projects on an annual basis. Seek funds to purchase and preserve the affordability of the units and establish and implement a proactive tenant noticing and education strategy.
- 3C. Establish and implement a program to reduce, waive or subsidize local development fees associated with the preservation or replacement of at-risk units.
- 3D. The City shall conduct a Housing Condition Survey. This Housing Condition Survey will follow HCD Guidelines. Results of the survey are to be published on the City's website and the City will assist the Housing Authority of the County of Merced in rehabilitation and targeted efforts. Actions to be taken following the results of the Survey include but are not limited to:
- Applying for HOME and CDBG grant funds for rehabilitation projects identified as part of the Survey; and
  - Contacting homeowners identified in the Survey as having a home qualifying for the rehabilitation program.
- 3E. Discourage land division of sites currently zoned high density residential.
- The City shall evaluate and make a written determination on the site constraints as a result of a proposed subdivided site currently zoned high density residential

**Objective 4: Achieve energy efficiency in housing activities**

- 4. Continue to enforce State energy conservation requirements such as Title 24 of the Building Energy Efficiency Standards for new residential projects and encourage residential developers to employ additional energy conservation measures with respect to: subdivision design, siting of homes on the lot, and landscaping and solar access.
- 4A. Promote standards that support passive solar heating, overhangs on south facing windows, and the planting of deciduous trees on the west and south.

**Objective 5: Ensure that all residents have access to housing**

- 5. Evaluate Zoning Map to ensure that higher density zoning is adjacent to services and transit and make changes if necessary. In addition, work with developers on future developments to ensure close proximity of services to higher density residential uses.
- 5A. Seek additional rental assistance programs
- 5B. Establish and implement a Reasonable Accommodation Ordinance
- 5C. The City will work with the Merced County Housing Authority to provide fair housing services to its residents and property owners by distributing educational materials to property owners, apartment managers, and tenants. They will make public service announcements via newspaper ads and public service announcements at local radio and television channels. They will also respond to complaints of discrimination such as in-taking, investigation of complaints, and resolution and refer services to appropriate agencies.
- 5D. The City shall refer residents to the Central Valley Regional Center for housing and services available for persons with developmental disabilities and provide information on services on the City's website. As available, the City will pursue State and Federal monies for direct support for housing construction and rehabilitation specifically targeted for housing for persons with developmental disabilities.

**Objective 6: Increase the percentage of homeowners in the City and provide adequate information on all possible housing assistance programs and distribute to homeowners, developers and other residents**

- 6. Continue to maintain programs providing assistance for first time homebuyers.

**Objective 7: Maintain an adequate percentage of affordable rental units within the City to accommodate all income groups and family types.**

- 7. Maintain contact with owners of affordable rental properties and provide information relating to maintenance and rehabilitation.
- 7A. Continue with funding programs established for rehabilitation targeting affordable rental units.

**Objective 8: Encourage new development projects for special need groups.**

- 8. Continue to utilize State and Federal funding to assist with projects for special needs housing.
- 8A. Work with community based organizations and developers with regard to special needs housing and information on emergency shelters.
- 8B. To ensure that the needs of aging residents are met, the City will permit the development of senior housing in specific areas of the community, including residential and commercial zones at higher densities than are traditionally allowed. Zoning Incentives will be given for senior housing development such as reduced parking standards, reduced unit sizes, increased heights, and increased maximum lot coverage.
- 8C. Assist in the development of housing for farmworkers. Actions will include assistance with site identification and support of applications for funding. The City shall provide technical assistance when needed, and continue to conduct pre-application conferences to meet with farmworker housing developers on an ongoing basis. Actions include:
  - Post information on the Community and Economic Development Department website within 1-year of Housing Element adoption. Information includes a site inventory and available land, housing resources and grant information.
  - Contact farmworker housing developers to determine interest and identify constraints to farmworker housing development within the City.
- 8D. The City will work with the agricultural community, housing providers and agricultural groups to develop and build year-round and seasonal agricultural worker housing. This will require an analysis of prime agricultural areas in the City to identify suitable locations for at least 20 units of farmworker housing. Information gathered from this analysis shall be provided, in conjunction with Program 3F, to agricultural and affordable housing developers in a manner conducive to their use for developing the actual units. In addition, the City shall invite developers and local farmworker organizations to be involved in the Housing Element update and other housing related activities.
- 8E. The City will encourage and support State and Federal funding applications for farm worker housing and supportive infrastructure by providing technical assistance when needed, and

continue to conduct pre-application conferences and meet with farm worker housing developers on an ongoing basis. Technical assistance can include, but is not limited to information gathering, peer review of State and Federal funding applications and assistance in finding suitable sites for farm worker housing. Additionally, the City will provide information on County farm worker housing through the Housing Authority of Merced County.

## **REGIONAL HOUSING NEEDS ASSESSMENT**

The Merced County Association of Governments (MCAG) as required by State Law, has determined the City's projected share of the regional housing needs. These allocations are contained in MCAG's Regional Housing Needs Allocation Plan, dated June 18, 2015, which covers a nine year timeframe (January 1, 2014 to December 31, 2023). The City's share of the 2014-2023 RHNA is 2,473 residential units, 1,035 of which are projected for lower income households (i.e. Extremely Low, Very Low, and Low-Income).

The Resource Inventory contained in Section 3, contains an inventory of sites available for residential development and housing opportunities for all economic segments of the City. The Resource Inventory concluded the City has a potential to accommodate 6,465 residential units (using an average density) within its City limits. The following is a brief description of the available sites per residential land use designation of the City's 2030 General Plan:

- Land designated Low Density Residential:

Land designated Low Density Residential (LDR) is located within the City's existing City Limits and Sphere of Influence. The LDR land use designation provides an average of five (5) d.u./ac. Table III-2 indicates that there are approximately 456 acres within the City's existing City Limits, which can accommodate a total of 2,274 dwelling units.

- Land designated Medium Density Residential:

Land designated Medium Density Residential (MDR) is located within the City's existing City Limits and Sphere of Influence. The MDR land use designation provides an average density of ten (10) d.u./ac. Table III-3 indicates there are approximately 163 acres within the City's existing City Limits, which can accommodate a total of 1,668 dwelling units.

- Land designated High Density Residential:

Land designated High Density Residential (HDR) is located within the City's existing City Limits and Sphere of Influence. The HDR land use designation provides an average density of twenty (20) d.u./ac. Table III-3 indicates there are approximately 39 acres within the City's existing City Limits, which can accommodate 775 dwelling units.

- Unfinished Subdivision and Approved Projects

The City has a number of unfinished subdivisions and approved projects within the City's existing City Limits. These areas have a land use designation of Low Density Residential and Medium Density Residential. Table III-1 indicates there are approximately 1,772 dwelling units remaining within these approved projects.

In total, the City has the land available within its existing City Limits to accommodate up to 6,465 dwelling units, as noted in Table IV-1 of the 2014-2023 Housing Element.

**ENVIRONMENTAL DETERMINATION:**

This document is an Initial Study/Negative Declaration (IS/ND) prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed 2014-2023 Housing Element. The IS/ND tiers from the City's Environmental Impact Report (EIR) prepared for the 2030 General Plan. As discussed in Section 15152 of the CEQA Guidelines, "tiering refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIR's and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project." Tiering is generally appropriate when, "...the sequence of analysis is from an EIR prepared for a general plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration..." Consequently, because the Housing Element Update would not result in alterations of the land uses evaluated in the 2030 General Plan EIR, and instead, merely addresses updated policies to meet the revised Regional Housing Needs Allocation, the tiering process is appropriate in this situation.

**MITIGATION MEASURES:**

This project will not have a significant effect on the environment, thus will require no mitigation measures.

Therefore, the Lead Agency proposes to adopt a Negative Declaration for the project, in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

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Stacy Souza Elms, Senior Planner

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Date

## SECTION 1.0

## INTRODUCTION

### PROJECT TITLE

2014-2023 Housing Element Update

### LEAD AGENCY NAME AND ADDRESS

City of Los Banos  
520 J Street  
Los Banos, California 93635

### CONTACT PERSON AND PHONE NUMBER

Stacy Souza Elms, Senior Planner  
(209) 827-7000  
[Stacy.souza@losbanos.org](mailto:Stacy.souza@losbanos.org)

### PROJECT SPONSOR'S NAME AND ADDRESS

City of Los Banos  
520 J Street  
Los Banos, California 93635

### PROJECT LOCATION AND SETTING

The proposed project location is City-Wide.

### GENERAL PLAN AND ZONING DESIGNATIONS

The project's General Plan and Zoning Designations vary as the proposed project location is City-Wide.

### OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

#### (E.G., PERMITS, FINANCING APPROVAL, OR PARTICIPATION AGREEMENT.)

The California Department of Housing and Community Development (HCD) is required by State Housing Element Law to review housing elements and report written findings to local governments. If HCD finds the housing element is in full compliance with State Law, HCD provides its "certification" of the element.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology and Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology and Water Quality
<input type="checkbox"/>	Land Use and Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population and Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities and Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

**LEAD AGENCY DETERMINATION:**

On the basis of this initial evaluation:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
<div style="display: flex; justify-content: space-between; align-items: flex-end; padding: 10px;"> <div style="width: 60%; border-top: 1px solid black; margin-top: 50px;"> <p><b>Stacy Souza Elms, Senior Planner</b></p> </div> <div style="width: 35%; border-top: 1px solid black; margin-top: 50px;"> <p><b>Date</b></p> </div> </div>	

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## SECTION 2.0 EVALUATION INSTRUCTIONS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into consideration the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
  
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
  
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance

## SECTION 3.0

## INITIAL STUDY CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines.

### ***I. AESTHETICS -- WOULD THE PROJECT:***

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

### ***DISCUSSION:***

I-a-d) The Housing Element Update identifies a need for 2,473 additional housing units during the nine year RHNA planning period (2014-2023). This level of development is consistent with what was planned for under the adopted 2030 General Plan Land Use Element, and no change to land use types or intensity is proposed. As noted in the Project Description, adoption of the Housing Element Update would not allow or approve specific development projects. Consequently, the proposed project would not directly create new sources of light or glare that would adversely affect day or night-time views in areas of the City. Any new residential development within the City would be required to comply with the policies outlined in the 2030 General Plan, and be subject to site-specific CEQA analysis where the appropriate design review, standards, conditions, and mitigation measures would be determined at that time. Therefore, the Housing Element alone would not directly result in physical changes in the City and would not degrade the existing character or quality of the City. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

### ***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**II. AGRICULTURE AND FORESTRY RESOURCES: WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**DISCUSSION:**

II-a) The most recent data (2014) from the California Department of Conservation’s Farmland Mapping and Monitoring Program reports there are approximately 271,912 acres of Prime Farmland, 154,502 acres of Farmland of Statewide Importance, and 112,301 acres of Unique Farmland in Merced County, of which a large majority is contained outside of the urban areas such as Los Banos. Within the Los Banos General Plan area, there are approximately 6,195 acres of Prime Farmland, 2,222 acres of Farmland of Statewide Importance, and 1,833 acres of Unique Farmland. Adoption of the Housing Element will not result in any specific project development that could result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. All new residential development projects will be required to comply with the City’s 2030 General Plan, and will be subject to site-specific CEQA analysis and review. Therefore, the Housing Element Update will not result in physical changes in the environment

that would result in the conversion of farmland within these categories. Therefore the 2014-2023 Housing Element will have **Less Than Significant Impact**.

- II-b) No change or conflict to existing zoning for agricultural use is proposed under this Housing Element Update. The 2014-2023 Housing Element Update alone does propose specific development, which could create conflict with Williamson Act properties. Any new residential development within the City would be required to comply with the policies outlined in the 2030 General Plan, and be subject to site-specific CEQA analysis where the appropriate design review, standards, conditions, and mitigation measures would be determined at that time. Therefore, the 2014-2023 Housing Element will have **Less Than Significant Impact**.
- II-c, d) There is not forest nor timber land identified in the City of Los Banos. Therefore, the loss or conversion of forestland to non-forest uses or conflicts with existing zoning for forestland or timberland would not occur. Therefore, the 2014-2023 Housing Element will have **Less Than Significant Impact**.
- II-e) Adoption of the Housing Element Update would not change existing land use designations or result in any project-specific developments or physical changes in the environment that could result in conversion of farmland to non-agricultural uses. Therefore, the 2014-2023 Housing Element will have **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**III. AIR QUALITY -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

**BACKGROUND DISCUSSION:**

The proposed project is located in the western Merced County, which is a part of the San Joaquin Valley Air Basin (SJVAB). Air quality management under the Federal and State Clean Air Acts is the responsibility of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The Federal and State governments have adopted ambient air quality standards (AAQS) for the primary air pollutants of concern, known as “criteria” air pollutants. Air quality is managed by the SJVAPCD to attain these standards. Primary standards are established to protect the public health; secondary standards are established to protect the public welfare. The attainment statuses of the SJVAB for Merced County with respect to the applicable AAQS are shown in the following table.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon monoxide, but select areas, not including the City of Los Banos, are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to

significant air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

The SJVAPCD has adopted regulations establishing control over air pollutant emissions associated with land development and related activities. These regulations include:

- Regulation VIII (Fugitive Dust Rules)
- Rule 4101 (Visible Emissions)
- Rule 9510 (Indirect Source Review)

**SAN JOAQUIN VALLEY FEDERAL AND STATE  
AAQS ATTAINMENT STATUS**

Pollutant	Designation / Classification	
	Federal Standards <sup>a</sup>	State Standards <sup>b</sup>
Ozone, 1-hour	No federal standard <sup>f</sup>	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme <sup>e</sup>	Nonattainment
PM10	Attainment <sup>c</sup>	Nonattainment
PM2.5	Nonattainment <sup>d</sup>	Nonattainment
Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation	Attainment
Hydrogen Sulfide	No federal standard	Unclassified
Sulfates	No federal standard	Attainment
Visibility-Reducing Particles	No federal standard	Unclassified
Vinyl Chloride	No federal standard	Attainment

<sup>a</sup>See 40 CFR Part 81

<sup>b</sup>See CCR Title 17 Sections 60200-60210

<sup>c</sup>On September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

<sup>d</sup>The SJV is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the SJV as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

<sup>e</sup>Though the SJV was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the SJV to extreme nonattainment in the Federal Register on May, 2010 (effective June 4, 2010).

<sup>f</sup>Effective June 15, 2005, the EPA revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA has previously classified the SJV as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The SJVAPCD has adopted a CEQA impact analysis guideline titled *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is utilized in the following air quality impact analysis where applicable. The GAMAQI establishes impact significance thresholds for the non-attainment pollutant PM10 and precursors to the non-attainment pollutant ozone: reactive organic gases (ROG) and oxides of nitrogen (NOx).

ROG	10 tons/year
NOx	10 tons/year
PM10	15 tons/year

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. In accordance with Table 5-3(a) of GAMAQI, the proposed zoning ordinance is not considered a Small Project Analysis Level (SPAL), as it will not result in any type of development or units. Because the proposed project does not qualify as SPAL, GAMAQI notes that it has no possibility of exceeding emission thresholds.

The 2014-2023 Housing Element Update alone does not allow for or propose specific development, which could generate any new on-road traffic and associated ROG, NOx and PM emissions nor will result in any substantial air emissions.

**DISCUSSION:**

III-a-c) The City of Los Banos is located within the San Joaquin Valley Air Basin (SJVAB), which is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAB is in non-attainment for the federal 8-hour ozone standard, the state 1-hour and 8-hour ozone standards, the PM10 and PM2.5 24-hour State standards, and the Federal PM2.5 standard. All new residential development projects in the City of Los Banos would be required to comply with the implementation actions identified in the 2030 General Plan (POSR-I-42, POSR-I-43, POSR-I-44, POSR-I-45 and POSR-I-46) that address air quality in order to minimize emissions.

Future residential development anticipated under the 2014-2023 Housing Element would generate pollutant emissions due to new vehicle trips, stationary equipment (heating, cooling, and lighting of residential units), and residential unit construction. Future residential developments could also violate air quality standards, including those that could contribute to cumulatively considerable air quality impacts. However, because the 2014-2023 Housing Element would not result in changes to any land uses within the 2030 General Plan, the level of, and emissions associated with residential development under the Housing Element is assumed and mitigated for within the 2030 General Plan and Environmental Impact Report (EIR).

As stated previously, the 2014-2023 Housing Element does not result in any direct physical changes to the environment, including air quality. Each new residential development project would be subject to its own environmental review where project-specific impacts associated with air quality would be analyzed, and if necessary, mitigated for. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

- III-d,e) The 2014-2023 Housing Element will ultimately allow new residential development that could potentially have a significant impact on sensitive receptors (i.e. hospitals, schools, nursing homes, etc.). Emissions and odors could also result from the construction emissions from construction equipment exhaust during grading and construction activities and the operation of new residential development. However, because the 2014-2023 Housing Element would not result in any land use changes to the City's 2030 General Plan, the level of, and emissions associated with residential development under the Housing Element are assumed and as necessary, mitigated for, under the 2030 General Plan and EIR. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**DISCUSSION:**

IV-a-d) The 2014-2023 Housing Element identifies a need for an additional 2,473 residential units during the 2014-2023 planning period. The proposed Housing Element sets forth policies and implementation programs that support new and infill residential development throughout the City and in accordance with the land use designations set forth under the 2030 General Plan.

The 2030 General Plan indicates that natural habitats consist primarily of human-influenced habitats, such as valley-foothill riparian, alkali desert scrub, and freshwater emergent wetlands exist in the Planning Area where they are affected by activities associated with regional agriculture and urban development. The habitats located within the Planning Area have the potential to include a variety of special status species, such as the Heartscale, Hispid bird's-beak, Sanford's arrowhead, Vernal pool tadpole shrimp, Giant garter snake, the western pond turtle, Yellow rail, golden eagle, American badger and the San Joaquin kit fox.

As previously stated, the 2014-2023 Housing Element does not directly result in any physical changes to the environment, and contemplates residential land uses consistent with those set forth under the 2030 General Plan. Therefore, any new residential development projects developed as a result of the 2014-2023 Housing Element will be required to comply with implementing actions of the 2030 General Plan, including Implementation Actions POSR-I-21 through POSR-I-27. These policies address potential impacts to biological resources, including wetlands, riparian habitat, and candidate, sensitive, or special status species, and the movement of any migratory fish and wildlife species. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

IV-e) All new residential development projects within the City of Los Banos will be required to comply with the policies of the 2030 General Plan. General Plan Guiding Policies POSR-G-6 and POSR-G-7 as well as associated implementing actions establish requirements in which Fish and Wildlife Habitat shall be preserved and protected within the Los Banos planning area. Adoption of the Housing Element will be done in compliance with the 2030 General Plan, and thus, minimize any potential impacts to local policies related to biological resources. In addition, adoption of the Housing Element will not directly create new development projects that may conflict with the City's policies related to biological resources. As new development occurs within the City, site-specific CEQA review and analysis will be prepared to address any potential impacts to these policies. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

IV-f) There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other local, regional, or state Habitat Conservation Plan within the City of Los Banos. Therefore, the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

No mitigation is required for this topic.

**V. CULTURAL RESOURCES -- Would the project:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**DISCUSSION:**

V-a-d)Based on a review of the City’s 2030 General Plan EIR, there are thirteen (13) historic resource sites within the City’s Planning Area, primarily in the downtown area (Page 235 of DEIR). According to the California Office of Historic Preservation ([www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)), there are no other properties or structures identified on either the National Register or State Register of Historic Places.

The City’s 2030 General Plan EIR determined that with the policies included as part of the General Plan (Implementing Actions POSR-I-37 through POSR-I-41), development contemplated under the General Plan would result in a less than significant impact to historic resources. The 2014-2023 Housing Element is consistent with the 2030 General Plan, as well as the residential land use designations guided by the 2030 General Plan.

In addition, as discussed previously, the 2014-2023 Housing Element does not include specific development projects, and instead, provides the framework for the City’s anticipated future residential growth and housing demand. Therefore, the 2014-2023 Housing Element would not cause a substantial adverse change in the significance of any cultural resources, including archeological, paleontological, and human remains. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**DISCUSSION:**

VI-a-d) The Housing Element Update identifies a need for 2,473 additional housing units during the 2014-2023 planning period. The Housing Element Update does not include specific development projects, and instead, only provides a framework for the City's anticipated future residential growth and housing need for all economic segments of the community. The Housing

Element would not directly result in physical changes in the City that would expose people or structures to seismic activity or landslides, result in the loss of soil or substantial erosion, or locate structures on unstable or expansive soils. Future development projects will be analyzed when applications are submitted to the City and appropriate requirements and mitigation measures will be identified at that time. Impacts related to geology and soils can generally be addressed through compliance with applicable State and/or Local policies and regulations including; California Building Code (Title 24), Los Banos Municipal Code, Alquist-Priolo Earthquake Fault Zoning Act, California Public Resources Code (Seismic Hazards Mapping Act), CEQA, and the National Pollution Discharge Elimination System (NPDES). Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

- VI-e) All future residential development within the City of Los Banos would be required to connect to the City's Wastewater System. Therefore, no new septic tanks or on-site septic systems would be permitted and the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**VII. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**BACKGROUND DISCUSSION:**

Human-generated emissions greenhouse gases (GHGs) are understood to be an important cause of global climate change, which is a subject of increasing scientific, public concern, and government action. Atmospheric concentrations of GHGs trap heat in the earth’s atmosphere and lead to a variety of effects, including increasing temperature, changes in patterns and intensity of weather and various secondary effects resulting from those changes, including potential effects on public health and safety.

California AB 32 identifies global climate change as a “serious threat to the economic well-being, public health, natural resources and the environment of California.” As a result, global climate change is an issue that needs to be considered under CEQA.

GHGs include carbon dioxide (CO2), the most abundant GHG, as well as methane, nitrous oxide and other gases, each of which have GHG potential that is several times that of CO2. GHG emissions result from the combustion of carbon-based fuels; major GHG sources in California include transportation (40.7%), electric power generation (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%).

The State of California is actively engaged in developing and implementing strategies for reducing GHG emissions. State programs for GHG reduction include a regional cap-and-trade program, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage reduction programs. Using these and other strategies, the State’s Global Climate Change Scoping Plan, adopted in December 2008, proposes to achieve a 29% reduction in projected business-as-usual emission levels for 2020.

The City of Los Banos 2030 General Plan and EIR includes policies and mitigation measures that reduce the impact level that is less than significant. Policies POSR-I-46, 52, 53, and C-I-4 of the City’s 2030 General Plan include measures, that upon implementation, helps reduce the amount of greenhouse gases generated per capita in the City.

The SJVAPCD adopted a Climate Change Action Plan in 2008, and issued guidance for the development of project compliance with the plan in 2009. The guidance adopted an approach that relies on the use of Best Performance Standards to reduce GHG emissions. Projects implementing Best Performance Standards would be determined to have a less than cumulatively significant impact. For projects not implementing Best Performance Standards, the demonstration of a 29% reduction in GHG emissions from business-as-usual conditions is required to determine that a project would have a less than cumulatively significant impact.

***DISCUSSION:***

VII-a-b) Over the last five (5) years, the California Legislature adopted two bills that focus on reducing greenhouse gas emissions in the State. Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006), charged the California Air Resources Board to develop regulations to address climate change. Senate Bill (SB) 375 was signed into Law in 2008 to address implementation of the Global Warming Act. AB 32 requires that statewide greenhouse gas (GHG) emissions be reduced to 1990 levels by 2020. SB 375 coordinates regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocations. Continued participation by the City with Merced County Association of Governments (MCAG) in regional planning efforts in accordance with SB 375 will occur.

The 2014-2023 Housing Element Update assumes that future residential development would occur consistent with the levels planned for and evaluated under the 2030 General Plan Land Use Element, the City's growth forecast, and MCAG's Regional Housing Needs Allocation Plan. Without specific information regarding future residential development, it is difficult to impossible to accurately quantify GHG emissions resulting from the implementation of the Housing Element Update.

However, Objective 4 (Achieve Energy Efficiency in Housing Activities) of the 2014-2023 Housing Element contains Policies and Implementation Programs (located in Section 7 – Implementation Programs) focused on energy conservation that may assist in reducing GHG emissions for new residential developments. Policies 4.1 and 4.2 promote energy conservation activities in all residential neighborhoods and encourage innovative and cost effective building technologies.

Lastly, all new residential projects in the City would be required to adhere to Federal, State, and local plans, policies, and regulations that address emissions of GHG in order to minimize impacts. As stated previously, the Housing Element Update does not include specific development projects, but rather, only includes a framework for the City's anticipated future residential growth and housing demand. Additional environmental review of potential environmental effects in compliance with CEQA, including those related to GHG emissions, would be required prior to the

development of future projects. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**VIII. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**DISCUSSION:**

VIII-a-c) Compliance with Federal, State, and local policies and regulations would minimize risks and potential hazards associated with the routine transport, use, or disposal of hazardous materials to the public, including school sites, and the environment. Implementation Actions contained in the 2030 General Plan (Implementation Actions S-I-19 through 25) related to Hazardous Materials would further ensure that new development would not result in the release of hazardous materials into the environment.

Future residential development associated with the implementation of the Housing Element Update would not be expected to introduce any unusual hazardous materials that would create a significant hazard to the public or the environment, introduce any unusual hazardous materials that would result in reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment, or pose an increased risk of hazardous material emissions within one-quarter mile of an existing or proposed school. Additional environmental review of any future residential projects would be required which would evaluate potential impacts associated with the use, storage, and/or transportation of hazardous materials. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

VIII-d) All future residential projects would be required to comply with existing Federal, State, and local policies and regulations related to hazardous sites. All future residential sites and projects identified in the 2014-2023 Housing Element would be subject to a site-specific CEQA review in order to address whether the site is listed as a hazardous materials site in accordance with Government Code Section 65962.5. The 2014-2023 Housing Element does not include any specific development projects that could be listed on said sites. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

VIII-e,f) The Los Banos Municipal Airport is located within the City of Los Banos. The Los Banos Municipal Airport is a general aviation facility with a single paved runway 3,800 feet in length. All future residential sites and projects identified in the 2014-2023 Housing Element located within two (2) miles of the municipal airport must be consistent with the adopted Merced County Airport Land Use Compatibility Plan, adopted June 21, 2012 (pursuant to Implementation Action LU-I-52). Implementation Action C-I-34 considers the long-term relocation of the municipal airport outside of the urban area, with access to the State highway system and at a location that will minimize environmental impacts. In addition, the 2014-2023 Housing Element does not include any specific development projects located within the airport's "Airport Influence Area" and would have be evaluated along with site-specific CEQA. Therefore, the proposed project will have a **Less Than Significant Impact**.

VIII-g) The 2014-2023 Housing Element does not consist of any site-specific development projects that impair implementation of or physically interfere with an adopted emergency response plan. Rather, the Housing Element provides framework in which future residential development will occur in order to meet the City's regional housing need. As site-specific projects for residential development are submitted to the City for review and consideration, a site-specific CEQA review will be prepared. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

VIII-h) A majority of the City of Los Banos has been developed into urban land uses, and as such, there is minimal wildlands located throughout the City. According to the General Plan EIR, *"the Planning Area is not characterized by significant areas of terrain that can be prone to wildfire hazards. Additionally, the topography of the Planning Area is relatively homogenous and steep slopes that could contribute to wildland fire hazards are not common."* The 2014-2023 Housing Element does not propose any specific development projects, and any future site-specific residential projects will be subject to CEQA review. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**Mitigation Measures:**

No mitigation is required for this topic.

**IX. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:**

- IX-a-e) All future residential development will be required to comply with the applicable Federal, State, and local policies and regulations related to water quality including; the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) program, and the Los Banos Municipal Code. Potential water quality issues related to the violation of applicable water quality standards or waste discharge requirements would be analyzed upon the submittal of a site-specific development application. The 2014-2023 Housing Element does not include site-specific development projects, rather, it provides a framework in which future residential growth will occur in order to meet the City's regional housing needs. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
  
- IX-f-h) The entire City of Los Banos is located within Zone X, which is outside any flood prone areas, according to the United States Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map. The City's 2030 General Plan incorporated Implementation Actions S-I-10 through 15 in order to protect new development and existing development from flood hazards. The 2014-2023 Housing Element does not consist of any site-specific development that would be required to comply with these policies in order to minimize impacts caused by flooding. Instead, the Housing Element provides the policy framework in which future residential growth occurs in order to meet the City's regional housing need. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
  
- IX-i) According to Section 7.2 of the City's 2030 General Plan, *“three dams close to Los Banos have the potential of inundating portions or the whole of the Planning Area. Flood zone mapping by the U.S. Army Corps of Engineers indicates that all of the Planning Area is located within the San Luis Reservoir damn inundation area. North portions of the Planning Area are also located within the Los Banos Detention Reservoir and the Little Panoche Reservoir Damn inundation area.”* All three dams are owned by the Bureau of Reclamation, and are inspected regularly for their structural integrity. In response to the potential of inundation by a result of dam failure, the City has adopted General Plan policies, which include coordination with the U.S. Army Corps of Engineers on potential flooding risks, and ensuring that City staff and Emergency Response Services are trained to respond to catastrophic dam failure. Therefore, the proposed project will have a **Less Than Significant Impact**.
  
- IX-j) Inundation by a tsunami is unlikely due to the location of Los Banos and its proximity to the Pacific Ocean. As noted previously, the 2014-2023 Housing Element would not directly result in any physical changes in the City. Therefore, the 2014-2023 Housing Element will have **No Impact**.

**Mitigation measures:**

Mitigation is not required for this topic.

**X. LAND USE AND PLANNING - Would the project:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**DISCUSSION:**

- X-a) Implementation of the 2014-2023 Housing Element will provide the policy framework for residential growth anticipated between 2014 and 2023. The residential growth, and specifically, sites identified in Appendix E of the 2014-2023 Housing Element are consistent with the type of residential growth contemplated under the City’s 2030 General Plan. Therefore, the 2014-2023 Housing Element does not suggest to divide the City of Los Banos, rather, implement the policy framework necessary to successfully comply with State Housing Law, as well as other Elements of the 2030 General Plan. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
- X-b) The proposed 2014-2023 Housing Element is an update to the City’s 2009 Housing Element, and consists of new technical data (Los Banos demographics, household characteristics, employment, etc.) and updated policies and implementation programs necessary to comply with new State legislation. The Housing Element does not grant entitlements to future development projects. New residential development would be required to comply with all applicable plans and regulations including the City’s 2030 General Plan, adopted Specific/Master Plans, and the Los Banos Municipal Code, and would be subject to site-specific environmental review in accordance with CEQA. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**
- X-c) The City of Los Banos does not have an adopted Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the 2014-2023 Housing Element will have **No Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XI. MINERAL RESOURCES -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

**DISCUSSION:**

XI-a,b) Section 5.6 of the City of Los Banos 2030 General Plan, dated July 15, 2009, states, *“according to the Department of Conservation: Mines and Geology, there are no known significant mineral resources located within the Planning Area. The Planning Area contains parts of San Luis Ranch alluvium and Modesto alluvium, known mineral occurrences of underdetermined mineral resources significance. According to the State Office of Mine Reclamation, sand and gravel is currently mined within portions of the Los Banos Creek Fan, located southwest of the Planning Area. Although further exploration of the Planning Area could result in the reclassification of specific localities, no mineral resources have been historically exploited or are being currently exploited commercially within the Planning Area.”*

The 2014-2023 Housing Element would not result in the loss of availability of any known mineral resources. Therefore the 2014-2023 Housing Element will have **No Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XII. NOISE -- WOULD THE PROJECT RESULT IN:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

**DISCUSSION:**

XII-a-f) Construction noise associated with demolition, grading, and excavation activities could result in temporary or short-term noise impacts including ground-borne vibration or an increase in noise levels, while operational noise associated with vehicular traffic, outdoor activities, and stationary mechanical could result in a permanent ambient increase in noise levels. Noise attenuation standards and requirements are regulated by the 2030 General Plan. Any new residential development would be required to comply with the goals and implementation actions contained in the Noise Element of the 2030 General Plan and are subject to site-specific CEQA analysis as residential development applications are submitted to the City for consideration.

The 2014-2023 Housing Element does not consist of any new site-specific residential development, but rather, provides a policy framework in which the City's regional housing need is accommodated for. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XII-e) As noted previously, the 2014-2023 Housing Element does not include site-specific development projects, and instead, provides a policy framework in which the City's regional housing needs between 2014-2023 will be accommodated for. Potential impacts related to future development would be analyzed at the time a specific development application is submitted for review and consideration. This process, along with any appropriate mitigation, will ensure that future residential development would not be located in an area that would result in exposure of people residing or working in Los Banos to excessive noise levels. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XII-f) According to the City's General Plan EIR, *"the City may relocate the Los Banos Municipal Airport to another site at some future time. Until the Airport is relocated, however, pursuant to the California Public Utilities Code Section 21676, changes in land use around the Airport must be consistent with the airport land use compatibility plans adopted by the Merced County Airport Land Use Commission."* The 2014-2023 Housing Element does not consist of any new site-specific development that could potentially be inconsistent with the Merced County Airport Land Use Compatibility Plan, adopted on June 21, 2012, but rather, provides a policy framework in which the City's regional housing need is accommodated for. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XIII. POPULATION AND HOUSING -- Would the project:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

**DISCUSSION:**

XIII-a-c) The 2014-2023 Housing Element provides the policy framework necessary to meet the City’s identified Regional Housing Need Allocation (RHNA) of 2,473 residential units between 2014 and 2023. These anticipated residential units are expected to occur within the City’s existing City Limits.

Additionally, the 2014-2023 Housing Element is consistent with the 2030 General Plan, and does not require the need to amend any of the site-specific land use designations provided under the General Plan in order to meet the RHNA. Because the 2014-2023 Housing Element only provides the policy framework necessary to meet the RHNA, and implement the land use and population assumptions under the 2030 General Plan, it does not result in any direct increase in population growth, as it does not propose any new site-specific residential development.

Although the 2014-2023 Housing Element does not provide entitlements for the development of any site-specific residential projects, it could indirectly result in the displacement of existing housing or people, which would necessitate the construction of replacement housing in the City. Any new housing created as a result of the 2014-2023 Housing Element, however, will be done in accordance with the 2005-2025 General Plan, and will include a separate site-specific CEQA review and analysis. Therefore, any induction of population growth, displacement of people and/or housing, which would create the need for new housing, created as a result of the 2014-2023 Housing is considered to be less than significant. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XIV. PUBLIC SERVICES**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**DISCUSSION:**

XIV-a) Fire and police protection are provided by the City of Los Banos via the Los Banos Fire Department and Los Banos Police Department. To offset any potential impacts to fire and police services, future projects are required to pay the appropriate Capital Facilities Fees at the time development occurs and/or a Building Permit is issued. In addition, any development will be required to annex into a Community Facilities District (CFD), which is an annual tax assessed to each new parcel within a project area.

As previously discussed, the 2014-2023 Housing Element would not directly result in physical changes in the City. However, any new residential development that is created as a result of the Housing Element would be expected to affect and potentially increase the demand for public services. As new residential development occurs, the City collects Capital Facilities Fees on a per unit basis. In addition, Los Banos Unified School District collects a school impact fee for each residential developed within its boundary. The City provides parkland through a requirement of parkland dedication and/or improvement, or the requirement that a project pay park fees, or a combination of the two. Once development occurs, the project will be required to meet its General Plan park requirements by these methods, as determined at the time of review and approval of any development requests such as site plan approvals or tentative maps. All projects are subject to the City’s 2030 General Plan and any mitigation measures, as

appropriate, to ensure adequate service levels would be maintained. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XV. RECREATION**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**DISCUSSION:**

XV-a,b) Implementation of the 2014-2023 Housing Element would not result in any direct physical changes to the City’s parks and recreation facilities. However, new residential development created as a result of the Housing Element would increase the use of existing parks facilities and require the expansion of, or construction of new parks and recreation facilities. As new development occurs, site-specific projects are reviewed for their consistency with the City’s 2030 General Plan, and evaluated in accordance with CEQA. As such, any future impacts that may occur to the City’s parks and recreation facilities as a result of the 2014-2023 Housing Element will be mitigated, as appropriate, upon review of a specific project. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities:			X	

**DISCUSSION:**

XVI-a,b) According to the 2030 General Plan, the City has adopted a Level of Service (LOS) "C" on street segments and LOS "D" at intersections within the General Plan build-out area. The type and density of residential development assumed for the 2014-2023 Housing Element is consistent with the residential land uses contemplated under the 2030 General Plan Land Use Element and the Circulation Element, and as well as the 2030 General Plan EIR.

Future residential development that would be permitted as a result of implementation of the 2014-2023 Housing Element would not be expected to exceed the capacity of the circulation system contemplated under the 2030 General Plan or conflict with an applicable congestion management program. Additional environmental review in accordance with CEQA will occur as future residential development and site-specific projects occur. Impacts to the City's existing circulation system and mitigation measures, as appropriate, will be analyzed and identified at that time. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-c) Implementation of the 2014-2023 Housing Element will not result in a change in air patterns. Therefore, the 2014-2023 Housing Element will have **Less Than Significant Impact**.

XVI-d,e) Any future residential development that is a result of the 2014-2023 Housing Element will be done in accordance with the City's 2030 General Plan and Los Banos Municipal Code. In addition, the Housing Element will not cause inadequate emergency access to occur. Future residential development created as a result of the Housing Element will be built in compliance with any improvement standards and specifications of the City's Public Works Department, and the Police and Fire Departments. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-f) The 2014-2023 Housing Element is a policy document that provides the framework necessary for the City to meet and achieve their RHNA, and does not conflict with any adopted policies, plans, or programs supporting alternative transportation. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XVII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**DISCUSSION:**

XVII-a,b,e) New residential growth and development anticipated under the 2014-2023 Housing Element would result in population growth assumed under and consistent with the City's 2030 General Plan.

As noted previously, adoption of the 2014-2023 Housing Element would not directly result in any physical changes to the City that would place a higher demand on existing water or wastewater facilities and improvements. However, new residential development that occurs as a result of the Housing Element would place a higher demand on these facilities and their

capacity. As new residential development occurs, the City will prepare an additional site-specific environmental review in accordance with CEQA. This review will determine the specific project's impacts on the City's existing water and wastewater facilities, and any mitigation measures, as appropriate, will be incorporated into the project to mitigate any potential impacts to such facilities. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-c) Adoption of the 2014-2023 Housing Element does not require, or result in, the construction of new stormwater facilities. Rather, the Housing Element provides the policy framework necessary for the City to meet and achieve its regional housing need. As new site-specific residential development occurs, additional environmental review in accordance with CEQA shall be prepared. This review will evaluate the site-specific project and determine the need for new stormwater facilities and improvements. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-d) Potable water services within the City are provided by the City of Los Banos, Public Works Department Water Services. The City is located within the San Joaquin River Hydrologic Region (groundwater basin) and extracts its water supply from groundwater aquifers via a series of thirteen (13) municipal water wells with most of the wells concentrated in the southwest area of the City. In addition to the thirteen (13) water wells, the City also has an elevated storage tank with a capacity of 100,000 gallons, and a 5 million gallon surface mounted storage tank equipped with 4 booster pumps, which are utilized to pump additional water during high demand periods. City water users total approximately 12,730 connections, split between residential, commercial and industrial land uses. According to the City's Water Master Plan (2011), it is anticipated that the City has sufficient groundwater supply to provide potable water services to meet the expected future demands based on the buildout assumptions made in the 2030 General Plan. As new site-specific residential development occurs, additional environmental review in accordance with CEQA shall be prepared. Therefore, the proposed project will have a **Less Than Significant Impact**.

XVI-f,g) Solid waste in the City of Los Banos is managed by the Merced County Association of Governments. The majority of the City's solid waste is taken to Billy Wright Landfill and additional waste is taken to Highway 59 Landfill. The City's 2030 General Plan EIR determined that there are sufficient options for expansion or relocation of services to meet the demand created by future growth in Los Banos. As noted previously, the 2014-2023 Housing Element is consistent with the 2030 General Plan, and as a result, consistent with the determinations made in the 2030 General Plan EIR.

In addition, future residential development created as a result of the 2014-2023 Housing Element will comply with all Federal, State, and local policies and regulations related to solid waste. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**DISCUSSION:**

XVIII-a) The City of Los Banos is required by State Law to prepare a Housing Element that incorporates and identifies how the City would accommodate its total identified Regional Housing Needs Allocation (RHNA), which is contained in MCAG’s Regional Housing Needs Allocation Plan. As mentioned previously, the City’s total share of the RHNA is 2,473 units between 2014-2023.

The City’s 2014-2023 Housing Element is a policy document that reflects and anticipates development as described in other City plans and ordinances. It does not regulate or provide entitlements for new development, and would not directly result in any physical changes to the environment. As a result, no new environmental effects that would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major period of California history or prehistory are anticipated. Additional environmental review

of potential environmental impacts in compliance with CEQA would be required prior to any new development that occurs as a result of the 2014-2023 Housing Element. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

- XVIII-b) Under the 2014-2023 Housing Element, no specific development projects would occur. Rather, the Housing Element would update policies and implementation programs that guide future population growth and housing demand within the City. Therefore, these less than significant impacts would not combine with impacts from other projects to cause a cumulative impact. In addition, the Housing Element is guiding future anticipated residential development, and is not considered growth inducing or a document that provides entitlements to this anticipated development. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
  
- XVIII-c) As noted previously throughout this Initial Study, the 2014-2023 Housing Element would not have an environmental effect that would cause substantial adverse effects on human beings either directly or indirectly. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

## SECTION 4.0

## REFERENCES

In accordance with Section 15063(a)(3) of the CEQA Guidelines, the following expert opinion, technical studies, and substantial evidence have been referenced and/or cited in the discussion included in Section 3.0, Initial Study Checklist:

1. City of Los Banos 2030 General Plan, dated July 2009.
2. City of Los Banos 2030 General Plan Environmental Impact Report (EIR), dated July 2009.
3. City of Los Banos Zoning Ordinance.
4. City of Los Banos Noise Control Ordinance, Article 27.
5. Merced County Airport Land Use Compatibility Plan, adopted June 21, 2012, prepared by the Merced County Airport Land Use Commission.
6. California Department of Transportation Online Database of State Scenic Highways ([www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm](http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm)).
7. California Department of Conservation Farmland Mapping and Monitoring Program, published October 2007.
8. Guide for Assessing and Mitigating Air Quality Impacts, adopted August 20, 1998, and revised January 10, 2002, prepared by the San Joaquin Valley Air Pollution Control District.
9. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, dated December 17, 2009, prepared by the San Joaquin Valley Air Pollution Control District.
10. Flood Insurance Rate Map (FIRM) No. 06047C0850G, dated December 12, 2008, prepared by the Federal Emergency Management Association (FEMA).

**DEPARTMENT OF TRANSPORTATION**  
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*Serious drought.  
Help save water!*

May 11, 2016

**10-MER-165/152 Various Locations  
State Clearinghouse # 2016041070  
2014-2023 Housing Element Update  
Merced County**

Ms. Stacy Souza Elms  
Senior Planner  
City of Los Banos - Community Development Department  
520 J. Street  
Los Banos, CA 93635

Dear Ms. Souza Elms:

Thank you for the opportunity to review the above-referenced document, the 2014-2023 Housing Element Update (SCH# 2016041070) which is an update to the 2009-2014 Housing Element that was adopted by the City of Los Banos in 2009. The Department has the following comments:

The Department recognizes that there is a strong link between transportation and land use. Growth and development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both total vehicle miles traveled and the number of trips per household. In order to create more efficient and livable communities, the Department encourages the applicant to work towards a safe, functional, interconnected, multi-modal system integrated with "smart growth" type land use planning. Also, a mixture of land uses creates opportunities to substitute walking for driving.

While recognizing that topographic and environmental constraints may preclude a strict interconnected grid street network, roads which are routed in parallel can provide an alternative to using the interregional roads or highway, thereby helping to alleviate congestion on State facilities. A street system with minimal interconnectedness -- where drivers are siphoned from local streets to major streets or highways -- concentrates traffic, leaving few choices to drivers. An interconnected grid street system offers the traveler multiple paths to reach any destination, thereby alleviating potential congestion by providing alternative routes. Paths, greenways, and other passive recreational uses such as linear parks can also increase mobility and are an appropriate fit along local rivers, creeks, and canals, provided they are constructed in an environmentally conscientious manner. Continuity and connectivity are important considerations that may necessitate coordination with adjoining jurisdictions.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

Ms. Souza Elms  
May 11, 2016  
Page 2

Given the importance of mobility options, the housing element update should provide an assessment of how various transportation options may be incorporated. Specifically, pedestrian and bicycle access to and throughout the residential boundaries should be provided. The Department encourages the applicant to incorporate design features and site proximities that encourage walking and bicycling, public transit options, accessibility for children, the elderly, persons with disabilities, and transit priority measures in order to enable alternative modes of transportation. Improved transit accommodation through the provision of park and ride facilities, signal prioritization, or other enhancements can also improve mobility. Balancing the demand for housing and employment at a community scale enables residents to live and work in the same area, potentially decreasing demand on inter-regional transportation facilities.

Projects that may potentially affect the environment must comply with a number of federal, state, and local environmental laws and regulations. The primary federal and State environmental mandates are the federal National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively. Under NEPA and CEQA, a wide variety of potential impact areas are assessed related to the physical and natural environment, land use, cultural resources, socioeconomic effects, climate change, and cumulative effects.

We suggest that the City continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur from this housing element update and other developments near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.

If you have any questions, please contact Steven Martinez at (209) 948-7936 (email: [steven.r.martinez@dot.ca.gov](mailto:steven.r.martinez@dot.ca.gov)) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,



FOR

TOM DUMAS, Chief  
Office of Metropolitan Planning

c: State Clearinghouse

# **City of Los Banos Housing Element**

*Draft*

*2014 - 2023*

*June 2016*

*Prepared by:*





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# **1. INTRODUCTION**

## **CONTENTS OF THE HOUSING ELEMENT**

The Housing Element of the General Plan is a comprehensive statement by the City of Los Banos of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The policies contained in this Element are an expression of the statewide housing goal of “attaining decent housing and a suitable living environment for every California family, as well as a reflection of unique concerns of the community”. The purpose of the Housing Element is to establish specific goals, policies and objectives relative to the provision of housing and to adopt an action plan toward this end. In addition, the Element identifies and analyzes housing needs and resources and constraints to meeting those needs.

The Los Banos Housing Element is based on one strategic goal which is to “Preserve, enhance and expand the existing housing stock to provide a range of safe housing opportunities for all members of the Los Banos Community”. In order to satisfy this goal, the following objectives have been established: 1) Provide adequate sites for residential development and alternate housing choices at affordable costs for all segments of the City; 2) Mitigate the impacts of the Housing Finance Crisis currently impacting the Los Banos housing market; 3) Encourage the maintenance, improvement and rehabilitation of the City’s existing housing stock and residential neighborhoods; 4) Achieve energy efficiency in housing activities; 5) Ensure that all residents have access to housing; 6) Increase the percentage of homeowners in the City and provide adequate information on all possible housing assistance programs and distribute to homeowners, developers and other residents; 7) Maintain an adequate percentage of affordable rental units within the City to accommodate all income groups and family types; 8) Encourage redevelopment and new development projects for special need groups.

In accordance with State law, the Housing Element is to be consistent and compatible with other General Plan Elements. Additionally, Housing Elements are to provide clear policy and direction for making decisions pertaining to zoning, subdivision approval, housing allocations and capital improvements. State law (Government Code Section 65580 through 65589) mandates the contents of the Housing Element. By law, the Housing Element must contain:

- An assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs;
- A statement of the community’s goals, quantified objectives and policies relevant to the maintenance, improvement and development of housing; and
- A program that sets forth a nine year schedule of actions that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element.

The housing program must also: identify adequate residential sites available for a variety of housing types for all income levels; assist in developing adequate housing to meet the

needs of the extremely low, very low, low and moderate income households; address governmental constraints to housing maintenance, improvement and development; conserve and improve the condition of the existing affordable housing stock; and promote housing opportunities for all persons.

Although, by nature of the State mandate, the Housing Element tends to focus on the affordability and availability of housing for low and moderate income households and families, the Element must also address the housing needs and related policy issues for the entire community and be consistent with the adopted policies of the rest of the General Plan. For these reasons, the focus of the updated Housing Element will be on policies and programs that can balance the desire of residents to maintain the character of residential neighborhoods, manage traffic and minimize visual and other impacts of new development, while addressing the needs of low and moderate income households and special needs groups (such as seniors and individuals with disabilities).

This balance will require the City to examine strategies to accommodate higher density housing, mixed use projects in commercial zones, infill developments and second units without sacrificing other legitimate community goals.

## **2. HOUSING NEEDS ASSESSMENT**

The Housing Needs Assessment analyzes population and housing characteristics, identifies special housing needs among certain population groups, evaluates housing conditions and provides other important information to support the goals, policies and programs to meet the needs of current and future Los Banos residents.

The United States Census, completed every ten years, is an important source of information for the Housing Needs Assessment. Results from the 2010 Census were used in the preparation of this document. This Element also pulled in data from several other sources in order to create a document that is up to date and relevant to the needs of the Community for today. The data presented in the Housing Needs Assessment will not only guide the development of housing goals and policies, but will also be integrated into the body of the Housing Element to present the current status of housing and housing related issues in the City of Los Banos.

The Needs Assessment is organized into four data sections. The first section focuses on demographic information, such as population trends, ethnicity, age, household composition, income, employment, housing characteristics, general housing needs by income and housing needs for special segments of the population. This first section outlines the characteristics of the community and identifies those characteristics that may have significant impacts on housing needs in the community.

The second section identifies the City's resources and the historic development patterns and housing opportunities in the community. It also discusses the City's existing housing stock and the potential areas for future housing development.

The third section discusses the governmental and non-governmental constraints to housing development in Los Banos. The City has planning, zoning and building standards that guide and affect residential development patterns and influence housing availability and affordability. There are also environmental and housing market conditions that affect the locations, availability, affordability and type of housing that is constructed in Los Banos. The "non-governmental" influences include such factors as: the availability and cost of financing, land, materials for building homes, business decisions of individuals and organizations in home building and market factors in rental housing.

The final section of the Needs Assessment discusses opportunities for energy conservation, which can reduce costs to homeowners and infrastructure costs to the City. With a reduction in basic living costs through energy savings, more households will be better able to afford adequate housing.

## **SUMMARY FINDINGS**

The following is a summary of findings from the Housing Needs Assessment Report.

### **Population Trends**

- The 2010 Census reported Los Banos' population as 35,972 persons. Between 2010 and 2015, the California Department of Finance estimates the City's population has grown by 3.3 percent (37,145 persons). Based upon history, Los Banos' population is expected to grow steadily, continuing the demand for a variety of housing types and costs.
- Los Banos' ethnic composition in 2010 was primarily Hispanic (50.4%) followed by 39.8 Caucasian.
- The City of Los Banos has a slightly lower percentage of persons 65 years and over and a slightly higher percentage of persons under 18 than the countywide and statewide averages.

### **Income and Poverty**

- Residents of Los Banos have higher income characteristics than Merced County. In 2013, the median family income in Los Banos (\$49,269) was roughly 15% higher than the countywide median family income (\$42,591). Approximately 49% of the total households in Los Banos earn \$50,000 or more compared to 43% countywide.
- As defined by the Department of Housing and Urban Development's (HUD) income limits, an extremely low income household earns 30 percent or less of the median income, a very low income household earns 50 percent or less than the county median income, a low income household earns between 51 and 80 percent of the county median income, a moderate income household earns between 81 and 120 percent of the county median income and an above moderate income household earns 121 percent or greater of the count median income. Based on HUD Comprehensive Housing Affordability Strategy (CHAS) Data, 22.8% of households within Los Banos are classified as very low income, 15.1% are classified as low income and the remaining 62.1% are classified as having the median income for the County or above.

### **Employment Trends**

- Based on statistics from the CA Economic Development Department, Labor Market Information, The City of Los Banos had an unemployment rate of 11.3% in May of 2015 as compared to Merced County which had an unemployment rate of 13.3% and the State of California which had a 6.2% unemployment rate.
- Los Banos has a very high portion of the population that commutes over 45 minutes to and from their places of employment. The US Census stated that in the year 2013 (American Community Survey), 45.6% of the population had more than 45 minutes for employment commute time.

### **Special Needs**

- Persons 65 and over represent 8.6 percent of Los Banos' total population. The housing needs among older adults are: 1) home repair/maintenance/modification; 2) affordable housing; and 3) in-home assistance.
- Individuals with disabilities also have financial and physical needs. Housing and supportive service needs among the disabled population include: 1) accessible housing; 2) affordable housing; and 3) housing located in close proximity to services and commercial centers.
- Female headed households represent 24 percent of the households in Los Banos. Poverty rates among female headed households are generally higher than the general population. The percentage of female headed households below the poverty level is 51%. This special needs group would benefit greatly from affordable housing opportunities and housing located near childcare facilities, schools, youth services and medical facilities.
- Large family households in Los Banos represent approximately 28% of the households within the City. According to the US Census, large family households represent 13.4 percent of renters. With that being the case, rental units need to be constructed and set aside for large families to reduce overcrowding.
- At the time of the development of the 2014 Housing Element it was determined that Los Banos had about 88 homeless persons within the City. The Merced County Continuum of Care stated that homelessness is on the rise, a survey was conducted in January 2014 and 609 cases were found in Merced County. Of the 609 cases, 64 percent were men and 49 percent had a chronic health condition. The largest factors contributing to homelessness are: loss of job/unemployment, high cost of housing/rent, alcohol or drug problems, release from jail or prison or break up/divorce/separation. This special needs group would benefit greatly from having emergency homeless shelters as a permitted use within the City.

### **Housing Characteristics**

- The majority of the City's housing stock consists of single family detached homes. According to the 2010 Census and building permit data, the City currently has 10,259 households, this is an increase of 32.9% over the 2000 data alone. This household growth rate is lower than the population growth rate which indicates that the current household size is increasing.
- According to the 2010 Census, 60.4% of the housing stock is owner occupied and 39.6% are operated as rental units.
- The median year in which housing units were built in Los Banos is 1993, compared to the County median of 1983 and the State median of 1974. This indicates that Los Banos has experienced a relatively large increase in housing production over the past two and a half decades. However, there are still many older homes in the City that may require repairs and rehabilitation efforts. Furthermore, the change in the economy and the number of foreclosures has led to a large number of vacancies which leads to blight and decay.

**Opportunities and Constraints**

- Merced County has determined that Los Banos has a housing construction need of 2,473 units for the planning period of 2014-2023. Of the total 2,473 units, 326 should be affordable to extremely low income households, 278 should be affordable to very low income households, 431 to low income households, 396 to moderate income households and 1,049 to above moderate income households.
- The City’s vacant land within residential districts, can accommodate its regional allocation of new dwelling units at densities potentially affordable to low, very low, and extremely low income households.
- Los Banos’ zoning regulations and development permit processes do not create unreasonable restrictions to the City’s ability to accommodate affordable housing. The time required in the City of Los Banos for development approval is not generally a constraint or substantial cost to housing developers.

**HOUSING NEEDS AND OPPORTUNITIES**

**POPULATION CHARACTERISTICS**

**Population Trends**

Since the 2000 U.S. Census, the City of Los Banos’ population has grown by 39.4% according to California Department of Finance Estimates. Los Banos’ growth rate is higher than Merced County’s growth which is estimated to be 39.1% and higher than the State of California’s growth which is estimated to be 10% (See Table II-1)

**Table II-1  
Population Estimates for Los Banos, Merced County & California**

Location	2000	2010	Percent Change 2000-2010
Los Banos	25,869	35,972	39.1%
Merced County	210,554	255,793	21.5%
California	33,871,648	37,253,956	10.0%

*Source: US Census*

Location	2010	2015	Percent Change 2010-2015
Los Banos	35,972	37,145	3.3%
Merced County	255,793	266,134	4.0%
California	37,253,956	38,714,725	3.9%

*Source: State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011- 2015. Sacramento, California, May 2015.*

According to the Merced County Association of Governments and Economic and Planning Systems, the City of Los Banos is expected to have a population of 63,112 by the year 2025.

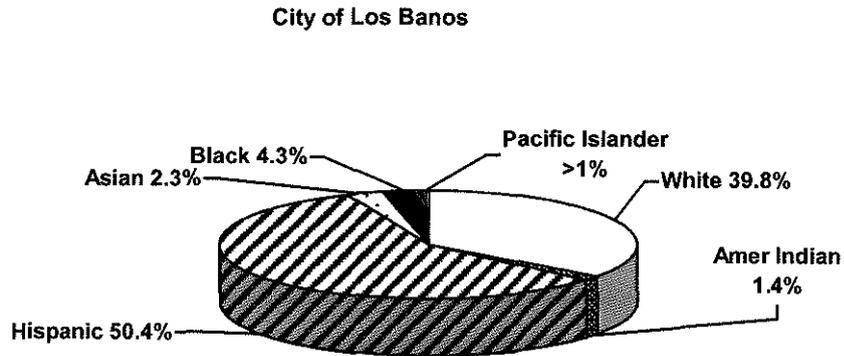
Since the 2010 Census, the number of persons per household has increased from an average household size of 3.49 persons up to 3.57 persons in 2014.

The number of households in the City of Los Banos increased from 7,721 households in 2000 to 10,259 households in 2010 and 10,432 in 2015, according to the Department of Finance E-5 Population and Housing Estimates. The number of households increased less than the increase in population which coincides with the concurrent increase in average household size.

### **Ethnicity**

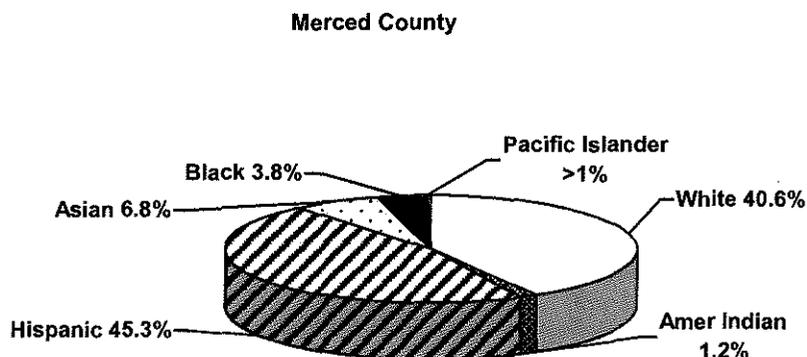
According to the 2010 Census, Los Banos has a majority Hispanic population (64.9 percent), followed by Caucasian (39.8 percent) and relatively small proportions of Black (3.8 percent), Asian (3.2 percent) and American Indian (1.4 percent) populations. While the percent of Hispanic residents is slightly higher than County totals, and the number of Asians is slightly lower; overall City and County compositions are quite similar. Figures II-1 and II-2 show the ethnic compositions of the City of Los Banos and Merced County respectively.

**Figure II-1**  
**Ethnic Composition of Los Banos**  
Year 2010



*Source: 2010 Us Census, 2010 Census, Table QT-P3 – Race and Hispanic or Latino Origin: 2010*

**Figure II-2**  
**Ethnic Composition of Merced County**  
 Year 2010



*Source: 2010 Us Census, 2010 Census, Table QT-P3 – Race and Hispanic or Latino Origin: 2010*

**Age of Population**

Overall, the City of Los Banos has a similarly aged population as that in Merced County as a whole. The figures are similar to the State as a whole although the population under 18 is larger. Individuals under 5 account for 9.0% of the City’s population as compared to 8.7% for Merced County. Individuals under 18 account for 33.6% as opposed to 31.5% for Merced County and individuals over 65 years of age account for 8.6% with Merced County at 9.4%.

**Table II-2**  
**Age Distribution**

Age	Los Banos	Merced County	California
Under 5 years	9.0%	8.7%	6.8%
Under 18 years	33.6%	31.5%	25.0%
Over 65 years	8.6%	9.4%	11.4%

*Source: U.S. Census Bureau, 2010 Census; Table QT-P1: Age groups and Sex: 2010*

**Household Type and Composition**

Further insight into the characteristics of the City’s population is explored by examining household size. Of the 10,341 households in 2013, Table II-3 shows that Los Banos’ highest percentage consisted of two person households at 22.9%. Households that consisted of three persons constituted 17.9% and four persons constituted 15.9% of the households. One person households accounted for 16% of the total and five person households accounted for 17.5% of the population. Six or more person households accounted for 9.5% of the total.

**Table II-3  
Number of Persons per Household (2013)**

<b>Persons in Unit</b>	<b>Owner</b>	<b>Renter</b>	<b>Total</b>	<b>Percentage</b>
1	1,105	558	1,663	16.1%
2	1,562	814	2,376	22.9%
3	1,021	832	1,853	17.9%
4	498	1,154	1,652	15.9%
5	816	996	1,812	17.5%
6 or more	433	552	985	9.5%
<b>Total</b>	<b>5,435</b>	<b>4,906</b>	<b>10,341</b>	<b>100%</b>

*Source: U.S. Census Bureau, 2011-2013 3-Year American Community Survey; Table B25009: Tenure by Household Size*

In addition to household size, household composition provides important indicators of population characteristics and trends (Table II-4). U.S. Census reported that 81.2% of all households in Los Banos were family households and, of that, 36.3% were married couple households with children under 18, 10.6 % were female headed households with children under 18 and 4.5% were male headed households with children under 18 years of age. The total number of household in Los Banos includes 18.8% which are non-family households.

**Table II-4  
Household Composition by Type (2010)**

<b>Household Type</b>	<b>Percent of Households</b>
Married Couples with Children under 18	36.3%
Female Householder with Children under 18	10.6%
Male Householder with Children under 18	4.5%
Non-Family Households	18.8%

*Source: U.S. Census Bureau, 2010 Census, Table QT-P11: Households and Families: 2010*

## **INCOME CHARACTERISTICS**

According to the 2013 Census, 5-Year American Community Survey, the median household income in the City of Los Banos in the year 2013 was \$47,177 (Table II-5). In comparison, the median household income in Merced County was \$42,591 and the median income in California as a whole was \$61,094. The Bay Area workers living in the City has significantly driven up the median income, although many local workers still earn considerably less than the present median.

**Table II-5  
Area Median Income in Los Banos, Merced County and California (2013)**

Household Income Category	Los Banos		Merced County		California	
	Number of Households	Percent of Total	Number of Households	Percent of Total	Number of Households	Percent of Total
Under \$10,000	721	9.1%	5,278	7.0%	714,920	5.7%
\$10,000- \$14,999	680	6.7%	5,655	7.5%	652,208	5.2%
\$15,000- \$24,999	1,228	12.1%	10,633	14.1%	1,204,076	9.6%
\$25,000- \$34,999	1,157	11.4%	9,954	13.2%	1,141,364	9.1%
\$35,000- \$49,000	1,594	15.7%	11,160	14.8%	1,542,723	12.3%
\$50,000- \$74,999	2,132	21.0%	13,799	18.3%	2,119,675	16.9%
\$75,000- \$99,000	1,624	16.0%	7,842	10.4%	1,555,265	12.4%
\$100,000 - \$149,999	1,066	10.5%	7,088	9.4%	1,868,826	14.9%
\$150,000 or more	477	4.7%	4,072	5.4%	1,755,944	14.0%
Median Income	\$47,177		\$42,591		\$61,094	

*Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey, Table S2503: Financial Characteristics*

Income categories, as defined by the U.S. Department of Housing and Urban Development (HUD), include:

- **Extremely Low\***: Households with income less than 30 percent of the area median income.
- **Very Low**: Households with income less than 50 percent of the area median income.
- **Low**: Households with income between 50 and 80 percent of the area median income.
- **Moderate**: Households with income between 80 and 120 percent of the area median income.
- **Above Moderate**: Households with income over 120 percent of the area median income.

\* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as established by the Department of Health and Human Services (HHS), provided that this amount is not greater than the Section 8 50% very

low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Another measure of changes in estimated income is the annual release of income limits prepared by HUD and adopted by the State of California for determining eligibility for various housing programs. These limits define the dollar amount of each of the income categories discussed previously based on a percentage of the estimated median income for the county in which the jurisdiction is located. Although these income limits are not based on actual surveys of local incomes, the annual changes can show trends in estimated changes among different regions of the State. Table II-6 provides limits for Merced County for 2015. According to HUD, the estimated 2015 median income for a family of four in Merced County is \$52,500.

**Table II-6  
Merced County Income Limits (2015)**

<b>Household Size</b>	<b>Extremely Low Income</b>	<b>Very Low Income</b>	<b>Low Income</b>
1 Person	\$11,950	\$19,950	\$31,850
2 Persons	\$15,930	\$22,800	\$36,400
3 Persons	\$20,090	\$25,650	\$40,950
4 Persons	\$24,250	\$28,450	\$45,500
5 Persons	\$28,250	\$30,750	\$49,150
6 Persons	\$32,570	\$33,050	\$52,800
7 Persons	\$35,300	\$35,300	\$56,450
8 Persons	\$37,600	\$37,600	\$60,100

*Source: HUD Income Limits, 2015. Effective March 6, 2015*

HUD 2014 Comprehensive Housing Affordability Strategy (CHAS) Data report (Table II-7), 12.3 percent of the total households in the City of Los Banos (1,210 households) are categorized as extremely low income; 70 percent of extremely low income households are renters and 29 percent of owners. Approximately 10.4 percent of total households (1,025 households) are categorized as very low income; 62 percent of very low income households are renters and 38 percent are owners.

Typically lower income households, especially those categorized as extremely low and very low income, experience a higher percentage of housing problems (including cost burden) than do higher income households. Very low income renters, as well as extremely low income renters and owners, experience a high percentage of housing problems.

**Table II-7  
Households with Housing Problems by Income Level**

<b>Household Income</b>	<b>Owner Households</b>	<b>Renter Households</b>	<b>Total Households</b>
<b>Income Distribution Overview</b>			
Household Income <=30% HAMFI	355	855	1,210
Household Income >30% to <= 50% HAMFI	390	635	1,025
Household Income >50% to <= 80% HAMFI	745	730	1,475
Household Income >80% to <= 100% HAMFI	470	480	950
Household Income > 100% HAMFI	4,070	1,070	5,140
<b>Total</b>	<b>6,030</b>	<b>3,770</b>	<b>9,800</b>
<b>Housing Problems Overview 1</b>			
Household has 1 of 4 Housing Problems	2,920	2,285	5,205
Household has none of 4 Housing Problems	3,055	1,450	4,505
Cost Burden not available	55	30	85
<b>Total</b>	<b>6,030</b>	<b>3,770</b>	<b>9,800</b>
<b>Severe Housing Problems Overview 2</b>			
Household has 1 or 4 Severe Housing Problems	1,535	1,470	3,005
Household has none of 4 Severe Housing Problems	4,445	2,265	6,710
Cost Burden not available	55	30	85
<b>Total</b>	<b>6,030</b>	<b>3,770</b>	<b>9,800</b>
<b>Housing Cost Burden Overview 3</b>			
Cost Burden less-than or= 30%	3,150	1,660	4,810
Cost Burden >30% to less-than or= 50%	1,500	915	2,415
Cost Burden >50%	1,325	1,160	2,485
Cost Burden not available	55	30	85
<b>Total</b>	<b>6,030</b>	<b>3,770</b>	<b>9,800</b>

*Source: CHAS Data, posted May 28, 2014*

Analysis of future housing needs of lower income households is provided in the Future Housing Needs Section. Additional analysis of existing housing needs of lower income households is also addressed in the Age and Condition of Housing Stock, Lower Income Households Overpaying and Affordability Trends Sections of the Housing Element.

### **Poverty**

The poverty level of income is a federally defined measure of the minimum income needed for subsistence living. The poverty level is an important indicator of severe financial distress and the rate of poverty in a community (proportion of the population

with poverty level incomes or less) provides important information about individuals and families in greatest financial need.

According to the 2013 Census (American Community Survey), approximately 21 percent of all families and 47.7 percent of all female headed households were below the poverty level.

**EMPLOYMENT AND EDUCATIONAL TRENDS**

This type of demographic data is important to a Housing Element in that it is necessary to first have a clear depiction of the population of a City in order to more accurately identify and address the housing needs that the people experience. This process ultimately leads to the formulation of more effective housing goals and policies.

With persistently high unemployment rates, low income distribution and lower than State average educational attainment, Merced County is replete with economic and social difficulties. The City of Los Banos staff works hard at responding to these challenges. Table II-8 compares unemployment levels for the City of Los Banos, Merced County and the State of California in 2014. The City’s unemployment rate is higher than the County average and is almost double that of the State as a whole.

**Table II-8  
Unemployment Levels for Los Banos, Merced County and California (2014)**

<b>Location</b>	<b>Unemployment Level</b>
City of Los Banos	13.1%
Merced County	12.8%
California	7.5%

*Source: CA Economic Development Department, Labor Market Information, 2014 annual average*

Table II-9 below shows the commute time for workers over the age of sixteen, as well as the rate of change from 2007 to 2013. Los Banos had experienced a tremendous influx of Bay Area workers from 2000 to 2010 and this is evident by the commute time for workers traveling over an hour for work. Since 2007, however, the amount of workers traveling over an hour for work has decreased by 11 percent.

**Table II-9**  
**Travel Time to Work for Workers 16 Years and Older (2007 & 2013)**

Commute Time to Work	2007		2013		Percent Change
	Number	Percent	Number	Percent	
Less than 30 minutes	5,345	47.2	5,624	46.6	5.2
30 to 44 minutes	623	5.5	941	7.8	51.0
45 to 59 minutes	1,279	11.3	1,871	15.5	46.3
60 or more minutes	4,077	36.0	3,633	30.1	-10.9
Total	11,324	100.0	12,069	100.0	67.7
<b>Mean Time</b>	<b>42 Minutes</b>	<b>-</b>	<b>43 Minutes</b>	<b>-</b>	<b>2.2</b>

Source: US Census Bureau, 2005-2007 and 2011-2013 3-Year American Community Survey

Table II-10 shows the number of jobs by major industry for the City of Los Banos in 2000 and 2012. During that period, Trade, Wholesale, and Retail and Educational, Health and Social Services remained the primary employment sectors for the City. However, the Trade, Wholesale, and Retail sector (16.7 percent) saw a slight decrease since 2000 and the Educational, Health and Social Services (16.4 percent) sector slightly increased since 2000. At the same time, the Manufacturing sector decreased from 14.2 percent in 2000 to 12.0 percent in 2012. This trend indicates that there is a general shift in employment growth by major sector employment in the City.

**Table II-10**

Employment by Major Sector (2000 & 2012) Industry	2000		2012	
	Jobs	Share	Jobs	Share
Agriculture and Mining <sup>1</sup>	801	8.6%	1,035	7.8%
Construction	824	8.9%	1,268	9.5%
Manufacturing	1,315	14.2%	1,596	12.0%
Trade, Wholesale and Retail <sup>1</sup>	1,576	16.9%	2,221	16.7%
Transportation, Warehousing, and Utilities	713	7.7%	935	7.0%
Communications and Information <sup>1</sup>	192	2.1%	128	1.0%
Finance	230	2.5%	418	3.1%
Professional	671	7.2%	1,096	8.3%
Educational, health, and social services <sup>1</sup>	1,505	16.2%	2,175	16.4%
Arts, entertainment, recreation, and food services <sup>1</sup>	713	7.7%	1,222	9.2%
Public administration	298	3.2%	522	3.9%
Other services (except public administration) <sup>1</sup>	452	4.9%	659	5.0%
<b>Total Jobs</b>	<b>9,290</b>	<b>100.0%</b>	<b>13,275</b>	<b>100.0%</b>

<sup>1</sup> These categories have been combined. Source: 2000 U.S. Census; U.S. Census, 2008-2012 American Community Survey, Table DP-03; 5<sup>th</sup> Cycle Housing Element Data Package, Table 2

Table II-11 compares educational enrollment levels, while Table II-11 looks at educational attainment levels; figures which, among several other factors, relate to future employment and income trends.

**Table II-11  
Comparison of Los Banos, Merced County and California  
Educational Enrollment (2013)**

<b>Pop. 3 yrs and over enrolled in school</b>	<b>Los Banos</b>	<b>Merced County</b>	<b>California</b>
Nursery School, preschool	4.0%	4.5%	5.5%
Kindergarten	5.5%	5.2%	4.9%
Elementary (1-8)	47.7%	43.1%	38.3%
High School (9-12)	22.2%	22.8%	21.4%
College or graduate school	20.7%	24.7%	29.9%

*Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey*

**Table II-11  
Comparison of Los Banos, Merced County and California  
Educational Attainment (2013)**

<b>Population 25 yrs and over</b>	<b>Los Banos</b>	<b>Merced County</b>	<b>California</b>
Less than 9 <sup>th</sup> grade	22.0%	20.9%	10.2%
9 <sup>th</sup> -12 <sup>th</sup> Grade, no diploma	12.5%	12.4%	8.5%
High school graduate	27.6%	24.4%	28.7%
Some college, no degree	22.5%	22.7%	22.1%
Associate degree	6.1%	6.9%	7.8%
Bachelor's degree	6.8%	8.4%	19.4%
Graduate of professional degree	2.6%	4.2%	11.2%
Percent high school graduate or higher	65.6%	66.7%	81.2%
Percent bachelor's degree or higher	9.4%	12.6%	30.7%

*Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey*

In many ways, this data illustrates that the City has made great advancements and is now leading the way for the rest of the County. At the same time, when compared to statewide figures, it becomes evident that Los Banos has some distinct economic development issues to deal with.

## **SPECIAL NEEDS**

To ensure provision of adequate housing for all people, this section evaluates the special housing needs of seniors, persons with disabilities, female heads of households, large families, farmworkers and the homeless within the City of Los Banos. The City's Zoning Ordinance defines "Special needs housing" as housing for individuals who require assistance for disabilities that may be medical, mental, or psychological. To ensure that the definition for special needs housing is not a constraint, Program 8 has been revised to require the City to review the definition and if necessary, amend the Zoning Code to be consistent with HUD and HCD.

### **Seniors**

Senior households are defined as households with one or more persons over the age of 65 years. Housing for seniors should offer accessibility and convenient access to shopping, community/senior centers and medical services.

As of the 2010 Census, there were 10,259 total households in Los Banos, of which 3,077 households, or 29.9 percent, included a person 65 years of age or older. This includes 391 individuals over the age of 65 who live alone. The Census data also shows that senior households are more often single occupancy than non-senior households, suggesting that housing developments for senior households should contain larger proportions of smaller housing units than a project intended for the general population.

Information reported in Table II-12, below, is from the U.S. Census Bureau, 2010 Census and American Community Survey 2009-2013 5-year Estimate.

Based upon Federal estimates, senior households represent 8.6 percent of all households in Los Banos, which is down from the 2000 estimates of 9.3 percent. Most senior households own their own homes (71.2 percent). It is reported that 450 persons over the age of 65, or approximately 14.6 percent of seniors in Los Banos, had incomes below the poverty level in 2013, which represents an increase from 2000, where 387 seniors were below the poverty level.

**Table II-12  
Number of Seniors**

	<b>2000</b>	<b>2010</b>
Number of Persons 65 years and Over	2,395	3,077
Seniors as a Percentage of the Total Population	9.3%	8.6%
Percentage Male	43.1%	44.5%
Percentage Female	56.9%	55.5%
Percentage of Seniors below Poverty Level	16.2%	14.6%
Number of Households Headed by Individuals 65 Years and Over	1,416	1,797
Senior Households as a Percentage of all Households	18.3%	17.5%
Number of Renter Households Headed by a Senior <sup>1</sup>	318	518
Number of Owner Households Headed by a Senior <sup>1</sup>	1,098	1,279
Number of Seniors Below the Poverty Level	387	450

<sup>1</sup>Note: Based on occupied housing unit.

Source: U.S. Census Bureau, 2000 and 2010 Census, Table H17: Tenure by Age of Householder, Table QT-P1: Age Groups and Sex: 2010, Table HCT9: Tenure by Household Type by Age of Householder; U.S. Census Bureau, 2009-2013 5-Year American Community Survey

Seniors also face housing challenges related to physical disabilities. Many disabilities faced by seniors are age related, including mobility and self care issues that interfere with their ability to remain independent.

Seniors have a variety of housing options, including:

- Independent living – seniors reside in their home or apartment with little support or care.
- Assisted living facilities – senior maintains a level of independence, residing in an apartment and receives varied levels of support and assistance such as light housekeeping, meals, transportation and/or medication, etc.
- Residential care facilities – typically a smaller license facility, often 6 or less residents, which provides services similar to those provided by assisted living facilities.
- Intermediate care or skilled nursing facilities – a licensed facility that provides a higher continuous level of professional care.

Although there are a variety of housing options for seniors, Los Banos is currently deficient in offering all living situations and there is a great expense for many of these services. However, a facility providing assisted care and care for Alzheimer's patients was approved by the City in 2008. The most affordable senior housing is independent living, which does not provide supportive services. Lower income seniors cannot afford to take advantage of the many housing options and want to remain within the City and consequently, remain in independent living situations struggling with self care issues.

## **Persons with Disabilities**

There are a variety of disabilities, including sensory, physical, mental and self care limitations that may result in the need for special housing accommodations or financial assistance. The U.S. Census (2011-2013 American Community Survey) notes a total of 3,308 persons with a disability, representing 9.1 percent of the total population in the City. This figure includes 1,340 persons 65 years of age or older. In all probability, not all of these individuals experience difficulties in finding and maintaining adequate housing; however, those who do, deserve to be well attended and their housing needs addressed.

Specific housing needs for persons with disabilities vary greatly depending on the individual's disability. Needs may include the provision of ramps or other accessibility devices, group home facilities with varying degrees of medical or nursing care available and financial assistance for those whose disability prevents them from obtaining an adequate income. In consideration of the broad range of needs that this group may require, the City should help in establishing flexible programs that allow for varying accommodations for persons with disabilities.

Effective January 1, 2002, Senate Bill 520 amended Housing Element Law (Chapter 671, Section 65583 (a) (4) and (c) (3) to require localities to include an analysis of potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities; as well as to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities. Housing Elements are thus required to include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities.

In accordance with the requirements of Chapter 671, the Los Banos Housing Element Update provides an analysis of potential and actual constraints to providing housing adequate to persons with disabilities in the Housing Constraints section.

Disabled persons generally do not have the financial capacity to pay for needed accommodations or modifications to their homes. In addition, disabled persons need housing in close proximity to public services and public infrastructure and facilities that are accessible with special design features that alleviate the disability. Through implementation of the policies and programs outlined in the Element, the City will seek to provide affordable housing and accessibility improvements to this special needs group. The City will promote the use of Universal Design elements in new construction and rehabilitation of housing units by including information and referral services at the City offices and on the City website.

The City's Zoning Ordinance currently does not identify a procedure in which housing for persons with disabilities are reviewed and considered. As such, Program 5D has been continued for the City to amend the Zoning Ordinance to provide procedures and criteria

for the City to grant Reasonable Accommodations for persons with disabilities. This program is to be completed by March of 2017.

**Developmentally Disabled**

A “developmental disability” is defined as a disability that originates before an individual becomes eighteen (18) years old, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. Senate Bill 812, Statutes of 2010, which took effect January 2011, amended State housing element law to require the analysis of the disabled to include an evaluation of the special housing needs of persons with developmental disabilities.

The U.S. Census does not have specific information regarding persons with developmental disabilities; however, each nonprofit regional center contracted with the California Department of Developmental Services (DDS) maintains an accounting of the number of persons served by zip code.

DDS currently provides community based services to approximately 248,000 persons with developmental disabilities and their families through a statewide system of twenty-one (21) regional centers, three (3) developmental centers, and one (1) community-based facility. However, the DDS has announced preparations to initiate the closure planning process for the three (3) remaining developmental centers. The DDS will submit a closure plan to the Legislature on October 1, 2015 with the goal of closing Sonoma DC by the end of 2018. The closure of Fairview DC will follow the closure of Sonoma DC and lastly the closure of the General Treatment Area of Porterville DC.

Table II-13 is information from the Central Valley Regional Center on Developmentally Disabled Residents in the City of Los Banos:

**Table II-13  
Developmentally Disabled Residents, by Age, for City of Los Banos**

Zip Code Area	0 – 14 Years	15 – 22 Years	23 – 54 Years	55 – 65 Years	65+ Years	Total
93635	127	34	66	4	3	234

*Source: California Department of Developmental Services (DDS), HCD 5<sup>th</sup> Cycle Housing Element Data Package, Table 13*

As shown in the data above, the age group with the most individuals with a developmental disability is the 0 -14 year age group or 54.3 percent of the total number of developmental disabled residents. Of the 127 residents in this age group, 126 have a residency type of own home.

Recognizing a need for programs tailored to persons with developmental disabilities, Program 5D has been included into the 2014-2023 Housing Element, which states that the City shall refer residents to the Central Valley Regional Center for housing and services available to persons with developmental disabilities.

### **Families with Female Heads of Households**

Female headed households are considered a special needs group because of the higher incidence of poverty in these types of households as compared with all families. Most female headed households are either single women over the age of 65 or single women (mothers or other female relatives) with minor children.

Of all the households in the City in 2013, 2,003 were female headed households, or 24 percent of the total households in Los Banos. One thousand twenty-six (1,026) (51.2%) of these female headed households were classified as living below the poverty level. Comparatively, 23.8 percent of all families in Los Banos had household incomes below the poverty level.

It may be assumed that lower income, female headed households are overpaying for housing (i.e. more than 30 percent of their income), or are experiencing other unmet housing needs. As a result of poverty, female heads of households often spend more on immediate needs such as food, clothing, transportation and medical care than on home maintenance, which results in living units falling into disrepair. Female headed households have a greater need for affordable housing, located in areas near child care, schools, parks, transportation, shopping and other services.

### **Large Families**

Large families are defined by HUD as family households with five or more persons. U.S. Census Data provides information regarding large households. As shown in Table II-14 below, of the 5,783 owner occupied households, 1,304 (22.5%) have 5 or more persons living in the household. Of the 4,158 renter occupied households, 1,035 (24.9%) have 5 or more persons living in the household.

**Table II-14  
Household Size**

	<b>Los Banos</b>
Total:	9,941
Owner Occupied	5,783
1-person household	828
2-person household	1,532
3-person household	986
4-person household	1,133
5-person household	784
6-person household	382
7-or-more person household	138
Renter Occupied	4,158
1-person household	499
2-person household	662
3-person household	1,046
4-person household	916
5-person household	747
6-person household	157
7-or-more person household	131

*Source: U.S. Census Bureau, 2008-2012 American Community Survey, Table B25009: Tenure by Household Size; HCD 5<sup>th</sup> Cycle Housing Element Data Package, Table 6*

Table II-15 presents data comparing the number of persons in housing units in 2000 and 2010, as well as the percent these figures changed during that period. Figures for housing units with five or more persons, large households, are italicized. While all categories for the number of persons per unit increased during 2000 and 2010, a fact echoed by the equivalent population growth for that period, the data indicates that the larger the household, the greater the increase in percent change. In fact, the number of households with six or more individuals increased by 65.6 percent during this time period.

**Table II-15  
Number of Persons in Housing Unit (Years 2000 & 2010)**

Persons in Unit	2000			2010			Total Percent Change
	Owner	Renter	Total	Owner	Renter	Total	
1	688	530	1,218	911	640	1,551	27.3%
2	1,513	470	1,984	1,696	659	2,355	18.7%
3	944	376	1,320	987	630	1,617	22.5%
4	988	403	1,391	1,106	758	1,864	34.0%
5	<i>643</i>	<i>313</i>	<i>956</i>	<i>740</i>	<i>673</i>	<i>1,413</i>	<i>47.8%</i>
6 or more	<i>517</i>	<i>366</i>	<i>883</i>	<i>760</i>	<i>702</i>	<i>1,462</i>	<i>65.6%</i>
Total	5,293	2,459	7,752	6,197	4,062	10,259	32.3%

*Source: U.S. Census Bureau, 2000 and 2010 Census; Table H16: Tenure by Household Size*

## Farmworkers

Farmworkers provide an essential contribution to the agricultural economy of Merced County. Merced County ranks fifth in the State in value of agricultural production. According to the 2012 Census (American Community Survey), 7.8 percent of the total labor force of Los Banos, works in agriculture.

The farmworker population experiences a distinct set of issues contributing to housing challenges, including seasonal income fluctuations, very low incomes and a severe deterioration of existing housing stock. However, farmworker characteristics are difficult to determine due to a lack of data. This deficiency is caused by several contributing factors, potentially including limited English speaking abilities, low educational attainment levels and a distrust of government agencies and employees, including those who work for the Census Bureau.

The seasonal nature of agricultural employment places special demands on the area's housing stock. Essentially, it must absorb seasonal fluctuations in the number of individuals and families seeking housing. Farmworker housing needs include year round subsidized rental housing as well as some type of housing to accommodate peak labor activity in the late summer during harvest time. This housing is needed primarily for single men.

There are currently four (4) State Migrant Centers in Merced County that provide housing to migrant farmworker families, including a 48 unit facility in the Los Banos area. These housing facilities were constructed and continue to be managed by the State through the Housing Authority of the County of Merced. In total, they provide 228 units for occupancy between the months of May and November. In addition to these centers, there are 55 State licensed private farmworker camps in the County. While there are no accurate figures on the number of units provided by these camps, it is certain that the total number of units is considerably less than the number needed.

The USDA Census of Agriculture (2012) reported 17,265 farmworkers in Merced County. Of this figure, 8,448 farmworkers worked 150 days or more and 8,817 worked fewer than 150 days in 2012. The USDA Census of Agriculture also reported 4,464 hired migrant farmworkers in 2012.

Type of Farm Labor	Number of Workers
Hired Farm Labor	17,265
Workers by Days Worked -150 Days or More	8,448
Workers by Days Worked – Less than 150 Days	8,817
Hired Migrant Farm Labor on Farms with Hired Labor <sup>1</sup>	4,464

<sup>1</sup>Includes hired labor and reporting only contract labor.

Source: U.S. Census of Agriculture, 2012. 5<sup>th</sup> Cycle Housing Element Data Package, Table 14 and 15

Future housing development suitable for farmworkers (migrant and/or permanent) is permitted by right in the R-3 High Density Residential District via apartments. The Los

Banos Municipal Code does not require that only related persons reside in single family residences so therefore, employee housing would be allowable in residential zoning classification. Preferable sites would provide reasonable access to public agencies and transportation services. The resources inventory within this Element shows the developable land both within the City and the Sphere of Influence available for farmworker housing.

Employee housing for up to 6 workers is permitted in the R-1 Zoning Classification and not permitted in the R-2 and R-3 Zoning Classification. Additionally, Employee Housing for more than 6 workers is permitted with a Conditional Use Permit in the R-1 and R-2 Zoning Classification.

Program 8D has been included in this Housing Element to 1) promote the development of farm worker housing and 2) provide information and refer applicants interested in farm worker housing to the Housing Authority of Merced County.

### **Homeless**

Homelessness is a complex issue that has become a significant social concern in recent years. The number of homeless persons has increased dramatically in the last decade, and even within the last two years, for a number of reasons, including: the decrease in federal housing funds, the cost of available housing proportionate to wages, the increasing number of mentally ill individuals living on their own, persons with substance abuse problems, women and children fleeing family violence, the lack of family support networks in today's fast paced society, the change in the economy and the loss of jobs and increase in unemployment rates.

Many individuals and families move in and out of homelessness over the course of a year. A lack of affordable housing can make it difficult for families to move from shelters and transitional housing into permanent housing and puts many low income families with housing at risk of becoming homeless. It is difficult to estimate the number of individuals and persons in families with children who are at risk of becoming homeless; however, the Corporation for Supportive Housing estimates that 5 to 10 percent of low income households in a community may experience homelessness at some point during a 12 month period. It can be assumed that those most at risk of becoming homeless are low income households paying more than 50 percent of their income for housing costs. These households are not likely to have reserve funds in case of an illness, job loss or other factors and are at risk of becoming homeless.

The City of Los Banos does not provide homeless services but the Merced County Association of Governments (MCAG) facilitated the development of the Merced County Continuum of Care Plan, which involves a collaborative among local jurisdictions and community organizations that provide services to the homeless. The Plan outlines the services currently available for homeless persons and identifies the gaps in those services in order to establish a prioritized list of needs. HUD funding, in the amount of

approximately \$533,000 per year, is available to agencies that participate in Merced's Continuum of Care program.

The Merced County Continuum of Care group conducts an annual street count and reports the results in an annual plan to HUD. In January 2016, an actual count was completed in which members from the Continuum of Care group walked the streets and reported how many homeless were seen during a three hour period. At the time of the annual count, 519 homeless individuals were observed within the County, sheltered and unsheltered. The Continuum of Care group reports that 56% of the homeless respondents for their survey were "chronically homeless" which means they were unaccompanied, struggle with a disabling condition and have been homeless for over a year or had four episodes of homelessness over the past three years. According to the Continuum of Care group, the Chronically Homeless are the most difficult to house as many of them have mental health or substance abuse issues. The Department of Housing and Urban Development (HUD) estimates that 10% of America's homeless population is chronically homeless but this 10% consume 50% of the resources available to the homeless population.

Merced's Continuum of Care also reported the following information in regard to the unsheltered homeless population (356 persons) at the time of the survey in January of 2016:

- 72 percent were men
- 53 percent had a Chronic Health Condition
- 29 percent had Development Disabilities
- 0 percent had HIV/AIDS
- 20 percent had a Mental Illness
- 47 percent had a Physical Disability(s)
- 23 percent were substance abusers
- 1 percent were unaccompanied youth under age 18
- 33 percent were victims of domestic violence
- 28 percent were women
- 8 percent were youth age 18 to 24

The Merced County Continuum of Care has five primary objectives: 1) Create new permanent housing beds for chronically homeless persons; 2) Increase percentage of homeless persons staying in permanent housing over 6 months to at least 71.5%; 3) Increase percentage of homeless persons moving from temporary housing to permanent housing to at least 63.5%; 4) Increase percentage of homeless persons employed at exit to at least 19%; 5) Decrease the number of homeless households with children. The inclusion of emergency homeless shelters and special needs housing as permitted uses in Los Banos should help to meet these objectives.

Table II-16 depicts the unsheltered population by jurisdiction as a result of the Merced County 2016 Homeless Count and Survey. This survey was conducted on January 28,

2016 and involved individual volunteers and organizations. As indicated in the table below, Los Banos, at the time of the survey, had 64 homeless persons within the City.

**Table II-16  
Homeless Count by Jurisdiction**

Jurisdiction	Unsheltered Homeless Persons	
	Number	Percentage
Merced	218	61
Los Banos	64	18
Dos Palos/South Dos Palos/Dos Palos Y	41	11
Atwater/Winton	28	9
Le Grand	5	1
Total:	356	100

*Source: Merced County 2016 Homeless Count and Survey, dated February 2016*

**Supportive and Transitional Housing and Emergency Shelters**

Transitional housing means housing with supportive services that is exclusively designated and targeted for homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving homeless persons to permanent housing as quickly as possible. Assistance in the Supportive Housing Program is provided to help homeless persons meet three overall goals: 1) achieve residential stability; 2) increase their skill levels and/or incomes; and 3) obtain greater self determination (i.e., more influence over decisions that affect their lives). The City will regulate supportive housing as a residential use, provided supportive services are ancillary to the primary use.

The City’s zoning code defines “Transitional and/or supportive housing” as housing with supportive services that is limited to occupancy of up to twenty-four (24) months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons.

Currently, the Emergency Shelters and Transitional and Supportive Housing are permitted by right in the Medium Density Residential (R-2) and High Density Residential (R-3) Districts. The City has approximately 54.18 acres of vacant land within its R-2 zone district. This amount of vacant land should be sufficient enough to accommodate the existing and anticipated homeless in the City of Los Banos. The parcels within the R-2 zone district range in size from less than one (1) acre to as large as thirteen (13) acres, and are suitable for the development of an emergency shelter based on size needed for structures, parking, etc. Additionally, Transitional and Supportive Housing are permitted by right in the Low Density Residential District (R-1). Transitional and/or Supportive Housing is permitted for more than six (6) unrelated persons. Both Emergency Shelters

and Transitional and Supportive Housing are a by-right use and require no discretionary review.

## HOUSING CHARACTERISTICS

The number of households in the City of Los Banos went from 7,721 in 2000 to 10,259 units in 2010 according to the Department of Finance, E-8, Historical and Population Estimates 2000-2010. The population has increased at a slightly faster rate than the number of households since 2000, causing an increase in the average household size. According to the U.S. Census, the average household size was 3.34 compared to 3.49 in 2010. Table II-17 indicates the housing unit type in 2010 and 2015 for the City of Los Banos, based on Population and Housing Estimates provided by the California Department of Finance. As shown in the table, detached single-family units comprised of approximately 84.4% of the City's housing stock in 2010, and decreased slightly to 83.6% in 2015. This decrease is primarily caused by an increase in multi-family (i.e. apartments and duplexes) units, which represented 10.9% of the City's housing stock, and in 2015, represents approximately 11.7% of the housing stock. Mobile home units represent 3.5% and 3.4% of the City's housing stock in 2010, and 2015.

**Table II-17  
Housing Stock by Type**

DOF Estimates	Total	Single-family		Multi-family		Mobile Homes	Occupied	
		Detached	Attached	2 to 4	5 Plus			
<i>City of Los Banos</i>								
Units	2010	11,375	9,598	142	441	798	396	10,259
Percentage		100.0%	84.4%	1.5%	3.9%	7.0%	3.5%	90.2%
Units	2015	11,505	9,614	142	475	878	396	10,432
Percentage		100.0%	83.6%	1.2%	4.1%	7.6%	3.4%	90.7%

*Source: State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2015. Sacramento, California, January 2015; 5<sup>th</sup> Cycle Housing Element Data Package, Table 9.*

### Housing Composition

The number of housing units increased from 8,049 in 2000 to 11,375 in 2010, an increase of 41.3%. Since 2010, the number of housing units has only increased to 11,505 in 2015, according to the Department of Finance E-5 Estimates. The City of Los Banos experienced higher population growth and housing unit construction than the remainder of Merced County.

The 2015 Department of Finance E-5 Estimate reports the majority of housing units in the City of Los Banos are single family detached structures, 83.6%.

## **Housing Supply**

According to the 2010 Census, there were 1,116 vacant housing units in that year which equates to a vacancy rate of 9.8%. This vacancy rate was higher than that experienced at the time of the 2000 Census, which was at 4.1 percent. The current economy, real estate trends and unemployment rates has caused a severe increase in the number of vacancies within the City.

## **Homeownership**

The U.S. Census divides households into two different categories, depending on their composition. Family households are those that consist of two or more related persons living together. Non-family households include persons who live alone or in groups composed of unrelated individuals.

According to figures from the 2010 Census, the rate of home ownership in Los Banos at that time was 60.4 (percent), which is considerably higher than the overall State proportion of 56.9 percent at that time. The remaining 39.6 percent are renters. Interestingly, the rate of home ownership in Los Banos in 2000 was significantly higher (67.9 percent), and is attributed to the housing crisis and economic downturn that started in 2007/08 in which resulted in numerous foreclosures.

## **Age and Condition of Housing Stock**

The US Census provides only limited data that can be used to infer the condition of Los Banos' housing stock. Thus, US Census data are presented first and are then supplemented with information gathered through a visual survey of Los Banos' housing stock completed by the City of Los Banos. This survey was conducted in March of 2009 for the purpose of documenting housing conditions throughout the City for the purpose of housing rehabilitation.

In addition to survey data, the age of a community's housing stock is a relatively good indicator of the likely condition in which current housing units can be found. According to 2013 Census data (American Community Survey) and building permit data, 42.9% of the housing stock is older than 30 years in age.

According to the 2013 Census (American Community Survey, 3-Year 2011-2013), the median year in which housing units were built in Los Banos was 1993, compared to the County median of 1979 and the State median of 1974. This indicates that Los Banos experienced a relatively large increase in housing production over the past two decades, especially from 2000 to 2009 where the City saw 3,165 new homes build. Since 2010, however, housing production has slowed down considerably, where only 143 new homes have been built.

However, there are still many older homes in the City that may require repairs and rehabilitation efforts. For instance, walls and siding in homes built before 1978 may contain lead based paint, which is now known to be toxic.

## **Results of Housing Conditions Survey**

To provide more specific information on the exterior condition of the existing housing units in Los Banos, the City conducted a housing stock "Windshield Survey". The survey followed the guidelines and procedures provided by the California Department of Housing and Community Development (HCD).

According to HCD Housing Survey Methods, housing units can be classified into one of five categories: 1) Sound, 2) in need of minor repairs, 3) in need of moderate repairs, 4) in need of substantial repairs, or 5) dilapidated. A description of each, taken directly from HCD's procedural guidelines, follows.

### **HCD Housing Survey Definition of Housing Conditions**

**Sound-** a unit that appears new or well maintained and is structurally intact. The foundation should appear structurally undamaged and there should be straight roof lines. Siding, windows, and doors should be in good repair with good exterior paint condition. Minor problems such as small areas of peeling paint and/or other maintenance items are allowable under this category.

**Minor-** a unit that shows signs of deferred maintenance, or which needs only one major component such as window replacement.

**Moderate-** a unit in need of replacement of one or more major components and other repairs, such as roof replacement, painting, and window repairs.

**Substantial-** a unit that requires replacement of several major systems and possibly other repairs (e.g. complete foundation work, roof structure replacement and re-roofing, as well as painting and window replacement.)

**Dilapidated-** a unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is non-existent, not fit for human habitation in its current condition, may be considered for demolition or at minimum, major rehabilitation will be required.

A total of 5,483 housing units were surveyed equaling 51 percent of the total 10,751 housing units in Los Banos (2000 Census figure plus data from the Building Department). The results are presented in Table II-18 below.

**Table II-18  
Results of Windshield Housing Survey**

	<b>Sound</b>	<b>Minor</b>	<b>Moderate</b>	<b>Substantial</b>	<b>Dilapidated</b>	<b>Total</b>
Number of Units	5,304	149	27	2	1	5,483
Percent of total surveyed	96.74%	2.72%	.49%	.04%	.02%	100.00%

As indicated in the above table, the housing stock in Los Banos is in extremely good condition. A total of 96.74% of the housing stock is in sound condition, 2.72% is in need of minor repairs and less than 1% is considered to be in moderate condition, in need of substantial repairs or is considered dilapidated.

The survey did not take into account the interior condition of the homes and it only included a random sampling of homes within each individual census tract within the City, however, it was considered a good representative sample.

Program 3E has been included in the Housing Element, which allows the City to update the above referenced Housing Condition Survey. The program includes utilizing the results of the Housing Condition Survey to identify households that qualify for rehabilitation grants and low-interest loans. The City shall contact the homes identified in the Housing Conditions Survey as needing home rehabilitation and repair the most.

### **Overcrowding**

Data on housing overcrowding are available from the U.S. Census in the form of statistics regarding the number of persons per room in occupied housing units. Typically, a housing unit is considered to be overcrowded if there are more than 1.0 persons per room. Additionally, a housing unit is considered to be severely overcrowded if there are more than 1.5 persons per room. Table II-19 compares Census data on overcrowding listed by tenure for Los Banos in 2000 and 2012. As the table illustrates, overcrowding improved during from 2000 to 2012; the total proportion of overcrowded households decreased from 16.6 percent in 2000 to 7.1 percent in 2012.

When broken out according to tenure, the data reveals that although renters constitute only 41.8 percent of all households, they accounted for 68.2 percent of all overcrowded households. The percentage of owner-occupied households that experienced overcrowding decreased from 11.0 percent in 2000 to 3.9 percent in 2012, a trend that reflects the low house prices that Los Banos experienced following the housing market crash in 2007/08, which provided opportunities for home ownership, especially to first time homebuyers.

**Table II-19  
Overcrowded Households 2000 & 2012**

Persons per Room	2000				2012			
	Owners	Renters	Total	Percent	Owners	Renters	Total	Percent
1.00 or less	4,710	1,752	6,462	83.3%	5,558	3,675	9,233	89.3%
1.01 to 1.50	380	271	651	8.4%	117	390	507	5.1%
1.51 or more	203	436	639	8.2%	108	93	201	2.0%
<b>Total</b>	5,293	2,459	7,752	-	5,783	4,158	9,941	-
<b>Total overcrowded</b>	583	707	1,290	16.6%	225	483	708	7.1%
<b>Percent overcrowded by tenure</b>	11.0%	28.8%	-	-	3.9%	11.6%	-	-

Source: US Census Bureau, 2000 Census; 2008-2012 American Community Survey, Table B25014: Tenure by Occupants per Room; HCD 5<sup>th</sup> Cycle Data Package: Table 3

### Housing Cost Burdens

Table II-20 contains data from the 2011 US Census (American Community Survey) regarding the percentage of household income spent on housing costs for Los Banos residents. The data are segregated according to tenure and household income levels.

**Table II-20  
Los Banos Housing Costs as a Percentage of Income by Tenure and Income Category (2011)**

AMI	Households by Income Category Paying in Excess of 30% of Income Toward Housing Cost (Overpayment By Income Category)						
	Los Banos						
Household	Extreme Low	Very Low	Low	Moderate	Above Moderate	Total	Lower Income
<b>57,900</b>							
<b>Ownership Households</b>	558	480	873	1,044	2,299	5,255	1,912
Overpaying owner households	427	311	537	760	419	2,454	1,275
Percentage of overpaying owners	76.5%	64.7%	61.5%	72.8%	18.2%	46.7%	66.7%
<b>Renter Households</b>	1,076	670	790	552	507	3,594	2,536
Overpaying renter households	950	547	500	176	0	2,173	1,997
Percentage of overpaying renters	88.3%	81.6%	63.3%	31.9%	0.0%	60.5%	78.8%
<b>Total Households</b>	1,635	1,150	1,663	1,596	2,806	8,849	4,448
<b>Overpaying Households</b>	1,377	857	1,037	937	419	4,627	3,271
Percentage of overpaying households	84.3%	74.6%	62.3%	58.7%	14.9%	52.3%	73.6%

Source: U.S. Census, 2007-2011 5-Year American Community Survey, Table B25106

According to federal and state standards, in order to maintain affordability a household's gross monthly housing costs should not require more than 30 percent of its gross monthly income. As shown above in Table II-19, 46.7 percent of Los Banos owner households paid 30 percent or more of their monthly income for housing in 2011. In the renter category, 60.5 percent of the households, or a total of 2,173 households, paid 30 percent or more of their monthly income for housing costs. Lower-income households accounted for 1,275(66.7%) owner households and 1,997 (78.7%) renter households that were paying more than 30 percent of their monthly income for housing costs.

Table II-19 shows the relative distribution of households overpaying for housing among the various income groups. Extremely-low income groups are most affected and account for 1,377 of 1,635 households paying over 30 percent of their monthly income for housing costs or 84.3%. Above moderate income households, however, were not so affected by housing costs, and only account for 14.9 percent of all above moderate income households that are overpaying.

### **Affordability Trends**

Housing affordability refers to the relationship between total household income and total household expenditures for housing, including mortgage, taxes, insurance and utilities. This relationship is typically expressed as the percentage of total household income allocated to housing expenditures. The actual percentage will vary of course from household to household reflecting individual choices regarding the allocation of income.

Notwithstanding the fact that individual households may choose to spend more or less for their housing needs, it is necessary to have some guidelines as to what a household should expect to spend on housing in relation to other expenditures. This is particularly necessary for households in lower income categories where the expenditure for housing is likely to directly affect the amount of money available for other basic needs.

Housing is classified as "affordable" if households do not pay more than 30 percent of income for payment of rent (including monthly allowance for water, gas, and electricity) or monthly mortgage (including taxes). Since above moderate-income households do not generally have problems in locating affordable units, affordable units are frequently defined as those reasonably priced for households that are low- to moderate-income. Table II-21 below shows the definition of housing income limits as they are applied to housing units in Los Banos.

**Table II-21**  
**Definitions Of Housing Income Limits (2015)**

<p><b>Extremely Low-Income Unit</b> is one that is affordable to a household whose combined income is at or lower than 30% of the median income for the Merced MSA (Merced County) as established by the U.S. Department of Housing and Urban Development (HUD). For 2015, a Los Banos household of four is considered to be extremely low-income if its combined income is \$24,250 or less.</p>
<p><b>Very Low-Income Unit</b> is one that is affordable to a household whose combined income is at or between 31% to 50% of the median income for the Merced MSA (Merced County) as established by the U.S. Department of Housing and Urban Development (HUD). For 2015, a Los Banos household of four is considered to be very low-income if its combined income is \$28,450 or less.</p>
<p><b>Low-Income Unit</b> is one that is affordable to a household whose combined income is at or between 51% to 80% of the median income for the Merced MSA (Merced County) as established by HUD. A household of four is considered to be low-income in Los Banos if its combined income is \$45,500 or less for the year 2015.</p>
<p><b>Median-Income Unit</b> is one that is affordable to a household whose combined income is at or between 81% to 100% of the median income for the Merced MSA (Merced County) as established by HUD. A Los Banos household of four is considered to be median income if its combined income is \$52,500 or less for the year 2015.</p>
<p><b>Moderate-Income Unit</b> is one that is affordable to a household whose combined income is at or between 101% to 120% of the median income for the Merced MSA (Merced County) as established by HUD. In Los Banos a household of four is considered to be moderate-income if its combined income is \$63,000 or less for the year 2015.</p>
<p><b>Above Moderate-Income Unit</b> is one that is affordable to a household whose combined income is above 120% of the median income for the Merced MSA (Merced County) as established by HUD. A Los Banos household of four is considered to be above moderate-income if its combined income exceeds \$63,000 for the year 2015.</p>

Source: U.S. Department of Housing and Urban Development (HUD), 2015 – effective March 6, 2015

Table II-22 shows the 2015 HUD family income limits for the Merced Metropolitan Statistical Area (MSA), which includes Los Banos, by the number of persons in the household for the income categories discussed above. The table also shows maximum affordable monthly rents and maximum affordable purchase prices for homes, assuming that households do not pay more than 30 percent of their incomes for housing expenses. For example, a four-person household is classified as Low-Income (80 percent of median) with annual income of up to \$45,500. A household with this income could afford to pay a monthly gross rent (including utilities) of up to \$1,138 or to purchase a house priced at approximately \$166,537 or less.

**Table II-22  
Ability To Pay For Housing For Very Low-, Low-, Median- And Moderate-Income Households**

<b>Extremely Low-Income Households at 30% of 2015 Median Family Income</b>						
	<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>4 Bedroom</b>	<b>5 Bedroom</b>
Number of Persons	1	2	3	4	5	6
Income Level	\$11,950	\$15,930	\$20,090	\$23,850	\$28,410	\$32,570
Max. Monthly Gross Rent <sup>1</sup>	\$299	\$398	\$502	\$606	\$710	\$814
Max. Purchase Price <sup>2</sup>	\$42,490	\$58,306	\$73,549	\$87,294	\$103,985	\$119,228
<b>Very Low-Income Households at 50% of 2015 Median Family Income</b>						
	<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>4 Bedroom</b>	<b>5 Bedroom</b>
Number of Persons	1	2	3	4	5	6
Income Level	\$19,950	\$22,800	\$25,650	\$28,450	\$30,750	\$33,050
Max. Monthly Gross Rent <sup>1</sup>	\$499	\$570	\$641	\$711	\$769	\$826
Max. Purchase Price <sup>2</sup>	\$73,017	\$83,468	\$93,884	\$104,118	\$112,554	\$120,991
<b>Low-Income Households at 80% of 2015 Median Family Income</b>						
	<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>4 Bedroom</b>	<b>5 Bedroom</b>
Number of Persons	1	2	3	4	5	6
Income Level	\$31,850	\$36,400	\$40,950	\$45,500	\$49,150	\$52,800
Max. Monthly Gross Rent <sup>1</sup>	\$796	\$910	\$1,024	\$1,138	\$1,229	\$1,320
Max. Purchase Price <sup>2</sup>	\$116,598	\$133,254	\$149,895	\$166,537	\$179,898	\$193,294
<b>Median-Income Households at 100% of 2015 Median Family Income</b>						
	<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>4 Bedroom</b>	<b>5 Bedroom</b>
Number of Persons	1	2	3	4	5	6
Income Level	\$36,750	\$42,000	\$47,250	\$52,500	\$56,700	\$60,900
Max. Monthly Gross Rent <sup>1</sup>	\$919	\$1,050	\$1,181	\$1,313	\$1,418	\$1,523
Max. Purchase Price <sup>2</sup>	\$134,569	\$153,756	\$173,008	\$192,196	\$207,571	\$222,947
<b>Moderate-Income Households at 120% of 2015 Median Family Income</b>						
	<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>4 Bedroom</b>	<b>5 Bedroom</b>
Number of Persons	1	2	3	4	5	6
Income Level	\$44,100	\$50,400	\$56,700	\$63,000	\$68,040	\$73,080
Max. Monthly Gross Rent <sup>1</sup>	\$1,103	\$1,260	\$1,418	\$1,575	\$1,701	\$1,827
Max. Purchase Price <sup>2</sup>	\$161,444	\$184,508	\$208,889	\$230,635	\$249,088	\$267,542

<sup>1</sup>Assumes that 30% of income is available for monthly rent including utilities.

<sup>2</sup>Assumes that 30% of income is available to cover mortgage payment, taxes, mortgage insurance, homeowners insurance;  
97% loan @ 4%, 30 year term, FHA, with no consumer debt.

Source: HUD FY 2015 Income Limits (March 6, 2015) and Freddie Mac Loan Calculator,  
<http://calculators.freddie.mac.com/response/lf-freddie/mac/calc/home01>

A household can typically qualify to purchase a home that is two and one half to three times its annual income, depending on the down payment, the level of other long term obligations and interest rates. In practice, the interaction of these factors allows some households to qualify for homes priced at more than three times their annual income, while other households may be limited to purchasing homes no more than two times their annual income.

Table II-23 below shows the HUD-defined fair market rent levels (FMR) for the Merced MSA (Merced County) for 2015 that the Merced County Housing Authority uses in its Housing Choice Voucher Program (Section 8). In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities. FMRs are estimates of rents that provide opportunities to rent standard quality housing throughout the geographic area in which rental housing units are in competition. The rents are drawn from the distribution of rents of all units that are occupied by recent movers. Adjustments are made to exclude public housing units, newly built units, and substandard units.

**Table II-23**  
**Merced MSA Fair Market Rent**  
**City of Los Banos**  
**2015**

	Bedrooms in Unit				
	Efficiency	1 BR	2 BR	3 BR	4 BR
Fair Market Rent (FMR) (2015)	\$498	\$577	\$759	\$1,118	\$1,344

Source: U.S. Department of Housing and Urban Development (HUD), 2015

As noted above, a four-person household classified as Low-Income (80 percent of median) with an annual income of up to \$45,500 could afford to pay \$1,138 monthly gross rent (including utilities). The FMR for a three-bedroom unit is \$1,118, which is just above the affordable rent for Low-Income earners and not affordable. Furthermore, a four-person household classified as Very Low-Income (50 percent of median) with an annual income of up to \$28,450 could afford to pay only \$711 monthly gross rent, which is significantly below the FMR rent of a three-bedroom unit (\$1,118). The same would hold true for households with Extremely Low-Incomes below 30 percent of median, which would have even less income to spend on rent. However, the FMR-rent for a two-bedroom unit (\$759) is within the affordable range for a Low-Income household.

Table II-24 summarizes rents paid in Lathrop by rental range. There were 73 units with rents less than \$200 and the majority of units rented for \$1,000 to \$1,499. Only 7.07% of rentals were in the \$300 to \$499 range and another 30.47% were in the \$500 to \$999 range.

**Table II-24  
Rental Cost (2014)**

Rent Range	Number	Percent
Less than \$200	73	1.57%
\$200-\$299	155	3.33%
\$300-\$499	174	3.74%
\$500-\$749	516	11.08%
\$750-\$999	903	19.39%
\$1,000-\$1,499	2,157	46.33%
\$1,500 or more	678	14.56%
Total (Occupied Units)	4,656	100.00%
<i>Median Rent</i>	\$1,087	

*Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates*

Based on a review of rental ads at Zillow.com, craigslist.com and apartments.com in April 2016, the median rent of available units in Los Banos is \$1,087. Range of rents by number of bedrooms include \$600 to \$900 for 1 Bedroom, \$800 to \$1,200 for 2 Bedrooms, \$900 to \$1,200, \$900 to \$1,500 for 3 Bedrooms and \$1,300 to \$1,600 for 4 Bedrooms.

**Table II-25  
Rent by Number of Bedrooms (2016)**

Bedroom Type	Rent Range (2016)
1 Bedroom	\$600-\$900
2 Bedrooms	\$800-\$1,200
3 Bedrooms	\$900-\$1,500
4 Bedrooms	\$1,300 -\$1,600

Source: Zillow.com, Apartments.com, Craigslist.com;  
Reviewed April 2016

## **ASSISTED HOUSING PROJECTS**

In 1989, the California Government Code was amended to include a requirement that localities identify and develop a program in their housing elements for the preservation of assisted, affordable multi-family units. Subsequent amendments have clarified the scope of the analysis to include units developed pursuant to inclusionary housing and density bonus programs. In the preservation analysis, localities are required to provide an inventory of assisted, affordable units that are eligible to convert to market rate housing within ten years. As part of this analysis, an estimation of the cost of preserving versus replacing the units is to be included as well as programs designed to preserve the affordable units.

### **Assisted Rental Housing Eligible for Conversion**

Table II-26 lists the nine (9) assisted rental projects in the City of Los Banos, their funding sources, contact company, subsidy expiration date and level of risk of conversion to market rate. The cost of conserving the assisted units is estimated to be significantly less than that required to replace the units through new construction. Conservation of assisted units generally requires subsidizing the difference between market rate and assisted rents. Since land prices and land availability are generally the limiting factors to development of low income housing, it is estimated that subsidizing rents to preserve assisted housing is more feasible and economical than new construction. However, federal, state and local resources must be available to assist with the preservation of the units.

**Table II-26  
Assisted Units At-Risk of Conversion**

<b>Project Name</b>	<b>Contact Company</b>	<b>Start Date (PIS)<sup>1</sup></b>	<b>Program Type</b>	<b>Project Address</b>	<b># of Units</b>	<b># of Units Assisted</b>	<b>Source of Funds</b>	<b>Exp. Date</b>
Central Valley Apts I	Quality Hsg Development Corp.	3/29/85	Family	1100 "D" St.	40	11	Rural Rental Housing	2035
Central Valley Apts II	Quality Hsg Development Corp.	8/11/88	Family	1100 "D" St.	38	32	Tax Credit Allocation	2033
Los Banos Apts.	West I Street Assoc. LLP	5/03/79	Family	44 W "I" St.	66	66	Rural Rental Housing	2027
McArthur Apts	Los Banos Partners LLC	9/01/78	Elderly	1130 "F" St	50	49	HUD Section 8 Rental	2025
McArthur Apts I	Los Banos Partners LLC	10/31/80	Elderly	1130 "F" St.	50	50	Rural Rental Housing	2035
Heritage Village	Mike Condry	11/01/03 2007	Elderly /Disabled	1156 San Luis	50	49	USDA / Tax Credit	Year ly <sup>2</sup>
Los Banos Family Apartments (Pacheco Village)	Corp. for Better Housing	2008	Large Family	2235 Gilbert Gonzalez Jr. Drive	105	103	LIHTC / Tax Credit Allocation	2063
Los Banos Family Apartments II (Pacheco Village Phase II)	Corp. for Better Housing	2010	Large Family	2125 Gilbert Gonzalez Jr. Drive	80	79	LIHTC / Tax Credit Allocation	2065
Carrington Pointe	Affordable Housing Development Corp.	1999	Large Family	1985 San Luis Street	80	79	LIHTC / Tax Credit Allocation	2029
<b>Total</b>					<b>559</b>	<b>518</b>		

<sup>1</sup>PIS = Placed in Service

<sup>2</sup>Each year tenants receive a notice of expiration and submit income data. This is submitted to Rural Development (RD) for rent subsidies. No units are set to expire within 2014-2023 Planning Cycle and within ten (10) years. *Source: Phone conversation with property management, August, 2015.*

*Source: Discussions with Property Management/Company, email correspondence and online research, 2015/2016.. Example: Los Banos Apartments is managed by Affordable Housing Development Corporation. Phone conversations held in July/August of 2015.*

According to the owner of the McArthur Apartments, there are no plans for discontinuing to offer these units at below market rates to the elderly and persons with disabilities. Owners of the Central Valley Apartments and the Los Banos Apartment have not notified the City of any plans to convert these units to market rate housing, as required by State Law. Should the City receive such notification, it will ensure that all tenants are also properly notified. The City does plan to contribute towards ensuring that all of the existing assisted housing projects in Los Banos, along with any other future programs, remain affordable to lower income groups. Available State and Federal funding program information is included in the Housing Element in Appendix D.

Table II-27 below analyzes the relative costs for replacing versus preserving a typical at risk housing unit. As can be seen from the estimates, even in the case of older units requiring rehabilitation, new construction tends to be costlier than preservation of existing units. This analysis further reinforces the City's intent to ensure that existing affordable units are not converted to market rate.

**Table II-27  
Replacement vs. Preservation Cost**

Expense	Cost Per Unit
<b>Preservation</b>	
Acquisition	\$40,000
Rehabilitation	\$20,000
Financing	\$5,000
<b>Total Cost Per Unit</b>	<b>\$65,000</b>
<b>Replacement (New Construction)</b>	
Land Acquisition	\$12,000
Site Improvements	\$3,500
Construction	\$45,000
Permits/Fees	\$17,000
Financing	\$5,000
<b>Total Cost Per Unit</b>	<b>\$82,500</b>

## FUTURE HOUSING NEEDS

State law (California Government Code Section 65584) requires that each city and county plan to accommodate a fair share of the region’s housing construction needs. In urban areas, State law provides for councils of governments to prepare regional housing allocation plans that assign a share of a region’s housing construction need to each city and county. For the City of Los Banos, and Merced County and all municipalities, Merced County Association of Governments (MCAG) is the entity authorized to determine the future housing needs for the region. MCAG adopted a Regional Housing Needs Allocation Plan (RHNA) in June of 2015. This plan covers a nine year period from January 1, 2014 through December 31, 2023.

Existing need is evaluated based on overpayment and overcrowding by lower income households. MCAG’s methodology is based on regional population and housing forecasts. The goal of the RHNA is to promote a fair distribution of attainable housing among the six incorporated cities and the unincorporated county, and in a way that also helps meet the State’s housing goals.

The housing units allocated in the plan to each city and county are considered minimum needs. Most, if not all, jurisdictions have existing unmet housing needs that should be considered during the preparation of a housing element, and which may result in housing construction objectives that exceed the regional allocation. The City must however use the numbers allocated under the RHNA to identify measures (policies and ordinances) that are consistent with these new construction goals. While the City must also show how it will provide adequate sites for construction of the required units, it is not obligated to build any of the units itself or finance their construction.

According to the RHNA, the City of Los Banos has a total housing construction need of 2,473 units, which equates to an annual need of approximately 275 units. Table II-28 shows the City of Los Banos’ 2014-2023 planning period allocation, as determined by MCAG.

**Table II-28  
Regional Housing Needs Allocation Plan (2014-2023)**

	<b>Extremely Low</b>	<b>Very- Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
RHNA Allocation	326	278	431	396	1,049	2,473
Percent of Total	13.2%	11.2%	17.4%	16.0%	42.4%	100.0%

*Source: MCAG 2007-2014 Regional Housing Needs Allocation Plan, June 2015*

Although the total RHNA for the City is 2,473 units, the recent rash of foreclosures and change in the economy must be considered. As stated previously, according to the California Association of Realtor's Housing Affordability Index for First-Time Buyers, the number rose to 77 percent in the fourth quarter of 2015, meaning that nearly eight in ten households in California could afford the entry-level.

The City must provide an estimate of the number of projected extremely low income housing needs. Based on CHAS Data, 54% of the City's very low income households qualify as extremely low income. Therefore, the City is estimating that approximately 54 percent of its very low income regional housing need is projected to be an extremely low income housing need. In other words, of the 604 very low income housing needed, the City is projecting 326 (13.2%) units for extremely low income households. Most, if not all, extremely low income households will require rental housing. The extremely low income households will likely face housing problems such as overpaying, overcrowding and/or accessibility issues as a result of their limited income. Also, many of the extremely low income households will fall within a special needs category (disabled, seniors, large families or female headed households) and require supportive housing services. The City, as part of the previous Housing Element cycle, has implemented programs such as Emergency and Transitional and Supportive Housing, Special Needs Housing and Employee Housing, which provide more opportunity for housing for lower income groups. Through implementation of the policies and programs outlined in the Housing Element and through continued participation and support of the Merced Continuum of Care, the City will seek to provide a variety of housing types, including housing affordable to extremely low income households.

## **ENERGY CONSERVATION OPPORTUNITIES**

State Housing Element Law requires an analysis of the opportunities for energy conservation in residential development (Government Code Section 65583 (a)(7)). Affordable energy is an essential component of affordable housing. High energy costs have particularly detrimental effects on low-income households that do not have enough income or cash reserves to absorb cost increases. Depending on the age and condition of the home and on the type of fuel used, energy costs can represent more than 25 percent of overall housing costs.

In the past twenty years, rapidly increasing energy costs have contributed to the deterioration of housing affordability. Since 1970, energy costs to consumers have increased 100 percent above the cost of inflation, while crude oil prices have increased over 500 percent. In response to these increases, California's energy conservation standards have helped to improve energy efficiency in new homes. More recent energy price fluctuations in the late 1990s and particularly in 2001, combined with rolling electricity blackouts, have led to a renewed interest in energy conservation.

All new buildings in California must meet the standards contained in Title 24, Part 6 of the California Code of Regulations (Energy Efficiency Standards for Residential and Nonresidential Buildings). These regulations were established in 1978 and most recently

updated in 2013 (effective July 1, 2014). Local governments enforce energy efficiency requirements through the building permit process. All new construction must comply with the standards in effect on the date a building permit application is made.

Such improvements in energy conservation make important contributions to housing affordability. Minimizing energy used for space and water heating as well as air conditioning can significantly reduce home energy costs. Water heating is second only to space heating in total energy usage. According to Pacific Gas and Electric, energy use can range anywhere from \$75 to \$200 per month in homes heated by electricity. In general, houses built prior to 1975 use twice as much energy as those built after that year.

The City works to promote energy conservation in a variety of ways. Firstly, the City ensures through the building permit process that all new residential development meets or exceeds current state energy efficiency standards. Additionally, the City uses State Community Development Block Grant (CDBG) funds to implement a housing rehabilitation loan program. Through low interest loans to low-income households, the program leads to rehabilitation projects that can significantly reduce home energy costs on both a short-term and long-term basis.

### **General Design Standards for Energy Conservation**

There are many opportunities for conserving energy in new and existing homes. New buildings, by design, can easily incorporate energy efficient techniques into the construction. Energy conservation is becoming more and more important as growth occurs. The Obama Administration announced plans in April of 2009 to invest \$3.2 billion in stimulus funds to support the Energy Efficiency and Conservation Block Grant program. According to the Department of Energy, the concept of energy efficiency in buildings includes the whole building envelope, which is everything that separates the interior of the building from the outdoor environment (i.e. windows, doors, walls, foundation, roof and insulation). All the components of the building envelope need to work together to keep a building warm in the winter and cool in the summer.

Constructing new homes with energy conserving features, in addition to retrofitting existing structures, will result in a reduction in monthly utility costs. There are many ways to determine how energy efficient an existing building is, and, if needed, what improvements can be made. Examples of energy conservation opportunities include installation of insulation and/or storm windows and doors, use of natural gas instead of electricity, installation or retrofitting of more efficient appliances and mechanical or solar energy systems and building design and orientation which incorporates energy conservation considerations.

Many modern building design methods are used to reduce residential energy consumption and are based on proven techniques. These methods can be categorized in three ways:

1. Building design that keeps natural heat in during the winter and keeps natural heat out during the summer. Such design reduces air conditioning and heating demands. Proven building techniques in this category include:

- Location of windows and openings in relation to the path of the sun to minimize solar gain in the summer and maximize solar gain in the winter.
- Use of thermal mass earthen materials such as stone, brick, concrete and tiles that absorb heat during the day and release heat at night.
- Use of window coverings, insulations and other materials to reduce heat exchange between the interior of a home and the exterior.
- Location of openings and the use of ventilating devices that take advantage of natural air flow.
- Use of eaves and overhangs that block direct solar gain through window openings during the summer but allow solar gain during the winter.
- Zone heating and cooling systems which reduce heating and cooling in the unused portions of a home.

2. Building orientation that uses natural forces to maintain a comfortable interior temperature. Examples include:

- North-south orientation of the long axis of a dwelling.
- Minimizing the southern and western exposure of exterior surfaces.
- Location of dwellings to take advantage of natural air circulation and evening breezes.

3. Use of landscaping features to moderate interior temperatures. Such techniques include:

- Use of deciduous shade trees and other plants to protect the home.
- Use of natural or artificial flowing water.
- Use of trees and hedges as windbreaks.

In addition to natural techniques, a number of modern methods of energy conservation have been developed or advanced during the present century. These include:

- Use of solar energy to heat water.
- Use of radiant barriers on roofs to keep attics cool.
- Use of solar panels and other devices to generate electricity.
- High efficiency coating on windows to repel summer heat and trap winter warmth.
- Weather stripping and other insulation to reduce heat gain and loss.
- Use of natural gas for dryers, stovetops and ranges.
- Use of energy efficient home appliances.
- Use of low flow showerheads and faucet aerators to reduce hot water use.

Natural space heating can be substantially increased through the proper location of windows and thermal mass. Use of solar panels can generate 1,000 watts of electricity on a sunny day. This can constitute more than enough power for daily residential operations.

### **Constraints**

The Government Code, as it relates to the Housing Element, requires an analysis of both governmental and non-governmental constraints to the development of affordable housing. Los Banos has identified various constraints to housing production in an effort to address as many barriers as possible. Removal of these constraints must be balanced with other health, safety and welfare concerns.

### **Non-Governmental Constraints**

#### **Land Costs**

Typical land costs for residential lots approximately 6,000 square feet in size are estimated at \$5.10 to \$6.60 per square foot, or roughly \$35,000 to \$45,000 per finished lot. For this price, a developer would obtain unimproved residential land with full entitlements.

#### **Construction Costs**

Many factors can affect the cost of building a house, including the type of construction, materials, site conditions, finishing details, amenities and structural configuration.

Information received from the Central Valley BIA shows that construction costs for a single story home in the Los Banos area ranges from \$65-\$75 per square foot dependent upon the size of the home for materials and labor and approximately \$75-\$85 for a multi family home.

### **The Cost and Availability of Housing**

According to a local real estate search engine, three bedroom, two bathroom homes are currently selling within the City for prices as low as \$209,000. According to Table II-20, households within the Moderate-Income category will be able to afford a home at this price. Lower-income households would not qualify for the purchase of a home in the above \$200,000 price. Other options would then have to be considered, including low-income subsidized housing as well as rental housing.

In April 2016, 70 homes were identified for sale in Los Banos on Zillow. While almost half of the homes (47.14%) are priced above \$300,000, approximately 52.9% of homes were priced less than \$300,000. Homes listed for sale in April 2016 are summarized in Table II-26.

**Table II-29  
Homes for Sale (April 2016)**

<i>Price</i>	<i>Homes</i>	<i>Percent</i>
\$500,000 and more	4	5.71%
\$400,000-\$499,999	6	8.57%
\$300,000-\$399,999	23	32.86%
\$200,000-\$299,999	27	38.57%
\$100,000-\$199,999	8	11.43%
\$0-\$99,999	2	2.86%
Total:	70	100.00%

*Source: Zillow.com; Reviewed April 2016*

### **The Cost and Availability of Financing**

There are no local constraints to the availability or cost of financing for home purchases or rehabilitation. Even in the City's older neighborhoods, there are no barriers to obtaining financing for home purchase, improvement, or construction (other than customary underwriting considerations by lenders).

Financing for housing development is generally outside the influence of local government. Lending institutions operating in Merced County maintain branches in Los Banos, but as with all other mortgage finance organizations, the interest rates they offer follow market conditions. In times of high interest rates, financing problems have been viewed as a major factor in housing constraints. The lack of financing at reasonable rates eliminates major segments of the population from securing housing.

The primary factor related to home finance affecting housing affordability and availability is the cost of borrowing money (interest rates). Historically, substantial changes in interest rates have been correlated with swings in home sales. When interest rates decline, sales increase. The reverse has been true when interest rates increase. Over the past two decades, there has been a dramatic growth in alternative mortgage products, such as graduated mortgages and variable rate mortgages. These types of loans did allow homeowners to take advantage of lower initial interest rates and qualify for larger home loans. However, these programs have been eliminated and the underwriting process has been tightened up.

Nevertheless, the fixed interest rate mortgage remains the preferred type of loan, especially during periods of low, stable interest rates. Most governmental programs that seek to increase homeownership among low and moderate income households rely on loan products that provide fixed interest rates below prevailing market rates, either for the principal loan or for a second loan that provides part of the down payment for home purchase. Many programs offer deferred second loans to facilitate homeownership.

## **Environmental Constraints**

Most of the vacant parcels that are scattered throughout the City are surrounded by existing development and could be classified as infill. In addition, due to the topography of the City, vacant land could possibly have constraints that might include limited access, habitat or geologic constraints. The City has historically been able to deal with these constraints and still provide affordable housing.

## **Agricultural Resources**

The majority of land within the City's existing City Limits has been developed into urban uses, or is designated for urban development by the City's General Plan and Zoning Ordinance. Therefore, agricultural resources typically have a less than significant effect on residential development within the City Limits.

## **Seismic and Geological Hazards**

Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude and nature of fault rupture can vary for different faults or even along different strands of the same fault. Surface rupture can damage or collapse buildings, cause severe damage to roads and other paved areas, and cause failure of overhead as well as underground facilities.

No active or potentially active faults are known to exist within the City Limits or Planning Area, nor are there any Alquist-Priolo earthquake fault zones mapped in the City Limits or Planning Area. The primary source of seismic activity in Los Banos would likely be the Ortigalita, O'Neil, Calaveras, San Andreas and Hayward Faults.

In addition, buildings in the City have been built in conformance with the Uniform Building Code (UBC) prior to the adoption of the California Building Code (CBC). The UBC and CBC are designed to ensure the structural integrity of buildings and minimize damage resulting from seismic activity. Seismic hazards are not considered a constraint to development within the City of Los Banos.

## **Fire Hazards**

Both structural and wildland fire hazards can threaten residences in Los Banos. Grasslands and brush in existing vacant areas are located within the City. These pose a potential fire hazard in these areas. The City's Fire Department operates two (2) fire stations within the City Limits. The Safety Element of the City's 2030 General Plan, and specifically, Policy S-G-3 and Implementation Actions S-I-16 through S-I-18 are designed to reduce fire hazards and protect structures and residents from fire hazards. Based on the policies provided in the 2030 General Plan, fire hazards are not considered to be a constraint to housing.

## **Biological Resources**

According to the 2030 General Plan, the majority of the Planning Area is comprised of agricultural land, with patches of un-touched grassland scattered throughout the northern and northeast portions of the Planning Area. The majority of the land within the City Limits is considered Urban. Natural habitats consist primarily of human-influenced habitats, such as valley-foothill riparian, alkali desert scrub, and freshwater emergent wetlands exist in the Planning Area where there are affected by activities associated with regional agricultural and urban development. The habitats located within the Planning Area have the potential to include a variety of special status species, such as the Heartscale, Hispid bird's-beak, Sanford's arrowhead, Veran pool tadpole shrimp, Giant garter snake, the western pond turtle, Yellow rail, golden eagle, American badger and the San Joaquin kit fox.

Policies POSR-G-6 and G-7 as well as Implementation Actions POSR-I-21 through I-27 of the 2030 General Plan address potential impacts to biological resources within the Planning Area and such areas within the City Limits. Therefore, biological resources are not considered to be a constraint to housing.

## **Governmental Constraints**

Governmental constraints include land use controls, building codes and their enforcement, site improvements, fees, exactions required of developers and local processing and permit procedures. Land use controls may limit the amount or density of development, while building codes may set specific building standards that add material costs or limit building space on a site, thus increasing the cost of housing per unit.

## **Land Use Controls**

The General Plan and Zoning Ordinance regulate land use in Los Banos. All residential land use classifications pose a constraint to residential development in the sense that various conditions, building requirements and limitations restrict a pure free market ability to construct housing. Land use regulations also have the potential of adding costs to construction, which indirectly may constrain housing. These impacts are measured against the general health and public safety served in adopting such regulations. The City's zoning standards for single family and multifamily development are no more restrictive than those of surrounding jurisdictions and have been determined by the City to establish minimum constraints in order to provide for adequate separation of buildings for fire protection, air and light between structures and the intensity of development. The cumulative effect of the City's implementation of these standards has not resulted in a serious constraint in providing housing to the various income levels, especially with the City's flexibility in allowing density bonuses.

Table II-30 provides a summary of Los Banos' residential zoning regulations, including building setback, height and parking requirements for single family and multi family

residential districts. The following is a description of the residential districts in the City and the allowable densities.

- Low Density Residential District (R-1): Designates areas for single family homes and secondary units. Density ranges from 0-6 units per acre.
- Medium Density Residential (R-2): Designates areas for more intense residential uses. Appropriate land uses include higher density single family homes, duplexes and triplexes with Use Permits. Density ranges from 7-18 units per acre.
- High Density Residential (R-3): Designates areas for intense multi family residential land uses. Density ranges from 12-30 units per acre.

**Table II-30  
Residential Zoning Requirements per Zoning Classification**

	<b>R-1 Low Density Residential</b>	<b>R-2 Medium Density Residential</b>	<b>R-3 High Density Residential</b>
Min. Lot Size (sq. ft.)	6,000	6,000	
Max. Density (dwelling unit/acre)	0-6	7-18	12-30
Min. Front Yard Setback	20	20	15
Min. Side Yard Setback:	5	5	5
Min. Side Yard: Street Side	10	10	10
Min. Rear Yard Setback	10	10	10
Min. Rear Yard Setback (2 Story)	20	20	If abutting lower density district those setbacks apply
Min. Lot Width (interior)	60	40	75
Min. Lot Width (corner lots)	65	45	75
Height Limit (dwellings)	30	30	50 but if within 50' of R-1 or R-2 only 30'
Max. Lot Coverage	70%	70%	70%
Parking Requirements	2 for du over 1000 sq ft	1.5 spaces for one bedroom units and 2 spaces for 2 or more bedrooms	1.5 spaces for one bedroom units and 2 spaces for 2 or more bedrooms

*Source: Los Banos Zoning Ordinance*

*Density Bonus incentives include a reduction in parking standards, per LBMC Sec. 9-3.3407.*

### **Permitted Uses in Residential Zoning Districts**

The Los Banos Municipal Code designates permitted, not permitted and conditional uses for all developable use types in the City in relation to the City's Zoning categories. Please refer to Table II-31.

- Single family dwellings are permitted in R-1 and R-2.
- Duplexes are permitted in the R-2 and R-3 districts.
- Triplexes are permitted with a use permit in the R-2 district.
- Second residential units are permitted by right in the R-1 district.
- Residential care facilities for up to six persons are currently permitted in the R-3 district but the Ordinance is being updated to allow for this use in all residential districts.
- Transitional housing and/or Supportive housing (housing for drug/social rehab or parole related care facilities of 6 or less) are permitted in the R-1 and R-2 district and not permitted in the R-3 district.
- Transitional housing and/or Supportive housing (housing for drug/social rehab or parole related care facilities of 6 or more) are permitted in the R-1, R-2 and R-3 district.

**Table II-31  
Residential Permitted, Non-Permitted and Conditional Use Requirements**

<b>Use Type</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
Single Family Dwellings	Permitted	Permitted *	Not Permitted
Duplex (2 family dwelling)	Not Permitted	Permitted	Permitted
Multi Family (3+)	Not Permitted	Conditional Use	Permitted
Second Residential Units	Permitted	Not Permitted	Not Permitted
Single Room Occupancy (SRO)	Not Permitted	Not Permitted	Conditional Use <sup>2</sup>
Manufactured Homes	Permitted	Permitted	Not Permitted
Mobile Home Parks	Permitted	CUP	Not Permitted
Emergency Shelters <sup>1</sup>	Conditional Use	Permitted	Permitted
Transitional Housing and/or Supportive Housing (up to 6) <sup>1</sup>	Permitted	Permitted	Not Permitted
Transitional Housing and/or Supportive Housing (more than 6)	Conditional Use	Permitted	Permitted
Residential Care Facility (up to 6)	Permitted	Permitted	Not Permitted
Residential Care Facility (more than 6)	Conditional Use	Conditional Use	Permitted
Group Home	Permitted	Permitted	Permitted
Senior Housing Development			
Special Needs Housing (up to 6)	Permitted	Permitted	Not Permitted
Special Needs Housing (more than 6)	Conditional Use	Conditional Use	Permitted
Employee Housing (up to 6)	Permitted	Not Permitted	Not Permitted
Employee Housing (more than 6)	Conditional Use	Conditional Use	Permitted
Small Family Daycare	Permitted	Permitted	Permitted
Large Family Daycare	Conditional Use	Conditional Use	Conditional Use

Source: City of Los Banos Municipal Code, 2015

<sup>1</sup>Single Family Dwelling units are not permitted in Commercial and Industrial Zoning Districts, such as Neighborhood Commercial (C-N), General Commercial (C-1), Highway Commercial (H-C), Light Industrial (L-I) and General Industrial (I).

<sup>2</sup>Program 8F has been included in the 2014-2023 Housing Element, requiring the City to amend Title 9 of the Municipal Code to include SROs as a Conditional Use in the High Density Residential (R-3) District.

## **Definition of Family**

The City's definition of "Family" is in compliance with SB 520, a bill that was passed in 2001 and became effective on January 1, 2002. The definition of family, per Chapter 3, Article 2: Definitions is "one or more persons occupying a premises and living as a single housingkeeping unit, as distinguished from a group occupying a hotel, club, or fraternity or sorority house.

## **Planned Development**

The Planned Development (PD) district is intended to encourage innovations in residential development and renewal so that the growing demands for housing may be met by a greater variety in the type, design and layout of dwellings and by the conservation and more efficient use of open space. PD's can be applied to the following types of residential uses:

- Single family dwellings
- Two family dwellings
- Multiple (3 or more) family dwellings

The combination of uses should be compatible with the intent of the General Plan of the City and result in a balanced and stable environment.

Planned Developments are approved per a reclassification to the Planned Development overlay district. The approval requires a recommendation by the Planning Commission and approval by the City Council. The City of Los Banos encourages and facilitates the use of PD's through the following incentives:

- Modified site plan standards (e.g. reduced setbacks)
- Variation in parking requirements
- Use of clustering to increase density and reduce development costs

Planned Development projects encourage residential development at the upper end of the allowed density range within the applicable districts by allowing developers to vary from the stricter application of the development standards of the base zoning districts. This flexibility provides for, and can promote cluster housing, zero lot lines, townhomes and similar housing types that can be more difficult to develop with typical setbacks and lot coverage.

## **Improvement Requirements**

The City requires typical on and off site improvements (e.g. street, sewer, water, storm sewer) for residential development to ensure public health and safety. Typical street sections can be anywhere from 36-52 feet dependent upon the design configuration of the development. The City also has impact fees which cover the cost of necessary

improvements. It is not believed that the on or off site standards act as an impediment to the production of housing for lower income households.

### **Building Codes**

Building Codes regulate the physical construction of dwellings and include plumbing, electrical and mechanical divisions. The purpose of the Building Code and its enforcement is to protect the public from unsafe conditions associated with construction. The City of Los Banos enforces the State Building Code standards for existing units, new construction and residential rehabilitation. Housing related complaints are dealt with on a case by case basis with the Building Department (i.e. Building Inspector) being involved if the nature of the complaint involves building code issues. The City believes that the requirements of the State Building Code do not act as an impediment to the production of housing for lower income households, instead, they aid in requiring safe structures for all individuals within the City. The City utilizes the most updated Building Code (2013 California Building Code, effective January 1, 2014). The City has not adopted any local amendments to the 2013 California Building Code.

### **Code Enforcement**

The City of Los Banos Code Enforcement Officer works with the Police Department, Fire Department, Planning Department, and Building Department to investigate reported violations of laws relating to nuisances and zoning. Such investigations typically include illegal home occupations, illegal units, dangerous structures, fence violations, illegal signs, graffiti, debris and weeds, as well as inoperable and illegal vehicles. The code enforcement process is typically initiated in the following three ways: 1) observation by city staff, 2) as a consequence of an action (i.e. application for permit; or 3) in response to a complaint by an individual. The City relies on residents to help identify the majority of the code violations, particularly with the budget cuts and reduced staffing and resources.

### **Fees and Exactions**

The City of Los Banos collects planning and development fees to cover the costs of processing permits and providing the necessary services and infrastructure related to new development. Permit processing fees are intended to reimburse the City for actual administrative costs. Fees are imposed by the Planning, Building and Public Works Departments. Table II-32 summarizes common fees charged to developers of residential projects in Los Banos.

**Table II-32  
Model Development Fees – Los Banos (2015)**

	<b>Single Family Dwelling</b>	<b>Multifamily Apartment</b>
<b><i>Project Assumptions</i></b>		
Assumed Project Size (units)	1	10
Living Area per Unit (sq. ft)	2,800	1,500
Building Size (sq. ft)	2,800	15,000
Construction Costs per Unit	\$285,460	\$140,475
Project Valuation	\$285,460	\$1,404,750
Land Cost	\$54,450	\$217,800
Valuation plus land	\$339,910	\$1,622,550
<b><i>Development Review Fees</i></b>		
Design Review	-	\$650
Conditional Use Permit	\$550	\$550
<b><i>Environmental Review-CEQA</i></b>		
Exempt	\$100	\$100
Negative Dec/Initial Study	\$250	\$250
Environmental Impact Report	Cost plus 20%	Cost plus 20%
<b><i>Other Development Review Fees</i></b>		
Variance	\$500	\$500
General Plan Amendment, Zone Change,	\$1,000, \$750	\$1,000, \$750
Tentative Parcel Map	\$2,000	\$2,000
<b>Total Review Fees</b>	<b>Varies</b>	<b>Varies</b>
<b><i>Building Permits and Fees</i></b>		
Plan Check	\$1,502	\$5,361
Planning Plan Check	\$20	\$20
Building Permit	\$2,042.85	\$7,094
PME Fee	\$700	\$3,000
General Plan Maintenance Fee <sup>1</sup>	\$178.41	\$100.00
SMIP Residential (Seismic Tax)	\$28.55	\$140.48
Temporary Encroachment Fee	\$75	\$75
Police Development Impact	\$2,559.19	\$2,104.19
Fire Development Impact	\$912.39	\$729.91
Traffic Impact Fee	\$3,380.85	\$1,790.94
Regional Transportation Impact <sup>2</sup>	\$0.00	\$0.00
Park Development Impact	\$6,933.95	\$5,702.26
Water Development Impact	\$3,127.13	\$3,127.13
Wastewater Development Impact	\$5,420.00	\$5,420.00
Public Facilities	\$5.62	\$5.62
Storm Drain Impact	\$22.49	\$22.49
Community Center Impact	\$399.13	\$328.24
Corporation Yard Impact	\$346.15	\$284.66
City Hall Impact	\$985.76	\$810.65
Administration Impact	\$364.10	\$298.81
School Impact Fee <sup>3</sup>	<b>\$20,580.00</b>	<b>\$11,025.00</b>
<b>Total Building Permits &amp; Fees (per unit)</b>	<b>\$49,584.0029,004.00</b>	<b>\$47,440.0036,415.00</b>
<b>Total Planning &amp; Building Fees</b>	<b>\$49,584.0029,004.00</b>	<b>\$48,340.0037,315.00</b>
Planning & Building Fees as Proportion of Development Cost	14.69%	13%

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<sup>1</sup>General Plan Maintenance Fee shown above is based on a new single-family residence with a valuation of \$178,413.50. This fee will vary depending on the valuation provided on the building permit application.

<sup>2</sup>The Los Banos City Council has waived the Regional Transportation Impact Fee (RTIF). A new model is being discussed with Merced County Association of Governments (MCAG)

<sup>3</sup>School Impact fee is \$7.35 per sq. ft. for new residential development.

Table II-33 indicates the development fees for a single family residence as well as those for a multi-family unit. The City realizes that these fees may inhibit development and will allow the impact fees to be deferred until occupancy if the developer requests.

### **Permit Processing Procedures**

Applications for residential subdivisions are processed within a 3 to 5 month period; however, applications that are more complex may take up to 12 months because of project pre-planning, site constraints and environmental review. Site plan review typically takes 1-2 months. Processing time is largely determined by the significance of project related issues. The City meets state-required timelines for the approval of development permits. The time required for development approval is not generally a constraint or substantial cost to housing developers.

To expedite the permit processing procedures, City staff holds a PRB (Project Review Board) conference to provide upfront feedback on proposed projects in order to increase approval certainty for applicants. Also, informational checklists are available to facilitate and streamline permit processing. The approval process, procedure and checklists are available on the City's website.

Land use and zoning designations for single family and multifamily parcels are detailed in the General Plan and the Zoning Ordinance, which serves to make the permit processing procedure clear, certain and predictable. Project applications requiring discretionary approvals by the Los Banos Planning Commission and City Council have been reviewed using specified criteria from the General Plan and Zoning Ordinance. The City of Los Banos codified the submittal requirements, checklists and procedural process in 2008 making the development process clearer for all applicants.

For residential, Site Plan review is required for new residential developments of five (5) or more units or the addition to an existing project that would result in five (5) or more units. The Planning Commission reviews the Site Plan and must make the following findings prior to approval:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council;
2. 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;
3. 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;

4. That the design of the proposed development would provide a desirable environment for its occupants; as well for its neighbors, and that is aesthetically of good composition, materials, textures, and colors;
5. That the proposed use complies with all applicable requirements of the zoning district it is located and all other applicable requirements; and
6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

The Planning Commission may not deny a project based on use; only impose conditions that insure the project meets the development standards set forth in the Zoning Ordinance. Staff makes every attempt to work closely with the project applicants from project conception to completion in order to increase the likelihood of a favorable project recommendation to the Planning Commission.

Emergency Shelters and Transitional and/or Supportive Housing are permitted by-right and require no discretionary review. These uses are reviewed at an administrative level and approved/denied by the Planning Director using procedures codified in the Zoning Code.

Design review and discretionary review may run concurrently to avoid project time delays. The design review process is deemed complete once a builder has fulfilled the necessary steps on the City's submittal checklist; the City feels the submittal checklists streamline the approval process and provide guidelines for the developer on the process and promotes approval certainty. The City also has Community Design Standards which are available on the website and pre-submittal meetings with staff further help to streamline the process and maintain the aesthetic vision that is being sought. This process has not been found to negatively impact a project or hold up the processing of an application.

### **Conditional Use Permit Process**

Use permits are reviewed by the Planning Commission, which has the authority to approve, conditionally approve, or disapprove the application (except for On-Sale and Off-Sale Alcoholic Beverages in which the Planning Commission provides a recommendation and the City Council makes the final approval). The Planning Commission meets on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month. Processing time for a Conditional Use Permit varies from 2 to 4 months depending on project complexity, issues and whether additional environmental review is needed. Application fees for Conditional Use Permits include a deposit of \$550.00; these funds are utilized to cover staff time and processing, applicants are also required to sign and submit a cost recovery contract so that they can be billed if additional funds are needed, alternatively, funds will be refunded if the cost is less than the deposit. The focus of the CUP typically relates to neighborhood compatibility (i.e. architectural design, setbacks, parking, orientation, etc.). In the event that an applicant or any other interested party is not satisfied with the

Planning Commission's actions of a use permit, an action can be appealed to the City Council for review.

Following a public hearing, a use permit is subject to findings by the Planning Commission (and City Council in the case of alcohol permits), such as:

- The project is consistent with the City of Los Banos General Plan and meets the use and density standards specified within.
- The proposal is consistent with the Zoning Ordinance as it meets the use and development standards specified within.
- The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing and working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City in that the development will provide a quiet and harmonious development.
- The proposal is compatible with the adjacent land uses, properties, and neighborhoods and will not be detrimental or injurious to the neighborhood or to the general welfare of the City in that the operational characteristics will operate in a harmonious manner with the surrounding neighborhood.
- The development proposal meets the purpose, intent and specific standards of the pertinent sections of the Los Banos Municipal Code in that the proposed use is providing an amenity and convenience which is desired in the District.
- The general appearance of the buildings or structures and grounds is in keeping with the character of the neighborhood so as not to be detrimental to the orderly and harmonious development of the City or to impair the desirability of investment or occupation in the neighborhood.
- Conditions have been imposed on the project that will ensure the project's consistency with the policies of the City's General Plan.

The Conditional Use Permit process addresses impacts of the use, not the user. This process does not act as a constraint to the development of affordable housing because:

1. It does not add significant time or delay to the approval of projects;
2. The Planning Commission (or City Council) addresses the finding that are described in the Municipal Code;
3. The City's Conditional Use Permit application package provides clear direction on the process and standards for review.

If it is determined that a developer would need a Conditional Use Permit to proceed with City approvals, it is the City's policy to provide as much information as possible. The City's website ([www.losbanos.org](http://www.losbanos.org)) is a resource where project applicants can go to obtain further information and City contact phone numbers.

## **Housing for Persons with Disabilities**

As noted in the Special Needs section of this Housing Needs Assessment Report, persons with disabilities have a number of housing needs related to accessibility of dwelling units, access to transportation, employment and commercial services and alternative living arrangements that include on site or nearby supportive living services.

The City ensures that new housing developments comply with California building standards and federal Americans with Disabilities Act (ADA) requirements for accessibility. Sites zoned for Medium and High Density Residential uses and Commercial zones that allow for mixed uses are located along transportation corridors to facilitate access and accessibility for persons with disabilities.

## **Procedures for Ensuring Reasonable Accommodations**

The City of Los Banos will establish procedures to ensure that reasonable accommodations are made for persons with disabilities. In conjunction with plan check review, individuals with disabilities can request special accommodations or variance from building codes due to a disability. Formal procedures are to be codified in the Zoning Ordinance by March of 2017 through Housing Element Program 5D. The City shall follow State law and local examples in developing the Reasonable Accommodation Ordinance.

## **Efforts to Remove Regulatory Constraints for Person with Disabilities**

The State of California has removed any City discretion for review of small group home projects (six or fewer residents). The City has updated the Zoning Ordinance in 2008 and will not impose additional zoning, building code, or permitting procedures other than those allowed by State law. There are no City initiated constraints on housing for persons with disabilities caused or controlled by the City.

The City also allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with ADA requirements. Such retrofitting is permitted under Chapter 11 of the Building Code. The City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint. The City's Zoning Ordinance has been reviewed for Chapter 11 compliance and it has been determined to be compliant.

## **Zoning and Other Land Use Regulations for Persons with Disabilities**

As part of the update of the City Housing Element in 2014-2023, the City of Los Banos conducted a comprehensive review of its zoning laws, policies and practices for compliance with fair housing law and State requirements. With the addition of updates that occurred in 2008, the City has not identified regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals. As discussed above, a Reasonable Accommodation Ordinance will be adopted by March of 2017 for the City to have a formal procedure in place for Reasonable Accommodation requests.

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

- The City allows some variation from the application of its parking standards. For example, the reduction of parking spaces for a unique use, such as a senior housing project can be approved by processing a variance.
- The City updated its Zoning Ordinance to allow for group homes with six or fewer persons within all residential districts.
- The City does not restrict occupancy of unrelated individuals in group homes within the Ordinance.
- The City permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City. The Land Use Element of the General Plan does not restrict the siting of special needs housing.

## **Permits and Processing for Persons with Disabilities**

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

As discussed above, the City amended the Zoning Ordinance to allow group homes of six or fewer persons by right, as required by State law. No conditional use permit or other special permitting requirements apply to such homes.

Design review is not required for single family residential development. All multi family residential projects in Los Banos require design review by the Planning Commission. The design review process typically takes two to four months. The City's Ordinance allows the design review and hearing process for group homes and special needs housing to be treated similar to how residential projects are reviewed and considered.

## **Building Codes**

The city provides reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits through its flexible approaches to retrofitting or converting existing buildings and construction of new buildings that meet the shelter needs of persons with disabilities. The City of Los Banos adopted and implements the Uniform Building Code (UBC) and California Code which is mandated by the State. The City does not have any local amendments to these codes.

## **Universal Design Element**

The City will promote Universal Design by encouraging developers of senior housing, persons with disabilities and other persons and families applying for building permits to consider universal design in their construction. The City will provide information and referral services on universal design at the customer service counter as well as contact information for HCD and the Department of Aging.

## **Persons with Disabilities**

In light of current planning policies and zoning regulations, the City believes that it has mitigated any potential constraints to the availability of housing for persons with disabilities, however, the City will establish and implement a reasonable accommodations Ordinance.

## **Second Residential Unit Requirements**

A second residential unit, often referred to as a “granny” or “mother-in-law” unit is a second unit located on an existing residential lot and attached to the main home. The purpose of a second residential unit is to provide a small, self contained living unit that can be used by a family member or as a rental unit. A second residential unit is currently permitted on any lot that is zoned for Low Density Residential (R-1). The second unit must be complete with independent living facilities detached from, attached to, or constructed within a single-family detached dwelling; this use is subject to administrative staff review for conformance with applicable zoning standards.

## **Community Design Standards and Pre-Development Review**

In 2008 the City of Los Banos adopted the Community Design Standards. The standards apply to the Downtown Commercial, Highway Commercial, Commercial and Residential Districts. These standards were designed and adopted to maintain and enhance the small town qualities of Los Banos, protect the community’s visual qualities, provide social interaction and provide environmental sustainability. The standards allow for flexibility but also set standards that are to be met in the design of new structures within the community.

The City's Community Design Standards and Municipal Code are both located on the City website for ease for developers and builders. The City's Design Review process does not act as a constraint to the overall supply and affordability of housing in Los Banos because:

- Community Design Standards do not add significant time or delay to project approval.
- Community Design Standards do not add to, or modify development standards of the Municipal Code.
- Community Design Standards criteria are explicit and understandable.

The City does not take an excessive amount of time in processing applications, nor do the Community Design Standards require costly building materials. The City encourages Community Design Standards review to be conducted concurrently with other processing procedures to expedite the development permit process even further.

In order to facilitate the design review process for the Community Design Standards, the City of Los Banos offers applicants the opportunity for preliminary design review through submittal of a Pre-development application. The Pre-development process includes a meeting with staff members from Planning, Public Works, Fire, Building and Police to help streamline the process for applicants by identifying potential problems early on in the process.

### **3. RESOURCE INVENTORY**

#### **Availability of Land and Services**

This section provides an analysis of the land available within the City of Los Banos and the Sphere of Influence area (SOI) for residential development, and then compares this to the City's future housing needs as determined by the Merced County Association of Governments' RNHP. In addition to assessing the quantity of land available to accommodate the City's total housing needs, this section also considers availability of sites to accommodate a variety of housing types suitable for households within a range of income levels and housing needs. The methodology for determining residential capacity of listed sites was the utilization of the City's General Plan and Zoning Ordinance in addition to the City's GIS system. This information is shown in this section as well as Appendix E. The City's General Plan and Zoning Map are included as Appendix C as well as a map that shows the locations of unfinished subdivisions in the City as Appendix F. The property included has realistic capacity due to regulatory incentives and small lot development trends that have occurred over the past decade. Some examples of this would be recent developments with: 160 dwelling units on 31.64 acres for 5.07 dwelling unit per acre in the R-1 Zoning Classification, a development with 56 units on 5.02 acres providing for 11 units per acre in the R-2 Zoning Classification and 105 units on 6.30 acres providing for 16.667 dwelling units per acre in the R-3 Zoning Classification. The Los Banos Municipal Code allows for 40% coverage for the dwelling unit in the R-1 and R-2 districts and 70% in the R-3 District, although, this coverage can differ if the PD process is utilized. The City is very proactive in providing regulatory incentives such as the planned development approval process as it allows for a better mix of housing types with flexibility in lot sizes and setbacks to meet the needs of all income categories and density bonuses. The Planned Development overlay zone is an option that is available in all residential and commercial zoning classifications. The Los Banos Municipal Code includes a density bonus provision which provides incentives for the production of housing for lower income segments of the population. The code provides for density bonuses with additional incentives or equivalent financial incentives to applicants if they provide one of the following: at least ten percent of the total units within the development as target units affordable to lower income households, at least five percent of the total units of the development for very low income households, senior housing, ten percent of the units within a condominium project for families with moderate income, a minimum of one acre of land set aside to permit construction of units affordable to very low income households in an amount of not less than ten percent of the number of residential units of the proposed development and a land donation density bonus.

Based upon current market demands and trends, all zoning classifications are suitable for all income ranges. Currently, homes within the City of Los Banos in the R-1 and R-2 zoning classifications are selling at prices that are affordable to low income residents. As of August 5, 2015, the Fannie Mae website (HomePath.com) lists one (1) home for \$209,900. According to Table II-20, this would be affordable to a family in the above-moderate income category.

### **Description of Criteria for Identifying Housing Sites**

For the purpose of this inventory, developable land is defined as land that is currently vacant or has agriculture or rangeland uses (termed underdeveloped herein) that is designated in the General Plan and zoned for residential development. An ArcView Geographic Information System (GIS) was used to identify all developable parcels within the City's planning area that are vacant or underdeveloped as of August 2015. The identified vacant/underdeveloped parcels were delineated on top of a parcel base map showing designated residential and zoned residential districts. Parcel acreages by land use designation were calculated in the GIS. All identified developable land designated for residential use is considered available for residential development and is listed in the inventory in the following subsection.

### **Inventory of Unfinished Subdivisions**

As a result of the economic recession, the City currently has a large number of finished and unfinished residential lots. Table III-1 summarizes the Unfinished Subdivisions in the City. There are currently 1,993 residential lots within the City that are part of larger subdivisions.

**Table III-1  
Unfinished Subdivisions**

<b>APNs</b>	<b>Project Name</b>	<b>Developer</b>	<b>Map No.</b>	<b>GP</b>	<b>Zoning</b>	<b>Lots Available</b>
082-761-036 thru 058;	Vineyards 17 & 18	Ranchwood Homes	#1996-01	R-1	LDR	22
424-143-007 thru 008; 424-143-010 thru 022; 424-145-001 thru 010; 424-145-014 thru 015; 424-144-010 thru 016; 424-153-002 thru 018; 424-155-001 thru 009; 424-155-010 thru 016; 424-152-016 thru 031; 424-154-006 thru 022	Mission Village North	Ranchwood Homes	#2001-01	R-1	LDR	100
428-280-003; 428-300-001 thru 007; 428-291-001 thru 027; 428-293-001 thru 008; 428-292-001; 428-292-011 thru 023; 428-293-024 thru 033; 428-293-022	Mission Village South	Ranchwood Homes	#2001-02	R-1	LDR	159
428-280-002	Mission Village South 5	Ranchwood Homes	#2006-16	R-1	LDR	46
424-115-002 thru 004; 424-116-001 thru 003; 424-106-001 thru 009; 424-104-023 thru 039; 424-080-061 thru 068; 424-090-001 thru 024; 424-090-026 thru 033; 424-072-017 thru 021; 424-072-024 thru 036; 424-071-012 thru 018	Regency Park Estates	Ranchwood Homes	#1999-02	R-1	LDR	105
431-270-004	The Villas	Ranchwood Homes	#2001-06	R-1	LDR	174
081-180-004 thru 049	Village Green	Ranchwood Homes	#1998-03	R-1	LDR	45
424-120-009	Provinces	Ranchwood Homes	#2005-01	P-D	MDR	261

APNs	Project Name	Developer	Map No.	GP	Zoning	Lots Available
430-010-039; 430-060-006 thru 007; 430-032-014 thru 023; 430-032-030 thru 032; 430-031-010 thru 013; 430-024-001; 430-035-001 thru 002; 430-021-001 thru 003; 430-022-001 thru 007; 430-023-014 thru 016; 430-024-001 thru 015; 430-101-004 thru 023; 430-102-001 thru 023; 430-032-001	Villages at Stonecreek IIA & III	Anderson Homes	#2004-05	P-D	LDR	255
430-081-017; 430-081-020 thru 029; 430-081-031 thru 032 430-082-001 thru 003; 430-083-001 thru 006; 430-085-001 thru 006; 430-060-014; 430-060-018 thru 020	Villages at Stonecreek IV	Anderson Homes	#2005-05	P-D	LDR	250
430-010-026 thru 027	Villages at Stonecreek V	Anderson Homes	#2006-12	P-D	LDR	53
027-260-029 thru 030; 027-260-033 thru 043; 027-270-026 thru 033; 027-290-028 thru 034; 027-300-044 thru 059; 027-300-061 thru 072; 027-310-033 thru 048; 027-320-038 thru 053; 027-320-055 thru 062	Four Seasons	K. Hovnanian	#2003-02	P-D	MDR	97

APNs	Project Name	Developer	Map No.	GP	Zoning	Lots Available
084-324-021 thru 024; 084-324-026; 084-324-028; 084-324-030 thru 031; 084-333-001 thru 013; 084-336-001 thru 007; 084-332-001 thru 019; 084-335-001 thru 016; 084-331-002 thru 003; 084-331-005; 084-331-007 thru 023; 084-334-001 thru 021	Meadowlands	KB Homes	#2002-06	R-1	LDR	104
082-770-002 thru 016; 082-770-019 thru 032; 082-770-038 thru 042; 082-770-054 thru 063	Alta Vista	Amadore Development	#2002-04		LDR	44
082-050-066	AMG	AMG & Associates	#2013-01	R-1	LDR	57
<b>Total</b>						<b>1,772</b>

Source: Los Banos Community and Economic Development Department, 2015/2016

### Inventory of Vacant and Underdeveloped Sites

Housing Element law requires an inventory of land suitable for residential development (Government Code, Section 65583(a)(3)). An important purpose of this inventory is to determine whether a jurisdiction has allocated sufficient land for the development of housing to meet the jurisdiction's share of the Regional Housing Need, including housing to accommodate the needs of all household income levels.

As stated earlier, a GIS system was used to calculate the number of developable acres of land within the City limits and SOI. Table III-2 indicates the location (within City limits or SOI), zone and General Plan designation, the housing unit density range for that designation, the number of acres of land available for development, and the housing unit capacity (calculated by multiplying the housing unit density range by the number of acres of land).

The underutilized or vacant sites may constitute an impediment to additional residential development over the 10 year planning period as the majority of the property is either owned by private property owners so their willingness to sell would have to be established or it is within the "Rail Trail" property that is City owned but a Master Developer will need to move the project forward. As of 2015, the residential development is relatively stagnant due to the change in the economy, however, it is anticipated that this will change during the 2014-2023 planning period. For the City

owned underutilized property along the “Rail Trail” and the privately owned property, regulatory and/or other incentives such as expedited permit processing, and fee waivers or deferrals may be applicable dependent upon the scope of work proposed by an applicant. It has been the practice of the City Council to hear these requests on an individual basis and make a determination. Some of the Non-Vacant sites within the City can also be considered as having the potential to accommodate some of the regional housing need as due to market conditions some of these units are now vacant or abandoned. Table III-2 does not include unfinished lots and subdivisions identified in Table III-1.

**Table III-2  
Inventory of Land within City Limits for Future Housing Development**

<b>General Plan Designation</b>	<b>Zoning District</b>	<b>Density Range (units/acre)</b>	<b>Acres of Developable Land</b>	<b>Max Housing Unit Capacity</b>	<b>Realistic Capacity</b>
<b>Land Within City Limits</b>					
Low Density	R-1 / PD	2 - 6 du/acre	435	2,610	2,171
Medium Density	R-2 / PD	7 - 18 du/acre	126.6	2,200	1,291
High Density <sup>1</sup>	R-3 / PD	12 - 30 du/acre	24.8	744	<del>596</del> 512
Mixed Use	MX	0 - 18 du/acre	6.9	124	62
Downtown District	MX	0 - 18 du/acre	1.6	29	14

<sup>1</sup>Density of 24 dwelling units per acre was used to calculate the Realistic Capacity. Los Banos 2030. The density of 24 dwelling units per acre is within the General Plan Density range of 12 – 30 du./ac.

The density range listed in the table is the permitted number of units per acre according to the development standards described in the General Plan, which are implemented by the Zoning Ordinance. The City has updated the Zoning Ordinance to include provisions for the Mixed Use General Plan Designation. As can be seen from the data above, there is currently a greater amount of low density residential property available for development within City limits than for medium or high density residential development. This will be discussed further in the Comparison of Available Resources to Future Housing Needs section of this Element.

**Inventory of Non-Vacant Sites**

As discussed above, some of the sites in Table III-2 and Appendix E are non-vacant and have the potential to accommodate some of the regional housing need. Specifically, there are four (4) sites that have the potential to be redeveloped to accommodate lower-income households. These sites are considered underutilized due to the potential for redevelopment and are broken down by size, zoning, current use, pending development, and development potential.

The City has also excluded from the inventory sites that:

- Have significant environmental constraints;
- Are located such that the provision of public services and infrastructure would be problematic;
- Have Williamson Act contracts; and
- Have existing structures or improvements that cannot be easily removed without incurring significant cost.

The following table analyzes the development potential for each site for each site:

**Table III-3  
Inventory of Non-Vacant Sites**

<b>Site and Land Use Considerations</b>	<b>Aerial</b>
<p><u>Site #9</u>  <u>APN: 424-120-012</u>  <u>Size 1.44 acres</u></p> <p><u>General Plan Designation: Medium Density Residential</u>  <u>Zoning: High Density Residential (R-3)</u></p> <p><u>Pending Development: None</u>  <u>Existing Use: Two (2) Buildings located on the site. One (1) building with one (1) auxiliary structure.</u></p> <p><u>Development Potential: Redevelop to up to 35 units with the removal of both structures. Adjacent to State Route 165.</u></p>	

**Site #10**

APN: 428-030-018

Size 1.3 acres

General Plan

Designation: High

Density Residential

Zoning: Highway

Commercial

Pending Development:

None

Existing Use: One (1)

SFD (unit) with barn

and auxiliary

structures.

Development

Potential: With the

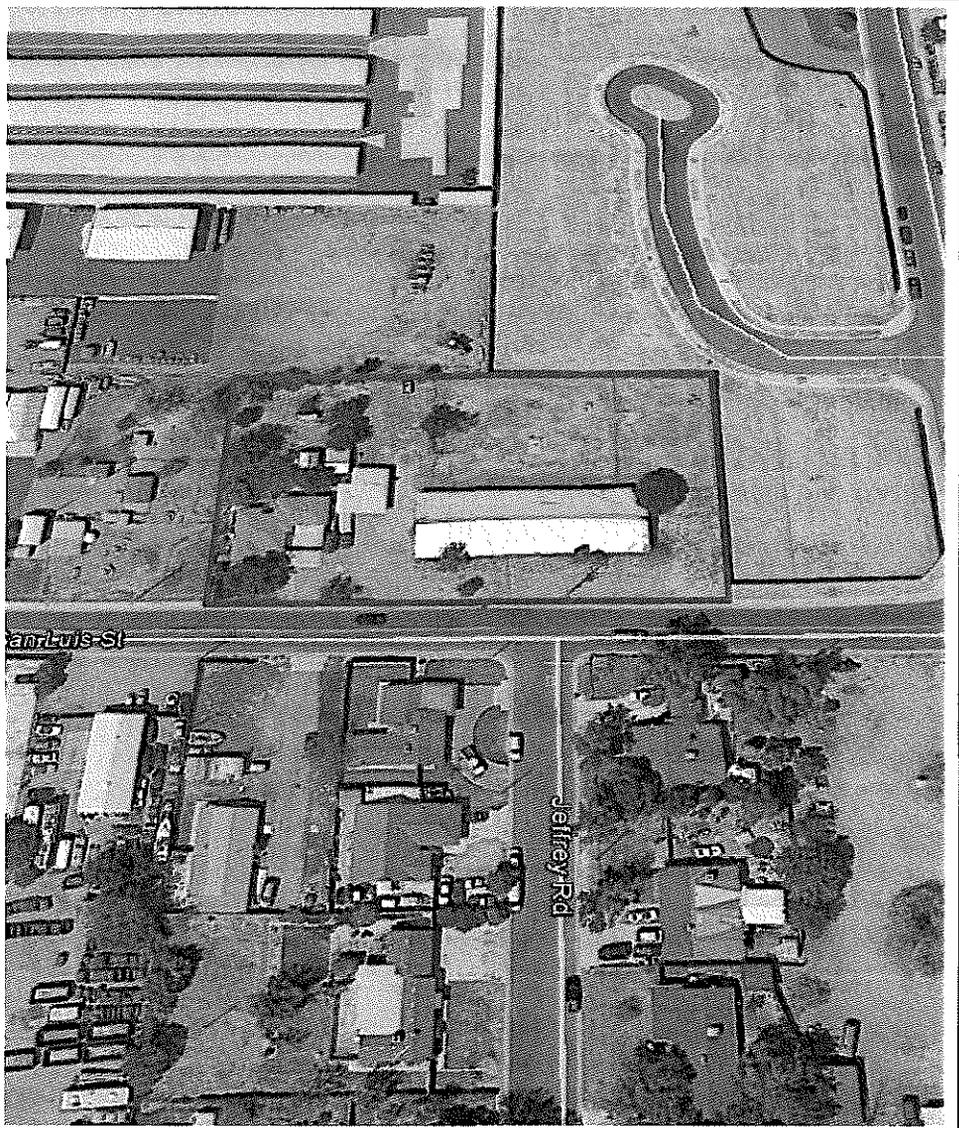
removal of the existing

structures on the site,

the site could be

developed to up to 31

units.



**Site #11**

APN: 428-030-018

Size: 5.9 acres

General Plan

Designation:

Professional Office

Zoning: High Density

Residential

Pending Development:

None

Existing Use: Los Banos Fitness & Racquet Club. Site is partially developed as a fitness center, with racquet club courts.

Development

Potential: Site could be partially developed as a high density use for up to 57 units (2.36 acres). Redevelop to up to 142 units with the removal of the current use and buildings.



Site #11

APN: 428-121-011

Size 2 acres

General Plan

Designation: High

Density Residential

Zoning: High Density

Residential

Pending Development:

None

Existing Use: Single

building. Praise

Fellowship

International Church.

Development

Potential: Redevelop

to up to 48 units with

the removal of the one

(1) structure and

paving.



**Development Standards for Available Land**

In order to implement the policies set forth in the City's General Plan, the Zoning Ordinance establishes specific regulations that influence the types of buildings and uses that are permitted throughout the City. Table III-43 describes the residential zoning districts found in the City's Zoning Ordinance. For each district, the type of housing permitted, maximum building height, minimum lot area, maximum lot coverage, maximum units per minimum lot area, and maximum units per acre is listed.

**Table III-43**

**City of Los Banos Residential Zoning Districts and Selected Development Standards**

District		Permitted Housing Types (s)	Maximum Building Height	Minimum Lot Area (sq ft)	Lot Coverage
R-1	Low	SFD, one Secondary Unit Attached to Main Unit	30 ft.	6,000	70%
R-2	Medium	SFD, Duplexes, Detached SF, Triplexes	30 ft.	4,000	70%
R-3	High	Multi-Family Apartments, Duplexes, Triplexes, Group Dwellings. SFD	50 ft or 30 ft if within 50 ft of Low or Medium Density Residential	1,500	70%
PD	Planned Development	Multi-Family Apartments, Duplexes, Triplexes, Group Dwellings. SFD	50 ft.	None	70%
T	Mobile Home Park	Mobile Homes, Trailer Parks, Tent Campers	30 ft.	R-2: 5 Acres R-3: 4 Acres H-C: 3 Acres	Roofed area not to exceed 75%

*Source: Los Banos Municipal Code*

As can be seen in the above table, the City of Los Banos' Zoning Ordinance provides for a variety of housing types and choices, ranging from single family homes in the R-1 district, to apartments and group dwellings in the R-3 and P-D districts. It should be noted that the City does enforce the minimum densities for each district outlined in the General Plan.

## **4. FUTURE HOUSING DEVELOPMENT**

An important purpose of the Housing Element is to provide analysis as to the availability of land to accommodate future residential development, including specific types of housing that can support individuals of various income levels.

### **Comparison of Land Inventory to Future Housing Needs**

The Merced County Association of Governments (MCAG) is responsible for preparing the Regional Housing Needs Plan that spans the planning period. The most recent plan was adopted by MCAG's Governing Board on June 18, 2015 and covers the period January 1, 2014 through December 31, 2023. Regional Housing Needs Plans set forth allocations for the number of housing units each jurisdiction within a region is responsible to accommodate in their Housing Element. The Regional Housing Need Allocation Plan for Merced County is included in the Housing Element as Appendix G.

The Regional Housing Need Allocation Plan (RHNA) is based on a figure calculated by the State Department of Housing and Community Development (HCD) for the entire County of Merced (15,850 units), which is then sub-allocated to each of the jurisdictions in the County by MCAG. The process used to determine the City of Los Banos' share of the Regional Housing Need Allocation involved consideration of the relative shares of recent population growth, the relative shares of recent housing growth, and comparative income distribution among the seven jurisdictions within the County.

As stated previously, the number of vacant homes within the City and the increased affordability will be a major factor in the amount of housing that will actually be constructed within the City. Affordability still needs to be considered as the Housing Element strives to provide policies, objectives and implementation plans that provide housing for all economic segments of the population. Since January 2014 (the beginning of the RHNA planning period) there have been 164 building permits issued for single family residences, assuming these are all built for above moderate incomes, that leaves 885 above moderate income units to be constructed for the planning period. There were zero (0) building permits issued for multifamily units in 2014.

As can be seen in Table IV-1 and Appendix E, the City of Los Banos does currently have adequate land within the existing City limits to accommodate the needs stated within the RHNA.

As shown previously, the City of Los Banos has a much greater supply of Low Density Residential (R-1) property than that set aside for the other residential land use classifications. Typically, R-3 would accommodate lower income residents based on affordability and sales/rent price.

A good example of how the zoning encourages and facilitates housing for lower income households would be the Pacheco Village Apartments project that was constructed in the R-3 Classification. This project included 105 residential units on 6.3 acres. Of those

units, 21 were set aside for homeless people or extremely low income, 34 units were set aside for very low income residents and the remaining 50 were set aside for low to very low income residents.

**Table IV-1  
Ability to Accommodate Regional Housing Needs Allocation**

	<b>Extremely Low</b>	<b>Very-Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
HCD RHNA Allocation (Jan 2014 – Sept 2023)	326	278	431	396	1,049	2,473
Units Produced – <b>January 2014 – December 2014</b> <sup>(1)</sup>	0	0	0	0	164	164
Net Allocation to be Met	326	278	431	396	885	2,309
<i>Allocation to be Met</i>		1,035		396	885	2,309
<b>Holding Capacity Within the City Limits</b>						
Potential Units in Unfinished Subdivisions		0		712	1,060	1,772
Potential Units in Vacant and Underutilized Land		665581 <sup>(2)</sup>		1,222	2,171	-4,054 <u>3,974</u>
<i>City Holding Capacity Subtotal</i>		<u>665581</u>		1,934	3,231	-5,826 <u>5,746</u>
<b>Surplus(Shortfall)</b>		<b>(454370)</b>		<b>1,538</b>	<b>2,346</b>	<b>-3,514 <u>3,430</u></b>
<small>(1) Units with final building permits issued between January 2014 and December 2014  (2) Overland Courts is an approved 69 unit Senior Housing project and is a one to two-bedroom age and income restricted apartment project. A detailed analysis of this apartment project and the restrictive income and rent can be found in Table V-2 through V-4. This project has been counted toward the Lower Income Housing Need.  Source: City of Los Banos and J.B. Anderson Land Use Planning</small>						

Based on the analysis in Table IV-1, the City has a 5<sup>th</sup> Cycle shortfall of 370 units within the Lower Income groups. At twenty-four (20) dwelling units per acre (Default Density), the City will need to rezone approximately ~~22.74~~<sup>22.74+8.5</sup> acres to address RHNA. Program 1C has been added to the 2014-2023 Housing Element, requiring the City to rezone approximately twenty (230) acres of vacant land currently zoned R-1 to the R-3 zoning districts. The rezone sites will be selected from the list of identified sites within the R-1 zone in Appendix E of this Element and will include only sites that are no less than one (1) acre and no larger than ten (10) acres in size.

In addition to the traditional R-1, R-2 and R-3 Zoning, the City also has 6.9 acres of mixed use land which could potentially accommodate up to 62 residences and 1.6 acres in the downtown district which could potentially accommodate up to 14 residences.

**Adequacy of Public Facilities and Infrastructure**

The City encourages infill housing within the City limits due to the provision of adequate water and sewer infrastructure, as well as proximity to other services such as fire, police, medical clinics and recreational facilities. New housing development to take place within the City limits will inevitably gain access to all of the City’s facilities and infrastructure.

In the event that residential development occurs outside the boundaries of existing infrastructure, the City requires developers to pay the costs.

The following discussion provides an analysis of the specific components of public facilities and infrastructure located in the City, including roads, parks, police, fire, schools, storm drainage, water and sewer services. Where applicable, the City's plans to accommodate future residential growth are described.

## **Roads**

The adequacy and capacity of circulation systems influences the nature, extent and pace of urban development. Roadways in Los Banos are classified based on design (size and number of lanes), volume (number of cars that can pass over an average day) and the type of traffic that the street is likely to accommodate (industrial vs. residential). Most people live on a Local Street or a Cul-de-sac that is designed to service just a few residential homes. Collector streets gather traffic from several Local Streets and direct it toward Collector and the Major Collector or Arterial streets, which serve to move large amounts of traffic longer distances.

The Circulation Element of the Los Banos General Plan indicates that the City has adopted a Level of Service (LOS) C at segments and Level of Service (LOS) D at intersections. This level of service is consistent with other communities and provides for an affordable circulation system, while minimizing delays and inconvenience to the traveling public. New development projects are required to construct road improvements in the vicinity of the project based on recommendations by traffic engineers. Furthermore, Area of Benefit analysis' and Reimbursement Agreements may be developed to fund a particular improvement.

The City of Los Banos supports and participates in the development of the Merced County Regional Transportation Plan (RTP). The RTP identifies local projects the City will undertake during a five year planning period with funds made available through Federal, State and local sources. Additionally, the RTP establishes a long-range plan that identifies road maintenance and repair design over a twenty year period. The RTP is updated every three years.

The City of Los Banos adopted a Regional Transportation Impact Fee that is countywide. This fee goes to fund major regional projects. This fee is paid by the majority of the communities in Merced County. However, these fees were suspended by the City Council. On February 19, 2014, the City Council temporarily suspended the collection of RTIF for a period of twelve months from the effective date of the Ordinance for the following categories:

- Retail commercial, general;
- Retail commercial, high turnover;
- Retail commercial, low turnover;
- Retail commercial, over 50,000 sq. ft.;

- Office commercial; and
- Industrial/Ag processing.

On August 6, 2014, the City Council adopted an ordinance that indefinitely suspended the collection of all RTIF for all land use categories, including the above land use categories as well as:

- Residential, single-family; and
- Residential, multi-family.

### **Parks**

The City of Los Banos distinguishes between playlots, pocket parks, neighborhood parks, and community parks. Essentially, a playlot is a small area intended as a substitute for back yards in high density residential areas. Pocket parks are between one-quarter acre and two acres in size, whereas neighborhood parks range from two to nine acres and community parks are larger than nine acres.

The Parks, Open Space, and Resources Element of the General Plan establishes standards of 5 acres of parks per 1,000 residents. This standard is consistent with the City's Ordinances implementing the Quimby Act, which allows for dedications of parkland or in-lieu payment for parks development as a condition of development. The size and location of the parks will depend on timing of development and siting of other City and school district facilities.

### **Police**

The Los Banos Police Department currently operates out of a single station located in the downtown area of the City. Staffing has just been reduced due to budgetary reasons but new development and repopulation of existing homes will bring about additional impact fees and sales tax which will allow the police force to be re-staffed.

### **Fire**

The City Fire Department currently operates with nineteen full-time staff members (including clerical and support staff) and approximately thirty certified volunteers. Fire Dispatch is handled through the Los Banos Police Department.

The City is currently served by two fire stations, both of which are located within City limits. The service areas for each station are designed to allow for an approximate five to six minute response time. However, upon further buildout, the General Plan states the need for an eventual third station to the east of Highway 165, since continued development to the east and south would likely be outside of an acceptable response time. The fire flow requirement for new residential development is 2,000 gallons per minute (compared to 3,500 gallons per minute for commercial and industrial uses). In the Insurance Services Office's (ISO) review, the City was rated at ISO level 3.

## **Schools**

The Los Banos Unified School District is currently composed of approximately 10,061 kindergarten through twelfth grade students. The District is comprised of six elementary schools, one intermediate (grades K-6), one junior high (grades 7-8), two high schools (grades 9-12), one alternative high school, and one community day school. The District also has an adult education program and a latchkey child care program.

Student levels have decreased, as has funding over the past year. This has not been the trend over the past two decades in which there was a steady growth rate as shown in the population section of the Housing Needs Assessment of this Element. The reduction in the City population and increase in housing vacancies have caused this recent change. It is anticipated that within the next couple of years that this recent trend will revert back to the previous growth that was seen.

The District plans to finance its estimated \$129 million in facilities needs costs (through to the 2014-2015 school year) by utilizing a variety of sources, including several State funding programs and initiating local tax and bond measures. Most recently, the District has incorporated a Mello-Roos Community Facilities District that would establish a fee for residential building permits at \$8,500, a fee for certificates of occupancy at \$8,500; and an annual fee for each home within the Mello-Roos District at \$60 for 30 years.

## **Storm Drainage**

Storm water drainage is accomplished in the City through a system of storm water collection facilities that ultimately discharge into a number of canals owned and operated by irrigation or water districts. Although the City of Los Banos Department of Public Works is responsible for implementing the Drainage Master Plan and maintaining the system, drainage maintenance is not an enterprise function of the City. Typically, drainage maintenance funding is provided in new developments through the formation of drainage maintenance districts.

The Storm Drain Master Plan was adopted in 2008 and further amended in 2010. The Plan proposes collection and regional disposal facilities tied to an on-going relationship with canal districts. Minimum sizes and design criteria for drainage basins are identified. All future drainage basins shall be dual use Park/Drainage facilities.

## **Water**

Domestic water in the Los Banos area is provided by the City of Los Banos. The Public Works Department is responsible for maintaining the existing wells and distribution system. The water system is operated as a municipal enterprise, meaning that the revenue generated through user's fees must be sufficient to meet the operation, maintenance and capital costs of the system.

The City of Los Banos and surrounding urban areas draw local groundwater to meet all domestic, commercial and industrial water demands. The City currently pumps about 6,050 acre-feet of water per year for domestic purposes. The typical residential demand is approximately 161 gallons per day per person, according to the City's Master Plan for Water Distribution System, dated 2008 and amended in 2010. Additionally, the Average Daily Demand (ADD) equals 7.5 million gallons per day (mgd) in 2006. Water meters are required for all new development in the City. Water meters are considered an essential factor in water conservation efforts.

The City's distribution system consists of a looped water system using mains ranging from four inches to sixteen inches. Growth of the system to serve new development will require continued looping of lines and expansion of fire flow reserve capacities. Additional water wells and storage facilities have been planned for in the City of Los Banos 2008 Master Plan. Storage facilities include tanks with booster pump stations at strategic locations within the City.

It is anticipated that the City's existing water supply will be able to meet the demands of the City's regional housing needs for the 2014-2023 planning period.

### **Sewer**

The City's Public Works Department operates its wastewater collection and treatment function as an enterprise fund, meaning that the cost is covered by revenue from users, such as connection charges and monthly use charges. The Public Works Department is supervised by the City's Manager and the City Council. The City maintains approximately 124 miles of sewer mains, which drain into seven treatment ponds covering approximately 500 acres. The City also uses 600 acres of pasture for irrigation and disposal of treated effluent. In total, the City processes approximately 3.0 million gallons of effluent per day.

The City of Los Banos 2030 General Plan anticipates that the population will grow to 90,000 residents by buildout. Serving this population will require additional transmission and treatment infrastructure that separates wastewater from the storm water drainage system.

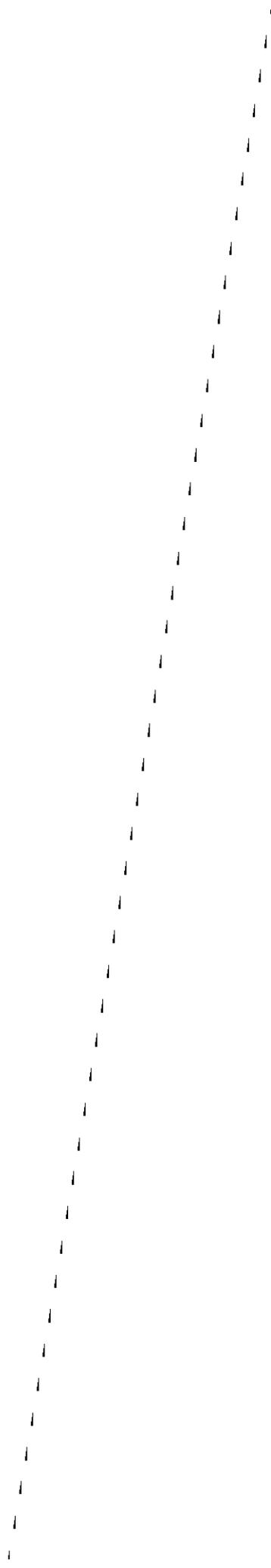
According to the City's Master Plan for Wastewater Collection System, dated September 2008 and amended March 2010, at 100 percent buildout of the General Plan and based on historical trends and coefficients, the City can expect an average daily flow (gdp) between 9.4 and 11.0 mgd. To accommodate this growth, the City's Master Plan identifies upgrades and new infrastructure. According to the Los Banos Municipal Service Review, dated March 22, 2012, the Meadowlands lift station will need to be upgraded to meet buildout flow requirements.

It is anticipated that the City has sufficient capacity in its Waste Water Treatment Plan (WWTP) to accommodate the demand of the City's regional housing needs for the 2014-2023 planning period.

## **5. REVIEW OF THE 2009-2014 HOUSING ELEMENT**

An important aspect of the Housing Element is an evaluation of achievements under the policies and implementation programs included in the previously adopted Housing Element. The evaluation provides valuable information on the extent to which programs have been successful in achieving stated objectives and addressing local needs and to which these programs continue to be relevant in addressing current and future housing needs in Los Banos. The evaluation also provides the basis for recommended modifications to policies and programs and the establishment of new objectives in the Housing Element.

The following is a summary of accomplishments of the City's 2009-2014 Housing Element:



**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
<b>Objective 1</b>	<b>Provide adequate sites for residential development and alternative housing choices at affordable costs for all segments of the City</b>		<b>See discussion on implementation program 1 – 1C below.</b>
1	Continue to use Redevelopment Authority funds for low and moderate income housing.	Deleted	Since the elimination of the City’s Redevelopment Agency, funding sources for housing has been limited to down payment assistance for lower income households.  Therefore, this program will be deleted as part of the 2014-2023 Housing Element
1A	Create and maintain an up to date site inventory detailing the amount, type and size of vacant and underused parcels, and assist developers in identifying land suitable for residential development	Ongoing	The City continues to maintain the Vacant Sites Inventory contained in this Housing Element as Appendix E. Through the 2014-2023 Housing Element Update process, Appendix E has been updated. The City will continue to assist developers in identifying land suitable for residential development.  Therefore, this program will be continued as part of the 2014-2023 Housing Element
1B	Continue to seek grant funding from State and Federal sources to assist in the development of affordable housing	Ongoing	The City continues to seek grant funding from State and Federal sources to assist in the development of housing. Recently, the City assisted in the HOME grant fund application and submittal for a 69 unit Senior Living Apartment Community known as Overland Courts. This apartment complex targets Very Low Income seniors or a household income of 30% of the County median.  As a result, Program 1B has been successful and will be continued as part of the 2014-2023 Housing Element.

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
1C	To facilitate the development of multifamily housing affordable to lower-income households, the City will identify and rezone approximately 25 acres of vacant land currently zoned R-1 to the R-3 zoning district, allowing exclusively residential uses by right (not requiring a conditional use permit, planned development or any other discretionary approval), containing a minimum of 16 units per site and a minimum density of 20 units per acre by December 2011. The rezoned sites will be selected from the list of identified sites within the R-1 zone in Appendix E of this element and will include only sites that are no less than one acre and no larger than 10 acres in size	Ongoing	<p>An AB1233 analysis has been completed as part of the 2014-2023 Housing Element to determine the Unaccommodated Need for the City for the 2014-2023 Planning Period. This analysis is included in Appendix E. Results of the analysis conclude that the City has an unaccommodated need for forty-six (46) extremely low income units, zero (0) very low income units and zero (0) low income units. Calculated to the amount of acres that need to be rezoned (at 20 dwelling units per acre), this results in 2.30 acres that need to be rezoned from R-1 to R-3 to allow for multi-family residential development.</p> <p>As a result, Program 1D has been added to the 2014-2023 Housing Element, requiring the City to rezone the sites listed in Table V-6 by March of 2017.</p>
<b>Objective 2</b>	<b>Mitigate the impacts of the housing finance crisis currently impacting the Los Banos Housing Market</b>		<b>See discussion on implementation program 2 – 2B</b>
2	Develop and implement Neighborhood Stabilization Program.	Completed	The City of Los Banos has completed and implemented a Neighborhood Stabilization Program.

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
2A	Continue to utilize State funding for first time homebuyers program	Ongoing	<p>The City did not receive any housing funds during the period of 2009-2014, with the exception of the Neighborhood Stabilization Program, including funding for the first-time homebuyers program. However, as funds and staff time become available, the City will apply for and utilize State funding for the first-time homebuyer program.</p> <p>As a result, this program will be continued as part of the 2014-2023 Housing Element.</p>
2B	Actively enforce Nuisance Ordinance with regard to abandoned or vacant homes	Ongoing	<p>The City continues to enforce the Nuisance Ordinance with regard to abandoned or vacant homes. The City, through the Code Enforcement Officer, respond to complaints with regards to abandoned or vacant homes being vandalized, occupied by homeless and/or vagrants and anything that would qualify as a public nuisance.</p> <p>Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
<b>Objective 3</b>	<b>Encourage the maintenance, improvement and rehabilitation of the City's existing housing stock and encourage the maintenance and upkeep of existing affordable housing.</b>		<b>See discussion on implementation program 3 – 3D</b>

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
3	Continue programs for rehabilitation	Ongoing	As discussed above, the City did not receive any housing funds during the period of 2009-2014, with the exception of the Neighborhood Stabilization Program (NSP), including programs for rehabilitation. However, as funds and staff time become available, the City will apply for and utilize State funding for the rehabilitation program.  Therefore, this program will be continued as part of the 2014-2023 Housing Element.
3A	Provide information to homeowners and nonprofit groups regarding funding and assistance programs	Ongoing	The City continues to make available information to homeowners and nonprofit groups regarding funding and assistance programs. Information is also available on the City's website.  Therefore, this program has been successful and will be continued as part of the 2014-2023 Housing Element.
3B	Monitor at risk units by establishing and maintaining close contact with property owners regarding their long term plan for projects on an annual basis. Seek funds to purchase and preserve the affordability of the units and establish and implement proactive tenant noticing and education strategy	Ongoing	The City continues to monitor at risk units by contacting property owners and low income housing providers on an annual basis. However, due to the elimination of RDA and RDA related funding, it is unlikely that the City will be able to purchase and preserve at risk units. The City can provide other services, such as provide information to property owners and residents of at risk units on other affordable housing developments and direct residents to the Housing Authority of Merced County.  Therefore, this program will be continued as part of the 2014-2023 Housing Element.

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
3D	Establish and implement a program to reduce, waive or subsidize local development fees associated with preservation or replacement of at-risk units	Continued	The City did not establish and implement a program to reduce, waive or subsidize local development fees during the 2009-2014 planning period. Therefore, this program will be continued as part of the 2014-2023 Housing Element.
<b>Objective 4</b>	<b>Achieve energy efficiency in housing activities</b>		<b>See discussion on implementation program 4 – 4B</b>
4	Continue to enforce State energy conservation requirements such as Title 24 of the Building Energy Efficiency Standards for new residential projects and encourage residential developers to employ additional energy conservation measures with respect to: subdivision design, siting of homes on the lot, landscaping and solar access.	Ongoing	The City continues to enforce State energy conservation requirements such as Title 24 of the Building Energy Efficiency Standards through the use of the 2013 California Building Code. Any new residential must comply with the Building Code as well as Title 24.  Therefore, this program has been successful and will be continued as part of the 2014-2023 Housing Element.
4A	Promote standards that promote passive solar heating, overhangs on south facing windows, planting of deciduous trees on the west and south.	Ongoing	Through Title 24 of the California Building Code, Architecture and Site Plan Review for multi-family units and pre-application conferences with applicants, the City continues to promote energy efficient standards.  Therefore, this program will be continued as part of the 2014-2023 Housing Element.

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
4B	Apply for funds to assist residents with energy conservation retrofits and weatherization resources	Ongoing	<p>As part of the 2011 Budget Act, the Legislature approved the dissolution for the State's 400 plus Redevelopment Agencies (RDA), including Los Banos. RDA funding is no longer available and as such, the City cannot continue Program 5a and utilize RDA funding for affordable housing. Staff and funding sources to assist residents with energy conservation fits and weatherization resources if limited.</p> <p>However, the City will continue to direct residents to energy conservation resources.</p> <p>Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
<b>Objective 5</b>	<b>Ensure that all residents have access to housing</b>		<b>See discussion on implementation program 5 – 5F</b>
5	Support and help to expedite the construction of Phase II of the Pacheco Village Apartments which provides housing for extremely low, very low, and low income residents	Completed	<p>Phase II of the Pacheco Village (Los Banos Family Apartments II) was completed in 2010 and includes housing units for extremely low, very low, and low income households.</p> <p>This program has been completed and as such, deleted from the 2014-2023 Housing Element.</p>
5A	Continue to utilize RDA funding for affordable housing	Deleted	<p>As part of the 2011 Budget Act, the Legislature approved the dissolution for the State's 400 plus Redevelopment Agencies (RDA), including Los Banos. RDA funding is no longer available and as such, the City cannot continue Program 5a and utilize RDA funding for affordable housing.</p> <p>Therefore, this program has been deleted as part of the 2014-2023 Housing Element</p>

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
5B	Evaluate Zoning Map to ensure that higher density zoning is adjusted to services and transit and make changes if necessary, also work with developers on future developments to ensure close proximity of services to higher density residential uses.	Ongoing	<p>The City continues to evaluate the Zoning Map on a regular basis to ensure that Higher Density Zoning as well as proposed Higher Density Zoning is close to services. As part of the timing for this Program, the City did <u>not</u> make any changes to the Zoning Map. However, the City will continue to work with developers, as project applications are submitted, to ensure that higher density zoning and uses are in close proximity to services.</p> <p>Therefore, this program has been continued as part of the 2014-2023 Housing Element.</p>
5C	Seek additional rental assistance programs	Ongoing	The City will continue to seek additional rental assistance programs through State and Federal Grants. Therefore, this program will be continued as part of the 2014-2023 Housing Element.
5D	Establish and implement a Reasonable Accommodation Ordinance	Continued	This program was <u>not</u> completed as part of the 2009-2014 Housing Element. As a result, this program will be continued as part of the 2014-2023 Housing Element and will be completed within the first year following Housing Element adoption.

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
5E	The City will work with the Merced County Housing Authority to provide fair housing services to its residents and property owners by Distributing educational materials to property owners, apartment managers, and tenants, making public service announcements via different media (e.g., newspaper ads and public service announcements at local radio and television channels, responding to complaints of discrimination (i.e., in-taking, investigation of complaints, and resolution)) and Referring services to appropriate agencies	Ongoing	<p>The City continues to work with the Merced County Housing Authority to provide information to residents and property owners about affordable housing opportunities. Additionally, the City refers residents seeking Farmworker Housing and other Affordable Housing to the Merced County Housing Authority website and office.</p> <p>This program has been successful and therefore will be continued as part of the 2014-2023 Housing Element.</p>
5F	Set aside \$980,767.70 of RDA funding for the construction of housing for those with extremely low income or to establish rental programs for this income group	Deleted	<p>As part of the 2011 Budget Act, the Legislature approved the dissolution for the State's 400 plus Redevelopment Agencies (RDA), including Los Banos. RDA funding is no longer available and as such, the City cannot continue Program 5a and utilize RDA funding for affordable housing.</p> <p>Therefore, this program has been deleted as part of the 2014-2023 Housing Element</p>
<b>Objective 6</b>	<b>Increase the percentage of homeowners in the City and provide adequate information on all possible housing assistance programs and distribute to homeowners, developers and other residents</b>		<b>See discussion on implementation program 6 – 6A</b>

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
6	Continue to maintain programs providing assistance for first time homebuyers	Ongoing	As stated above, the City did not receive any funding for first-time homebuyers during the 2009-2014 planning period. However, the City will maintain Program 2A and provide assistance for first-time homebuyers in the form of information on potential State rebates and tax incentives.  Therefore, this program will be continued as part of the 2014-2023 Housing Element.
6A	Seek additional funding sources for acquisition of homes	Deleted	As discussed above, the State eliminated all 400 RDAs, including Los Banos. Funding for the acquisition of homes is extremely limited and with limited staff devoted to this task, it is unlikely that the City will be in a position to fund the acquisition of homes.  Therefore, this program has been deleted as part of the 2014-2023 Housing Element.
<b>Objective 7</b>	<b>Maintain an adequate percentage of affordable rental units within the City to accommodate all income groups and family types</b>		<b>See discussion on implementation program 7 – 7B</b>
7	Continue to utilize RDA funding for affordable housing projects	Deleted	As with Program 1 and 7, the 2011 Budget Act eliminated the State’s 400 plus Redevelopment Agencies (RDA), including Los Banos. RDA funding is no longer available and as such, the City cannot continue Program 7 and utilize RDA funding for affordable housing.  Therefore, this program has been deleted as part of the 2014-2023 Housing Element.

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
7A	Maintain contact with owners of affordable rental properties and provide information relating to maintenance and rehabilitation	Ongoing	<p>As State funding becomes available for rehabilitation efforts for residential properties, the City will provide outreach to rental properties and provide information relating to the maintenance and rehabilitation residential units / projects.</p> <p>Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
7B	Continue with funding programs established for rehabilitation targeting affordable rental units	Ongoing	<p>As stated above, the City did not receive any funding for rehabilitation efforts during the 2009-2014 planning period. However, the City will maintain Program 7B and as funding becomes available from the State, the City will continue rehabilitation efforts targeting affordable rental units.</p> <p>Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
<b>Objective 8</b>	<b>Encourage redevelopment and new development projects for special need groups</b>		<b>See discussion on implementation program 8 – 8D</b>
8	Update Zoning Ordinance to allow for emergency shelters in the R-2 and Commercial Districts as permitted uses that will be subject to the same development and management standards that apply to other permitted uses within these zones and include definitions of such use	Completed	<p>This program was complete during the 2009-2014 Housing Element Planning Period and Emergency Shelters are permitted by-right in the R-2 and R-3 Zoning District and does not require a Conditional Use Permit. Additionally, Emergency Shelters are subject to the same development and management standards that apply to other permitted uses in these zones.</p> <p style="text-align: center;">This program has been completed.</p>

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
8A	Update Zoning Ordinance to allow for transitional and supportive housing in the Residential Districts (R-1, R-2, R-3) and include definitions of such use	Completed	<p>This program was complete during the 2009-2014 Housing Element Planning Period and Transitional and Supportive Housing are permitted by-right in the R-1, R-2 and R-3 Zoning Districts. The definitions section of the Zoning Code has also been updated to provide the definitions for Transitional Housing and Supportive Housing.</p> <p align="center">This program has been completed.</p>
8B	Update Zoning Ordinance to allow for special needs housing and employee housing as permitted uses in the Residential Zoning Classifications (R-1/R-2/R-3)	Completed.	<p>This program was completed during the 2009-2014 Housing Element Planning Period and Employee Housing for up to 6 persons is permitted by-right and Employee Housing for more than 6 persons is permitted with a Conditional Use Permit the R-1 and R-2 zoning districts and permitted by-right in the R-3 zoning district. Special Housing Needs for up to 6 persons is permitted by-right in the R-1 and R-2 zoning district. Special Housing Needs for more than 6 persons is permitted with a Conditional Use Permit in the R-1 and R-2 Zoning Districts and permitted by-right in the R-3 Zoning District.</p> <p align="center">This program has been completed.</p>
8C	Continue to utilize State, Federal, and RDA funding to assist with projects for special needs housing	Ongoing	<p>The City continues to seek grant funding from State and Federal sources to assist in the development of housing. The City will continue to seek State and Federal funding to assist projects targeted for special needs housing.</p> <p align="center">Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>

**Table V-1  
Evaluation of 2009-2014 Housing Element Programs  
2015**

<b>Implementation Program Summary</b>		<b>Status</b>	<b>Evaluation</b>
8D	Work with community based organizations and developers with regard to special needs housing and information on emergency shelters	Ongoing	<p>The City will continue to work with community based organizations and developers with regard to special needs housing and information on emergency shelters. Since the elimination of the Los Banos RDA, funding assistance to developers is limited. However, the City will continue to assist developers in identifying suitable sites and information on emergency shelters.</p> <p>Therefore, this program will be continued as part of the 2014-2023 Housing Element, with the elimination of the RDA language.</p>

**Evaluation of Program 1C**

Pursuant to Chapter 614, Statutes of 2005 (AB 1233) (Government Code Section 65584.09), if the City of Los Banos failed to make adequate sites available to accommodate the regional housing need in the prior planning period, including failure to implement rezoning, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2014-2023 planning period. Program 1C required the City to rezone twenty-five (25) acres and adopt a general plan amendment (if necessary).

Between January 1, 2007 and June 23, 2014, there were three (3) affordable housing developments approved and/or constructed in the City of Los Banos. Table V-2 below shows the project characteristics, which includes 251 affordable units approved and/or constructed and they include: Overland Court Apartments, Los Banos I Family Apartments and Los Banos II Family Apartments.

**Table V-2  
Affordable Housing Project Characteristics**

<b>Project</b>	<b>Address</b>	<b>GP</b>	<b>Zoning</b>	<b>APN</b>	<b>Acres</b>	<b>Total Units</b>	<b>Affordable Units</b>	<b>Density</b>	<b>Year Approved/Constructed</b>
Overland Court Apartments	Rockport Dr. and Overland Ave.	MDR	PD	424-120-016	4.32	70	69	15.0	2013
Los Banos I Family Apartments	2241 Gilbert Gonzalez Dr.	MDR	PD	083-100-082	6.2	105	103	16.9	2008
Los Banos II Family Apartments	2125 Gilbert Gonzalez Jr. Dr.	MDR	PD	083-100-083	5.17	80	79	15.5	2007/2010
<b>Total</b>						<b>255</b>	<b>251</b>		

Notes:

MDR = Medium Density Residential (8-16 du/acre)

PD = Planned Development

In all three affordable housing projects, each unit is identified as targeting a specific income group (extremely low-, very low-, and low-income). This is done by setting the rent (including utilities) at a specific dollar amount so that it is below the median family income by a certain percentage, i.e. 30% below median income, 50% below median income, etc. As depicted below in Table V-3, each affordable housing unit is separated by bedroom, current/proposed rent as well as percentage versus the area medium income. Based on HUD Income Limits for 2015, the income categories are divided as such:

<b>Extremely-Low-Income</b>	=Households who earn 30% or less of the area median income.
<b>Very-Low-Income</b>	=Households who earn between 31% and 50% of the area median income.
<b>Low-Income</b>	=Households who earn between 51% and 80% of the median area income.
<b>Moderate-Income</b>	=Households who earn between 81% and 120% of the area median income. (100% of the area median income for 2015 is \$52,500 for a family of four in Merced County.)
<b>Above Moderate Income</b>	=Above 120% of the area median income.

**Table V-3  
Rent Versus Median Income**

<b>Project Name</b>		<b>30%</b>	<b>50%</b>	<b>55%</b>	<b>60%</b>
<b>Overland Court Senior Apartments</b>	One-Bedroom Rent	\$320.00	\$543.00	\$587.00	N/A
	Two-Bedroom Rent	\$384.00	N/A	\$705.00	\$769.00
<b>Unit Count</b>	One-Bedroom	5	34	17	0
	Two-Bedroom	2	0	4	7
<i>Note: Proposed Rent includes Utilities. Project not Constructed</i>					
		<b>30%</b>	<b>40%</b>	<b>50%</b>	<b>60%</b>
<b>Los Banos I Family Apartments</b>	One-Bedroom Rent	\$289.00	\$386.00	\$483.00	\$579.00
	Two-Bedroom Rent	\$348.00	\$464.00	\$580.00	\$696.00
	Three Bedroom Rent	\$401.00	\$535.00	\$669.00	\$802.00
	Four-Bedroom Rent	\$447.00	\$596.00	\$746.00	\$895.00
<b>Unit Count</b>	One-Bedroom	2	2	4	4
	Two-Bedroom	4	4	14	10
	Three Bedroom	4	4	14	1
	Four Bedroom	1	2	3	1
<i>Note: Rent includes Utilities</i>					
		<b>30%</b>	<b>50%</b>	<b>55%</b>	<b>60%</b>
<b>Los Banos II Family Apartments</b>	One-Bedroom Rent	\$313.00	\$523.00	\$575.00	\$627.00
	Two-Bedroom Rent	\$376.00	\$627.00	\$689.00	\$753.00
	Three-Bedroom Rent	\$435.00	\$725.00	\$797.00	\$870.00
	Four-Bedroom Rent	\$485.00	\$808.00	\$888.00	N/A
<b>Unit Count</b>	One-Bedroom	1	3	7	1
	Two-Bedroom	3	8	6	5
	Three-Bedroom	3	8	16	5
	Four-Bedroom	1	1	1	0

*Note: Rent includes Utilities. Sources:*

*Overland Court Apartments: California Tax Credit Allocation Committee Staff Report 2015 Second Round, Dated September 23, 2015*

*Los Banos Family Apartments: California Tax Credit Allocation Committee Project Staff Report 2007 Second Round, Dated September 26, 2007*

*Los Banos II Family Apartments California Tax Credit Allocation Committee Project Staff Report 2009 Single Round September 10, 2009*

Table V-4 totals the units by bedroom and income category to utilize in the AB1233 Analysis in Table V-5. As shown below, 26 units are set-aside for Extremely Low-Income households, 127 are set-aside for Very-Low Income households and 98 are set-aside for Low-Income households. These units are spread among one-bedroom, two-bedroom, three-bedroom and four-bedroom units.

**Table V-4  
Income Category By Unit**

<b>Project Name</b>	<b>Bedrooms</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>
<b>Overland Court Apartments - Total Units = 69</b>	One-Bedroom	5	34	17
	Two-Bedroom	2	4	7
<i>Subtotal by Bedroom</i>		<i>7</i>	<i>38</i>	<i>24</i>
<i>One (1) Two-Bedroom Manager Unit Excluded</i>				
<b>Los Banos Family Apartments - Total Units = 103</b>	One-Bedroom	2	10	4
	Two-Bedroom	4	26	10
	Three-Bedroom	4	26	8
	Four Bedroom	1	7	1
<i>Subtotal by Bedroom</i>		<i>11</i>	<i>69</i>	<i>23</i>
<i>Two (2) Three-Bedroom Manager Unit Excluded</i>				
<b>Los Banos II Family Apartments - Total Units = 79</b>	One-Bedroom	1	3	8
	Two-Bedroom	3	8	21
	Three-Bedroom	3	8	21
	Four-Bedroom	1	1	1
<i>Subtotal by Bedroom</i>		<i>8</i>	<i>20</i>	<i>51</i>
<i>One (1) Four-Bedroom Manager Unit Excluded</i>				
<b>Total by Bedroom</b>		<b>26</b>	<b>127</b>	<b>98</b>

As discussed above, Government Code Section 65584.09 mandates that “where a local government failed to identify or make adequate sites available in the prior planning period, the jurisdiction must zone or rezone adequate sites to address the unaccommodated housing need within the first year of the new planning period. In addition to demonstrating adequate sites for the new planning period,

the updated housing element must identify the unaccommodated housing need by income level. To determine the unaccommodated need, jurisdictions could take the following steps:”

- Subtract the number of units approved or constructed (by income) since the beginning of the previous planning period’s RHNA baseline data.
- Subtract the number of units could be accommodated on any appropriately zoned site specifically identified in the element adopted for the previous planning period (not counted above).
- Subtract the number of units accommodated on site that have been rezoned for residential development pursuant to the site identification programs in the element adopted for the prior planning period.
- Subtract the number of units accommodated on sites rezoned for residential development independent of the sites rezoned in conjunction with the element’s site identification programs as described above.

**Table V-5  
AB1233 Analysis – 4<sup>th</sup> Cycle**

<b>Regional Housing Needs Allocation (RHNA)</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>
	263	262	403	602	1,470
<b>1) Units Approved/Constructed from January 2007- June 2014</b>	26	127	98	0	0
<b>2) Previously Identified Sites Currently Available in Acres (Capacity)</b>	156	135	305	1,691	N/A
<b>3) Sites Rezoned pursuant to Housing Element Program</b>	0	0	0	N/A	N/A
<b>4) Sites Rezoned (other)</b>	0	0	0	N/A	N/A
<b>Remaining Need</b>	81	0	0	N/A	N/A
<b>Total Remaining Need</b>					<b>81</b>
<b>Total Remaining Need (Acres) (20 du/acre)</b>					<b>4.05</b>

*Notes:*

1) 24.8 acres identified in the 5<sup>th</sup> Cycle Housing Element that could accommodate 596 units using a density of 24 du/acre.

2) Previously identified sites currently available for the Moderate Income Group include 241.71 gross acres zoned R-2 as part of the 2009-2014 Housing Element

As shown in Table V-5 above, the Total Remaining Need from the 4<sup>th</sup> Cycle Planning Period for Los Banos to zone or rezone is 4.05 acres, or 81 units (24 dwelling units per acre). This is calculated using AB1233 instructions above as well as identifying the Units Approved/Constructed from January 2007 to June 2014, as depicted in Table V-2, V-3 and V-4.

Pursuant to AB1233 and Housing Element Law, the site as part of the rezone program must comply with suitability requirements set forth in Government Code Section 65583.2. Specifically, the site must be by-right, meaning that (a) local government review must not require a conditional use permit, a planned unit development or other discretionary approval, (b) be zoned and have development standards that permit at least 16 units per site, (c) have a minimum density of 20 units per acre, and (d) at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only, unless otherwise meeting statutory requirements for mixed use.

The requirement to address the unaccommodated housing need for the previous planning period is **in addition** to the requirement to identify other specific sites to accommodate the RHNA for the new planning period. The site(s) identified to be zoned or rezoned to address the unaccommodated need from the 4<sup>th</sup> Cycle may not count for the sites used to address the new planning period (5<sup>th</sup> Cycle).

To address the unaccommodated need as analyzed in Table V-5 of 4.05 acres (81 units), the City has identified one (1) site to be rezoned within the first year of the new planning period. For Merced County, the rezone requirement must be done by March 31, 2017 for the Housing Element to remain in compliance with HCD. The site(s) to be rezoned to meet this requirement is shown in Table V-6 below.

**Table V-6  
Site Inventory for Rezone**

<b>Site No.</b>	<b>APN</b>	<b>Address</b>	<b>Acres</b>	<b>General Plan</b>	<b>Current Zoning</b>	<b>Rezone</b>	<b>Infrastructure Availability</b>	<b>Existing Use</b>	<b>Environmental Constraints</b>	<b>Realistic Capacity</b>
1	082-030-051	Not Available	4.9	Low Density Res.	R-1	R-3	Y	Vacant	None	118

*Note:*  
*R-3 = High Density Residential*  
*Density of 24 du/acre was used to determine Realistic Capacity.*  
*Right-of-Way take of 20 percent was used to determine Realistic Capacity.*



## **BASIS FOR THE CITY'S POLICIES AND PROGRAMS**

The 2014-2023 Housing Element updates community conditions in Los Banos since 2009. Information on community conditions and characteristics were collected and analyzed as part of the Housing Needs Assessment, which contains an analysis of population and housing characteristics, identifies special housing needs for certain population groups, evaluates housing conditions, analyzes employment trends and provides other important information to guide the goals, policies and implementation programs of this element. The findings listed below resulted from the information collected as part of the Housing Needs Assessment Report. These findings provide a direct relationship between community conditions in Los Banos and the recommended goals, policies and implementation programs.

### **Population Trends**

The City's 2010 population was estimated to be 35,972.

- Between 2000 and 2010 Los Banos grew by 39.1% (10,103 persons). Between 2010 and 2015 the City grew by 3.3% (1,173 persons). Los Banos' population is expected to grow steadily once the market improves, continuing the demand for a variety of housing types and costs.

*The need for additional housing in Los Banos is the result of past and projected population growth and the demographic characteristics. Policy 1.1 commits the City to maintaining an adequate supply of land in appropriate land use designations and zoning categories to accommodate the projected growth in the number of households.*

- The 2010 Census reported 1,497 owner occupied households and 1,375 renter occupied households with five or more persons. These figures represented 14.0 percent and 13.0 percent of the total number of households in Los Banos, indicating that large households were slightly more likely to be owners. Rental housing for large families has increased in the City, a good example being Los Banos Family Apartments (Pacheco Village), where 4-bedroom units are available for lower-income households. However, taken as a percentage of the number of owner occupied households, large families comprise 34 percent, whereas large households constitute 24 percent of renters. When evaluating the population increase (39.1%) and the percentage of housing units constructed (41.3%) since 2000, it is apparent that household size is increasing.

*Due to increased rental needs by large family households Policies 7.4 and 8.2 have been developed to address this special housing needs.*

## **Income and Poverty**

- Based on the Department of Housing and Urban Development (HUD) Income Limits for 2015, the median income for a family of four in Merced County is \$52,500.
- As defined by HUD, an extremely low income household earns less than 30 percent of the county median income, a very low income household earns 50 percent or less than the county median income, a low income household earns between 51 and 80 percent of the county median income, a moderate income household earns between 81 and 120 percent of the county median income and an above moderate income household earns 121 percent or greater of the county median income. According to the Merced County Regional Housing Needs Allocation Plan (2014-2023) the City of Los Banos is responsible for 604 units for very low income residents (326 for extremely low income and 278 very low income), 431 units for low income residents, 396 units for moderate income residents, and 1,049 units for above moderate income.

*Policy 1.2 of the Element facilitates the provision of housing for all economic segments of the community. The City shall seek to ensure high quality in all new residential development.*

## **Employment Trends**

- According to the CA Economic Development Department, Labor Market Information, the City of Los Banos had an unemployment level of 13.1% in June of 2015. The unemployment rate for Merced County was 10.7% and the unemployment rate for the State was 6.3%. The 2013 US Census Data (American Community Survey) showed that 50% of the population within the City made less than \$50,000 for an annual income per household. The employment trends contribute to a continuing need for additional affordable housing for such income groups.

*The employment trends will result in a need for additional affordable housing. Policies 1.3, 2.1 and 6.1 address various aspects of this future affordable housing need.*

## **Special Needs**

- As the current population ages, Los Banos will experience an increase in the number of older adults with special housing needs. Persons age 65 and over represent 8.6% of the population as of the 2010 census. Housing needs among older adults in Los Banos are: 1) financial support for low income seniors who do not own their homes, 2) financial assistance for home maintenance and repairs among low income senior homeowners, 3) affordable

independent living rental housing, and 5) financial assistance for home modifications for those with minor self care or mobility concerns.

*Policies 3.3, 3.4, 3.6 and 6.2 of this Housing Element address the housing needs of older adults.*

- Female headed households represented 24% of all Los Banos Family households in the 2013 Census (American Community Survey). Poverty rates among female headed households are generally higher than the general population and of these female headed households, 51.2% were below poverty level. Many female headed householders have extremely low incomes and they will continue to require significant financial assistance or subsidized rental housing. Single mothers with children face additional challenges in finding affordable family housing of suitable size.

*Because female headed households with children in Los Banos have the highest poverty rates, there is a demonstrated need for affordable housing. Policies 1.3 and 3.5 of this Element ensure that the City will encourage development of new affordable housing and continue to monitor "at risk" subsidized housing that is affordable to very low and low income groups.*

- Based on figures presented by the Merced County Continuum of Care, the level of, and need for, homelessness services are increasing on a region wide basis.

*Zoning policies in the Element that address the homeless and homelessness issues include policies 5.4, 8.2, and 8.3. The policies addresses the removal of any type of discrimination, continued cooperation and collaboration with the Merced County Continuum of Care and other agencies assisting the homeless, collaboration and assistance for private and nonprofit developers to identify financing.*

## **Housing Characteristics**

- According to the 2009 Housing Conditions Survey less than 1 percent of the housing stock in Los Banos is considered substandard and in need of rehabilitation and less than 1 percent is in need of replacement.

*Objective 3 of this Element encourages the maintenance, improvement and rehabilitation of the City's existing housing stock and residential neighborhoods. Policies 3.1, 3.2, 3.3 and 3.6 encourage private reinvestment in older housing stock and commit the City to pursue State and Federal funding assistance to rehabilitate housing.*

## **Housing Costs and Affordability**

- Approximately 50 percent of all households in Los Banos are paying housing costs that exceed 30 percent of their income according to the 2000 Census

*Policies 7.1, 7.2, 7.3 and 7.4 seek to address the shortage of affordable rental housing through the preservation of existing subsidized rental housing that is affordable to very low and low income persons and the construction of additional affordable housing.*

## **Foreclosures**

- The Merced County region, and Los Banos in particular, had one of the highest foreclosure rates in the State, according to Realty Trac, an online real estate and foreclosure resource, the City of Los Banos had approximately 2000 homes in the various stages of foreclosure in February 2009. Since that time, foreclosure rates have stabilized and have been reduced considerably. According to Realty Trac, the City currently has 88 properties in the various stages of foreclosure in June, 2015. This is 32% lower than last month and 23% lower than the same time last year.
- The Neighborhood Stabilization Program provides emergency assistance to State and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. There have been three (3) rounds of NSP funding, the last being in 2010. Los Banos received funding and assisted in the purchase and redevelopment of foreclosed homes in the City.

## **Opportunities and Constraints**

- Merced County has determined that the City of Los Banos has a housing construction need of 2,473 units for the planning period 2014-2023. Of the total 2,473 units, 278 should be affordable to very low income households, 431 should be affordable to low income households, 396 to moderate income households and 1,049 to above moderate income households. Very Low and low income housing

needs represent 928 housing units of the City's total housing allocation. As stated previously, the number of units needed for new construction may have to be evaluated further over time due to the large number of abandoned and vacant homes.

*Policy 1.1 of this Element addresses the need to maintain an adequate supply of land in appropriate land use designations and zoning categories to accommodate the projected growth in the number of households. Objective 2 of this Element addresses the removal of Governmental Constrains. Included as well are Policy 2.1 for the streamlining of residential projects and Policy 2.2 to provide flexibility in development standards to accommodate alternative approaches to provide affordable housing, including mixed-use.*



## **6. 2014-2023 OBJECTIVES AND POLICIES**

The following objectives and policies are adopted as part of the 2009 Los Banos Housing Element Update. The hierarchy of the objectives, policies and programs are described below.

### **Objective 1: Provide adequate sites for residential development and alternate housing choices at affordable costs for all segments of the City**

**Policy 1.1** The City shall maintain an adequate supply of land in appropriate land use designations and zoning categories to accommodate the projected growth in the number of households.

**Policy 1.2** While promoting the provision of housing for all economic segments of the community, the City shall seek to ensure high quality in all new residential developments.

**Policy 1.3** The City shall continue to use State and Federal funding assistance to the extent that these subsidies exist and are appropriate to Los Banos' needs to develop affordable housing.

**Policy 1.4** Strive to meet the City's fair share of the regional housing need.

**Policy 1.5** The City shall encourage the development of second residential units in accordance with State law, while maintaining the single family character of the neighborhood.

### **Objective 2: Remove Governmental Constraints.**

**Policy 2.1** Provide for streamlined, timely, and coordinated processing of residential projects.

**Policy 2.2** Provide flexibility in development standards to accommodate alternative approaches to provide affording housing such as mixed-use projects.

### **Objective 3: Encourage the maintenance, improvement and rehabilitation of the City's existing housing stock and encourage the maintenance and upkeep of existing affordable housing**

**Policy 3.1** The City shall encourage private reinvestment in older residential neighborhoods.

**Policy 3.2** The City shall encourage private rehabilitation of housing.

**Policy 3.3** The City shall pursue State and Federal funding assistance to rehabilitate housing.

**Policy 3.4** Assist non profit housing providers in the acquisition and/or rehabilitation of older residential structures.

**Policy 3.5** Monitor “at-risk” subsidized housing.

**Policy 3.6** Assist owners of affordable rental properties and low income homeowners in maintaining and improving residential properties through a variety of housing rehabilitation assistance programs.

**Objective 4: Achieve energy efficiency in housing activities**

**Policy 4.1** Promote energy conservation activities in all residential neighborhoods.

**Policy 4.2** Encourage innovative and cost effective building technologies.

**Objective 5: Ensure that all residents have access to housing**

**Policy 5.1** Strive to meet the city’s fair share of the regional housing need and ensure that sufficient land is available to accommodate Los Banos’ share of the current RHNA period ending December 31, 2023, including land needed to accommodate Los Banos’ share of the need for housing affordable to extremely low, very low, low and moderate income households.

**Policy 5.2** Ensure that future sites designated for higher-density housing are located near transit stops, community services and schools when feasible.

**Policy 5.3** Ensure that no person seeking housing in Los Banos is discriminated against on the basis of race or culture, gender, marital or family or economic status, sexual preference, age, physical or emotional disabilities or religion.

**Policy 5.4** Continue to develop a balanced residential environment with access to employment opportunities, community facilities and adequate services.

**Objective 6: Increase the percentage of homeowners in the City and provide adequate information on all possible housing assistance programs and distribute to homeowners, developers and other residents**

**Policy 6.1** Seek State and Federal funding mechanisms to assist homeownership.

**Policy 6.2** Continue to maintain programs providing assistance.

**Objective 7: Maintain an adequate percentage of affordable rental units within the City to accommodate all income groups and family types.**

**Policy 7.1** Encourage the preservation of low income housing by monitoring “at-risk” subsidized housing when subsidies are in jeopardy of expiring.

**Policy 7.2** Assist owners of affordable rental properties in maintaining and improving residential properties through a variety of housing assistance programs.

**Policy 7.3** Assist non-profit housing providers in the rehabilitation/acquisition of older residential structures.

**Policy 7.4** Encourage developers to build larger rental units for large families and participate in writing grants for these needs.

**Objective 8: Encourage new development projects for special need groups.**

**Policy 8.1** Work with private and nonprofit developers to identify financing, assist with design and construct housing to meet special needs. Such projects might include, but are not limited to: senior housing; housing for persons with physical and mental disabilities; emergency and/or transitional housing for the homeless; farmworker housing; female headed household housing or housing for large families.

**Policy 8.2** Cooperate with community based organizations that provide services or information regarding the availability of services to the homeless.

**Policy 8.3** Encourage greater access to housing for persons with disabilities.

## **7. IMPLEMENTATION PROGRAMS**

**Objective 1:** Provide adequate sites for residential development and alternate housing choices at affordable costs for all segments of the City

**Policy 1.1:** The City shall maintain an adequate supply of land in appropriate land use designations and zoning categories to accommodate the projected growth in the number of households.

**Policy 1.2:** While promoting the provision of housing for all economic segments of the community, the City shall seek to ensure high quality in all new residential developments.

**Policy 1.3** The City shall continue to use State and Federal funding assistance to the extent that these subsidies exist and are appropriate to Los Banos' needs to develop affordable housing.

**Policy 1.4** Strive to meet the City's fair share of the regional housing need.

**Policy 1.5** The City shall encourage the development of second residential units in accordance with State law, while maintaining the single family character of the neighborhood.

**1.** The City shall designate sufficient land at various densities to allow for the construction of sufficient housing to meet its legally adopted HCD Regional Housing Needs Allocation (RHNA) between 2014 and 2023. The City shall review, as needed, the amount of land designated for various residential uses in conjunction with the amount of and types of housing produced in the previous year to determine if any changes in the General Plan or Zoning Ordinance may needed to meet the City's housing needs. A review of the supply of vacant land and development patterns over the preceding year will be incorporated into each annual evaluation of the City's implementation of the Housing Element programs.

**Responsibility:** Community and Economic Development

**Time Frame:** 2014-2023

**Funding:** Administrative cost to the City

**1A.** Create and maintain an up to date site inventory detailing the amount, type and size of vacant or underused parcels, and assist developers in identifying land suitable for residential development.

**Responsibility:** Community and Economic Development

**Time Frame:** Ongoing maintenance

**Funding:** Administrative cost to the City

- 1B.** Continue to seek grant funding from State and Federal sources to assist in the development of affordable housing. Whether the City applies for funding individually, as part of a consortium of public agencies, or through a formal Joint Powers Agreement with other public agencies, will depend on the type of program and the benefits to City of joint versus singular application. Such programs include Section 202 Housing for the Elderly and Handicapped, Rental Housing Construction Program (RHCP), Family Housing Demonstration Program, HOME/HOPE Programs, Community Reinvestment Act Programs (CRA), and State Farmworker Housing Program.

There are a number of other state and federal programs that provide grants, loans, or mortgage insuring for affordable housing development and in which eligible applicants are for profit or non-profit home builders. The city would lend its support to such applications through favorable land use policies should eligible and financially feasible projects be submitted to the City.

**Responsibility:** Community and Economic Development Department

**Time Frame:** City to assess annually feasibility of applying for funding under various programs and to work with other responsible entities to submit funding applications each year for programs considered feasible.

**Funding:** Varies depending on State and Federal monies available

- 1C.** To facilitate the development of multifamily housing affordable to lower-income households, the City will identify and rezone approximately 230 (shortfall of ~~454370~~ units and calculated at 20 du./ac.) acres of vacant land currently zoned R-1 to the R-3 zoning district, allowing exclusively residential uses by right (not requiring a conditional use permit, planned development or any other discretionary approval), containing a minimum of 16 units per site and a minimum density of 20 units per acre by March 2017. The rezoned sites will be selected from the list of identified sites within the R-1 zone in Appendix E of this element and will include only sites that are no less than one acre and no larger than 10 acres in size.

**Responsibility:** Community and Economic Development Department and City Council

**Time Frame:** Begin research in 2016 and rezone in 2017/2018

**Funding:** Administrative Cost to City

- 1D** To meet the Unaccommodated Need from the 4<sup>th</sup> Cycle identified in Program 1C of the 2009-2014 Housing Element and AB1233 Analysis located in Section 5, the City will rezone the site(s) listed in Table V-6 and adopt a General Plan Amendment (if necessary) to meet the unaccommodated need of eighty-one (81) units. The site(s) will meet the following criteria:
- Can meet a minimum of 16 units;
  - Can meet a minimum density of twenty (20) dwelling units per acre;
  - Rezone to a district that permits residential uses (by-right)

Failure to rezone the site(s) to address the Unaccommodated Need from the 4<sup>th</sup> Cycle by the timeframe will result in Housing Element non-compliance.

**Responsibility:** Community and Economic Development Department

**Time Frame:** No later than March 31, 2017

**Funding:** Administrative cost to City

**Objective 2: Remove Governmental Constraints**

**Policy 2.1** Provide for streamlined, timely, and coordinated processing of residential projects to minimize holding costs and encourage housing production.

**Policy 2.2** Provide flexibility in development standards to accommodate alternative approaches to provide affordable housing such as mixed-use projects.

- 2.** Staff will periodically review the development standards for the residential zones to identify standards that may constrain the development of affordable housing and housing for special groups, such as disabled individuals.

**Responsibility:** Community and Economic Development Department

**Time Frame:** Annually review development standards

**Funding:** Administrative cost to City

- 2A.** Affordable housing developers often face constraints in developing affordable housing projects. One way the City can assist such developers is by providing fast-track/priority processing for low-income and special needs housing projects. This service can encourage affordable housing development by allowing developers to go through the approval and

permitting process quicker keeping costs down and unit affordable. Options include:

- Assign a primary contact for priority housing developments to assist with all necessary entitlement and assist navigating various local departments.
- Hold pre-application development conferences.
- Provide information about permit streamlining at the planning counter, on the City's website and in other public places to increase awareness.

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing and as applications for affordable housing projects are received.

**Funding:** Developer / Administrative cost to City

**2B.** Continue to utilize State funding for first time homebuyers program.

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing

**Funding:** HOME grant funds

**Quantified Obj:** Assist fifty (50) first-time homebuyers through the 2014-2023 Housing Element Planning Period

**2C.** Actively enforce Nuisance Ordinance with regard to abandoned or vacant homes.

**Responsibility:** Code Enforcement

**Time Frame:** Ongoing

**Funding:** Administrative cost to City

**2D.** In accordance with Government Code Section 65589.7, immediately following City Council adoption, the City must deliver to all public agencies or private entities that provide water and sewer services to properties within Los Banos a copy of the 2014-2023 Housing Element. The City of Los Banos provides water and sewer services to all residents and businesses within the City. As such, a copy of the adopted 2014-2023 Housing Element will be provided to the applicable Department(s) within 30-days. The City will also establish a written procedure by the end of 2017 pursuant to Government

**Code Section 65589.7 to provide water and sewer service to developments with units affordable to lower income households.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Within 30 days of adoption of the Housing Element; prepare written procedures by the end of 2017.**

**Funding: Administrative cost to City**

**2E. To promote continued opportunity for public engagement, the City shall conduct an annual Housing Element review and provide opportunities for public engagement and discussion in conjunction with the State requirement of written review of the General Plan by April 1 of each year (per Government Code Section 65400). Use the Planning Commission and City Council as an avenue for public input on housing issues and housing element implementation. Notices shall be prepared in English and Spanish and be published in a newspaper of general circulation and posted at City Hall. Website and social media notification shall be encouraged. To ensure General Plan Consistency between the Housing Element and other eElements of the General Plan, the City shall, in addition to the requirements above, complete the following:**

- Maintain the Draft General Plan Housing Element Review on the City's website;**
- Develop an evaluation matrix to determine the consistency between the Housing Element policies and programs and the other Elements of the General Plan.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Annually (April 1 of each year)**

**Funding: Administrative cost to the City**

**Objective 3:** Encourage the maintenance, improvement and rehabilitation of the City's existing housing stock and encourage the maintenance and upkeep of existing affordable housing.

**Policy 3.1** The City shall encourage private reinvestment in older residential neighborhoods.

**Policy 3.2** The City shall encourage private rehabilitation of housing.

**Policy 3.3** The City shall pursue State and Federal funding assistance to rehabilitate housing.

**Policy 3.4** Assist non profit housing providers in the acquisition and/or rehabilitation of older residential structures.

**Policy 3.5** Monitor “at-risk” subsidized housing.

**Policy 3.6** Assist owners of affordable rental properties and low income homeowners in maintaining and improving residential properties through a variety of housing rehabilitation assistance programs.

**3. Continue programs for rehabilitation and encourage the county-wide CDBG consortium to apply to the State for funds for housing rehabilitation on behalf of Los Banos.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing, 2014-2023**

**Funding: HOME and CDBG grants**

**Quantified Obj: Rehabilitate 10 dwelling units per year, 70 dwelling units**

**3A. Provide information to homeowners and non profit groups regarding funding and assistance programs.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: Administrative cost to the City**

**3B. Monitor at risk units by establishing and maintaining close contact with property owners regarding their long term plan for projects on an annual basis. Seek funds to purchase and preserve the affordability of the units and establish and implement a proactive tenant noticing and education strategy.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: Administrative cost to the City**

**Quantified Obj.: Preserve at-risk units with Section 8 subsidies**

**3C. Establish and implement a program to reduce, waive or subsidize local development fees associated with preservation or replacement of at-risk units.**

**Responsibility: Community and Economic Development Department/City Council**

**Time Frame: 2017**

**Funding: Administrative cost to City**

**3D. The City shall conduct a Housing Condition Survey. This Housing Condition Survey will follow HCD Guidelines. Results of the survey are to be published on the City's website and the City will assist the Housing Authority of the County of Merced in rehabilitation and targeted efforts. Actions to be taken following the results of the Survey include but are not limited to:**

- Apply for HOME and CDBG grant funds for rehabilitation projects identified as part of the Survey; and**
- Contact homeowners identified in the Survey as having a home qualifying for the rehabilitation program.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Housing Condition Survey complete by December 2018**

**Funding: Administrative cost to City**

**3E Discourage land division of sites currently zoned high density residential.**

- The City shall evaluate and make a written determination on the site constraints as a result of a proposed subdivided site currently zoned high density residential**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: Administrative cost to City**

**Objective 4: Achieve energy efficiency in housing activities**

**Policy 4.1 Promote energy conservation activities in all residential neighborhoods.**

**Policy 4.2 Encourage innovative and cost effective building technologies.**

- 4. Continue to enforce State energy conservation requirements such as Title 24 of the Building Energy Efficiency Standards for new residential projects and encourage residential developers to employ additional energy conservation measures with respect to: subdivision design, siting of homes on the lot, landscaping and solar access.**

**Responsibility: Building/Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: Administrative cost to the City**

- 4A. Promote standards that promote passive solar heating, overhangs on south facing windows, planting of deciduous trees on the west and south.**

**Responsibility: Community and Economic Development Department/Planning Commission**

**Time Frame: Ongoing**

**Funding: Administrative cost to the City**

**Objective 5: Ensure that all residents have access to housing**

**Policy 5.1** Continue to utilize State and Federal funding assistance, to the extent that subsidies exist and are appropriate to Los Banos' needs, to develop affordable housing.

**Policy 5.2** Strive to meet the city's fair share of the regional housing need and ensure that sufficient land is available to accommodate Los Banos' share of the current RHNA period ending December 31, 2023, including land needed to accommodate Los Banos' share of the need for housing affordable to extremely low, very low, low and moderate income households.

**Policy 5.3** Ensure that future sites designated for higher-density housing are located near transit stops, community services and schools when feasible.

**Policy 5.4** Ensure that no person seeking housing in Los Banos is discriminated against on the basis of race or culture, gender, marital or family or economic status, sexual preference, age, physical or emotional disabilities or religion.

**Policy 5.5** Continue to develop a balanced residential environment with access to employment opportunities, community facilities and adequate services.

5. Evaluate Zoning Map to ensure that higher density zoning is adjacent to services and transit and make changes if necessary, also work with developers on future developments to ensure close proximity of services to higher density residential uses.

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing

**Funding:** Administrative cost to the City

- 5A. Extremely Low-Income Housing Development Funding. Coordinate with developers, non-profit housing agencies, and County, State, and Federal Agencies to obtain available sources of funding for the development of affordable housing units. The City's Community and Economic Development Department shall coordinate with the Housing Authority of the County of Merced to research and pursue potential funding opportunities, process applications, and manage funds received for the development of affordable housing. Specific emphasis shall be placed on the development of extremely low-income housing through a variety of activities, including annual outreach to affordable housing developers, providing technical and/or financial assistance through identifying grant and/or loan programs and providing expedited processing of applications for the development of housing for extremely low-income households.

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing, 2014-2023

**Funding:** Variety of funding sources. State and Federal grants, HOME, CDBG grants

**Quantified Obj:** Support applications by developers and non-profit agencies for funding and development of affordable housing, specifically, extremely low-income housing

- 5B. Establish and implement a Reasonable Accommodation Ordinance

**Responsibility:** Community and Economic Development Department/Planning Commission/City Council

**Time Frame:** By March 2017, adopt a Reasonable Accommodation Ordinance

**Funding:** Administrative cost to the City

**5C. The City will work with the Merced County Housing Authority to provide fair housing services to its residents and property owners by Distributing educational materials to property owners, apartment managers, and tenants, making public service announcements via different media (e.g., newspaper ads and public service announcements at local radio and television channels, responding to complaints of discrimination (i.e., in-taking, investigation of complaints, and resolution) and Referring services to appropriate agencies.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: Administrative cost to the City**

**5D. The City shall refer residents to the Central Valley Regional Center for housing and services available for persons with developmental disabilities. Provide information on services on the City's website. As available, the City will pursue State and federal monies for direct support for housing construction and rehabilitation specifically targeted for housing for persons with developmental disabilities.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: Administrative cost to the City**

**Objective 6:** Increase the percentage of homeowners in the City and provide adequate information on all possible housing assistance programs and distribute to homeowners, developers and other residents.

**Policy 6.1** Seek State and Federal funding mechanisms to assist homeownership.

**Policy 6.2** Continue to maintain programs providing assistance.

**6. Continue to maintain programs providing assistance for first time homebuyers**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: HOME/CDBG**

**Quantified Obj.:** In conjunction with Program 2B, assist an additional twenty (20) first-time homebuyers

**Objective 7:** Maintain an adequate percentage of affordable rental units within the City to accommodate all income groups and family types.

**Policy 7.1** Encourage the preservation of low income housing by monitoring “at-risk” subsidized housing when subsidies are in jeopardy of expiring.

**Policy 7.2** Assist owners of affordable rental properties in maintaining and improving residential properties through a variety of housing assistance programs.

**Policy 7.3** Assist non-profit housing providers in the rehabilitation/acquisition of older residential structures.

**Policy 7.4** Encourage developers to build larger rental units for large families and participate in writing grants for these needs.

**7. Maintain contact with owners of affordable rental properties and provide information relating to maintenance and rehabilitation.**

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing

**Funding:** Administrative cost to the City

**7A. Continue with funding programs established for rehabilitation targeting affordable rental units.**

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing

**Funding:** HOME/CDBG

**Quantified Obj.:** In conjunction with Program 3, the City will rehabilitate ten (10) units per year, 70 units

**Objective 8:** Encourage new development projects for special need groups.

**Policy 8.1** Work with private and nonprofit developers to identify financing, assist with design and construct housing to meet special needs. Such projects might include, but are not limited to: senior housing; housing for persons with physical and mental disabilities; emergency and/or transitional

housing for the homeless; farmworker housing; female headed household housing or housing for large families.

**Policy 8.2** Cooperate with community based organizations that provide services or information regarding the availability of services to the homeless.

**Policy 8.3** Encourage greater access to housing for persons with disabilities.

**8. In cooperation with private developers, non-profit housing corporations, Merced County, and other interested entities to apply for and utilize State and Federal funding to assist with projects for special needs housing. In addition, the City shall review and update if necessary the Los Banos Municipal Code to ensure the definition of special needs housing to ensure the definition is consistent with the United States Department of Housing and Urban Development and the California Department of Housing and Community Development**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing, 2014-2023**

**Funding: HOME/CDBG**

**8A. Work with community based organizations and developers with regard to special needs housing and information on emergency shelters. The City shall contact community based organizations on a semi-annual basis regarding opportunities for special needs housing and information on emergency shelters.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing, 2014-2023. Reach out to Community Based Organizations on a semi-annual basis.**

**Funding: Administrative cost to the City**

**8B. To ensure the needs of aging residents are met, the City will permit the development of senior housing in specific areas of the community, including residential and commercial zones at higher densities than are traditionally allowed. Zoning Incentives will be given for senior housing development such as reduced parking standards, reduced unit sizes, increased heights, and increased maximum lot coverage. As senior housing projects are received, the City will hold pre-application meetings to discuss opportunities for higher densities and zoning incentives to maximize the potential for each project. This program will be completed on a case-by-case basis.**

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing and as senior housing development applications are received

**Funding:** Developer/Administrative cost to the City

**8C.** Assist in the development of housing for farmworkers. Actions will include assistance with site identification and support of applications for funding. The City shall provide technical assistance when needed, and continue to conduct pre-application conferences and meet with farmworker housing developers on an ongoing basis. Actions include:

- Post information on the Community and Economic Development Department website within 1-year of Housing Element adoption. Information includes a site inventory and available land, housing resources and grant information.
- Contact farmworker housing developers to determine interest and identify constraints to farmworker housing development within the City.

**Responsibility:** Community and Economic Development Department

**Time Frame:** 2014-2023, contact farmworker housing developers on a semi-annual basis

**Funding:** Administrative cost to City

**8D.** The City will work with the agricultural community, housing providers and agricultural groups to develop and build year-round and seasonal agricultural worker housing. This will require an analysis of prime agricultural areas in the City to identify suitable locations for at least 20 units of farmworker housing. Information gathered from this analysis shall be provided, in conjunction with Program 8C, to agricultural and affordable housing developers in a manner conducive to their use for developing the actual units. In addition, the City shall invite developers and local farmworker organizations to be involved in the Housing Element update and other housing related activities.

**Responsibility:** Community and Economic Development Department

**Time Frame:** Ongoing

**Funding:** Administrative cost to City

**8E. The City will encourage and support State and Federal funding applications for farm worker housing and supportive infrastructure by providing technical assistance when needed, and continue to conduct pre-application conferences and meet with farm worker housing developers on an ongoing basis. Technical assistance can include but is not limited to information gathering, peer review of State and Federal funding applications and assistance in finding suitable sites for farm worker housing. Additionally, the City will provide information on County farm worker housing through the Housing Authority of Merced County.**

**Responsibility: Community and Economic Development Department**

**Time Frame: Ongoing**

**Funding: Administrative cost to the City**

**8F. The City will amend Title 9, Chapter 3 to allow for the location of Single Room Occupancy (SRO) uses as a conditional use in the High Density Residential District (R-3) and adopt development standards that allow and accommodate the inclusion of new SRO's. Development standards may include:**

- **Ensure development standards that do not constrain the development of SROs, the City will adopt development standards that include:**
- **Requirements for a management plan outlining policies and procedures;**
- **24- hour on-site management;**
- **Room limitation to single occupancy, with allowance for overnight guests;**
- **Units must be 250-300 square feet in size and include kitchen or bathroom; and**
- **Parking ratio of one space per unit and bicycle rack storage of one rack per 5 units**

**Responsibility: Community and Economic Development Department, Planning Commission, City Council**

**Time Frame: Draft Zoning Text Amendment in 2017 and Amend Title 9 in 2017/2018**

**Funding: Administrative cost to the City**

**8G. The City will review and amend if necessary, Title 9, Chapter 3, Article 23: Site Plan Review to ensure the Planning Commission criteria for approval and findings are not a constraint to the development of housing for special needs groups requiring Site Plan Review.**

**Responsibility:** Community and Economic Development Department, Planning Commission, City Council

**Time Frame:** Review Planning Commission criteria for approval 2016/2017. Draft revisions and adopt zoning text amendment in 2017, if necessary

**Funding:** Administrative cost to the City

8H The City will review and amend if necessary, Title 9, Chapter 3 to ensure that Transitional and Supportive Housing complies with Senate Bill 2. If necessary, the City shall amend the Zoning Ordinance to permit Transitional and Supportive Housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the City shall amend Article 2: Definitions to include Transitional and Supportive Housing and Target Population, per Senate Bill 745.

**Responsibility:** Community and Economic Development Department, Planning Commission, City Council

**Time Frame:** Review Zoning Ordinance 2016/2017. Draft revisions and adopt zoning text amendment in 2017, if necessary

**Funding:** Administrative cost to the City

8I The City will review and amend if necessary, Title 9, Chapter 3 to ensure Housing for Farmworkers is consistent with the Employee Housing Act (Health and Safety Code Section 1700 et. seq.), specifically, Sections 17021.5 and 17021.6.

**Responsibility:** Community and Economic Development Department, Planning Commission, City Council

**Time Frame:** Review Zoning Ordinance 2016/2017. Draft revisions and adopt zoning text amendment in 2017, if necessary'

**Funding:** Administrative cost to the City

## **8. QUANTIFIED OBJECTIVES**

State law requires that Housing Elements include quantified objectives for the number of units by income category expected to be constructed, rehabilitated or conserved during the planning period given the limited availability of resources. The construction objective refers to the number of units that potentially may be constructed over the planning period given available land and other relevant resources, constraints that cannot be mitigated or removed and proposed programs. The rehabilitation objective is the number of existing units expected to be repaired during the planning period of the Element, while the conservation objective refers to the preservation of existing affordable housing stock.

In order to adequately address the existing, future and special needs housing in Los Banos, the development of quantified housing objectives took into consideration the population and housing characteristics identified in the Housing Element Background Report, public input gained at the Housing Element Community Workshops, information presented in Merced County Association of Government's (MCAG) Regional Housing Needs Allocation Plan, as well as the analysis presented in the Resource Inventory of the Housing Element.

The following discussion summarizes the key observations that influenced the development of the City's quantified housing objectives:

- *Recent Housing Trends*  
The City experienced a housing boom through 2007, However since that point, the City is one of the leaders in the nation in foreclosures. The large number of foreclosures has really driven the prices of homes down making them much more affordable for all segments of the population. The majority of the homes built were single family homes, it is evident that new construction of multi-family housing is still needed. However, there has been an increase of multi-family development over recent years, including the 105 unit Pacheco Village I and 80 unit Pacheco Village II. These units have 4-bedroom floorplans to accommodate larger families. As discussed in the Housing Needs Assessment, there are a significantly reduced number of foreclosures in 2015 than there were in 2010 or prior years.
- *Anticipated Population Growth*  
According to the Merced County Association of Governments and Economic and Planning Systems, the City of Los Banos is expected to have a population of 44,000 by the year 2020. This data was relied upon to determine an effective and reasonable new housing construction objective.
- *Current Housing Utilization*  
The housing vacancy rate in Los Banos increased from 4.1 percent in 2000 to 9.8 percent in 2010, indicating that there is an increased supply for housing yet filled in the City. In addition, more than half (11.6 percent) of renter occupied

households were overcrowded in 2010. This is a significant decrease from 2000, where 54.8 percent of renter households were overcrowded. This is due to recent multi-family development such as Pacheco Village I and II which offer 4-bedroom apartments. This trend could be reflective of the fact that there is a lack of available housing for larger families.

- *Existing Housing Conditions*

The results of the Windshield Housing Survey conducted as part of the 2007-2014 Housing Element Update suggest that the housing stock in Los Banos is in excellent shape. This is not expected to change. However, Program 3D has been included as part of the 2014-2023 Housing Element for the Windshield Housing Survey to be updated and analyzed. There is still a need to rehabilitate portions of the City's existing older housing stock. As it is very likely that very low and low income families would not be able to afford the cost of housing repairs, the City is determined to continue utilizing available funds to implement its housing rehabilitation program throughout the Housing Element planning period.

The following table summarizes the City's quantified objectives for the period of January 1, 2014 through December 31, 2023. These objectives represent a reasonable expectation of the maximum number of new housing units that will be constructed, households that will be assisted through housing rehabilitation or first time home buyer programs and the Neighborhood Stabilization Program and existing homes that will be purchased by all income levels.

**Table VIII-1  
Quantified Objectives**

<b>Housing Objectives</b>				
<b>Household Income Category</b>	<b>Conservation Objective by Income Category 2014-2023</b>	<b>Housing Rehabilitation Objective by Income Category 2014-2023</b>	<b>First Time Homebuyer Program 2014-2023</b>	<b>Housing Construction and Vacant Homes to be Purchased Objective by Income Category 2014-2023</b>
Extremely Low	15	100	50	176
Very Low	15	95	25	158
Low	15	105	25	301
<b>Subtotal Affordable Units</b>		300	100	635
Moderate	0	0	25	371
Above Moderate	0	0	25	1,024
<b>Total</b>	<b>45</b>	<b>300</b>	<b>150</b>	<b>2,030</b>

\* The Merced County Regional Housing Needs Allocation Plan has provided the projected need but has stated that the resulting numbers do not imply that each jurisdiction must produce the identified amount of housing. According to the Plan, a community may promote additional housing opportunities by a number of means and the determination will ultimately be addressed within the Housing Element of each jurisdiction.

## **9. EFFORTS TO ACHIEVE CITIZEN PARTICIPATION**

State law requires cities and counties to make a diligent effort to achieve participation by all segments of the community in preparing a Housing Element. Section 65583 [c] [6] of the California Government Code specifically requires that:

- The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element and the program shall describe this effort.

The diligent effort required by State law means that local jurisdictions must do more than issue the customary public notices and conduct standard public hearings prior to adopting a Housing Element. State law requires cities and counties to take active steps to inform, involve and solicit input from the public, particularly low income and minority households that might otherwise not participate in the process.

To meet the requirements of State law, the City of Los Banos has completed the public outreach and encouraged community involvement as described below:

### **Public Meetings and Hearings**

The City of Los Banos held a public meeting on August 3, 2015 to solicit public input and encourage public participation in the 2014-2023 Housing Element update. The meeting notices were sent to all apartment complexes within the City, the Realtor's Association, Merced County Housing Authority and all Mobile Home Parks within the City. The notice of the meeting was also advertised in the local paper, the Los Banos Enterprise, (in English and Spanish) as a public notice and was located on the City's website. The meeting was also announced at the City Council meeting which is broadcasted on the local cable channel. In addition, the City Council and Planning Commission members were invited to attend the meetings. Written comments were encouraged for those that could not attend the meeting.

The meetings were attended by City of Los Banos Community and Economic Development Department Staff.

Public hearings on the Housing Element update were conducted after receipt and consideration of HCD's comments and prior to adoption of the updated Housing Element. The Planning Commission hearing was conducted on \_\_\_\_\_ and the City Council hearing was conducted on \_\_\_\_\_.

## **PUBLIC NOTICES**

Throughout the update process, the City continued to encourage public comments. On January 29, 2016 a public notice was placed in the Los Banos Enterprise to inform the public the Draft 2014-2023 Housing Element Update was available for review and comment. The City also posted notice of availability and a copy of the Draft Housing Element on the City's website.

## **10. CONSISTENCY WITH OTHER GENERAL PLAN ELEMENTS**

State law requires that the Housing Element contain a statement of “the means by which consistency will be achieved with other General Plan elements and community goals” (California Government Code, Section 65583 [c] [7]). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies and programs that could affect implementation of the Housing Element; and 2) an identification of actions to ensure consistency between the Housing Element and affected parts of other General Plan elements. The City’s 2030 General Plan contain several elements with policies related to housing, the elements are:

- Land Use
- Circulation
- Parks, Open Space and Resources
- Economic Development
- Public Facilities and Utilities

The goals and policies of the Housing Element support the broad visions statements contained in the City’s General Plan, as well as the land use classifications and residential, open space and recreation standards found in the General Plan. Finally, the goals, objectives, policies and programs established in the Housing Element are consistent with and attempt to implement those set forth in the Land Use Element for residential development.

The Housing Element Update does differ from the remaining elements of the General Plan with regard to the use of more recent data. The Housing Element utilized data available from the Department of Finance, US Census, Merced County Regional Housing Needs Allocation Plan, Realty Trac and Housing Survey.

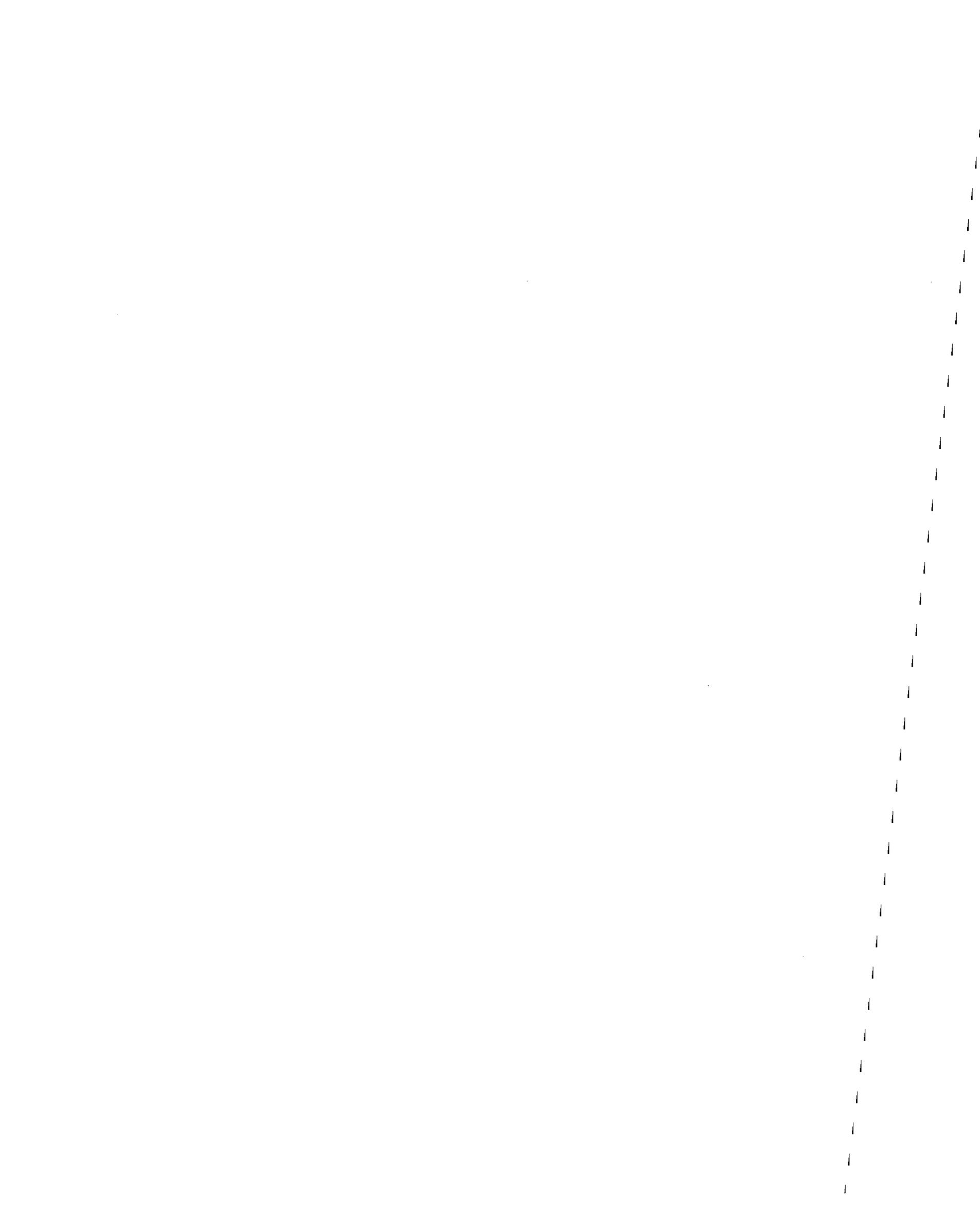
The City has reviewed policies in the other elements of the General Plan and has concluded that none of the policies will impede the City’s achievements of, or be inconsistent with, the policies of this Housing Element. Housing Element policies primarily related to housing assistance, housing rehabilitation, equal housing opportunities, residential energy conservation and other topics not directly affected by policies in the other General Plan elements. Furthermore, it has been found that policies contained in the Housing Element will help contribute to the achievement of General Plan policies.

### **Disadvantaged Unincorporated Communities (DUC)**

Review of the Department of Water Resources Disadvantaged Communities Mapping Tool and the Merced LAFCo website shows that there are no DUC’s within the City Limits or Sphere of Influence of the City of Los Banos.

**APPENDIX A**  
**PUBLIC NOTICE FOR COMMUNITY WORKSHOP**

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DR. BRUCE A. METCALF  
MERCED RESCUE MISSION  
1921 CANAL STREET  
MERCED CA 95340

BRENDA CALLAHAN-JOHNSON  
MERCED COUNTY COMMUNITY  
ACTION AGENCY  
1235 WEST MAIN STREET  
MERCED CA 95340

MARIE GREEN CENTER  
300 E 15<sup>TH</sup> STREET  
MERCED CA 95340

HUMAN SERVICES AGENCY  
2115 WEST WARDROBE AVENUE  
MERCED CA 95340

CATHOLIC CHARITIES OF MERCED  
336 WEST MAIN STREET, SUITE 1  
MERCED CA 95340

BIA  
900 H. STREET, SUITE E-2  
MODESTO CA 95354

MAYA ABOOD  
CA COALITION FOR RURAL HOUSING  
717 K. STREET, SUITE 400  
SACRAMENTO CA 95814

VERONICA ORNELAS  
CALIFORNIA VALLEY OPPORTUNITY  
CENTER  
1581 CUMMINS DRIVE, SUITE 100  
MODESTO CA 95358

MERCED COUNTY COMMUNITY  
ACTION  
1235 WEST MAIN STREET  
MERCED CA 95340

MERCED COUNTY RESCUE MISSION  
1921 CANAL STREET  
MERCED CA 95340

CENTRAL VALLEY HOMELESS  
VETERANS  
P.O. BOX 577984  
MODESTO CA 95357

LOS BANOS CHAMBER OF COMMERCE  
503 J STREET  
LOS BANOS 93635

SIERRA PRESBYTERIAN CHURCH  
3603 M STREET  
MERCED CA 95348

ST. VINCENT DE PAUL SOCIETY  
131 WEST MAIN STREET  
MERCED CA 95340

MERCED LAO FAMILY COMMUNITY INC  
855 W 15<sup>TH</sup> STREET  
MERCED CA 95340

NEEPHA XAYNOUVONG  
CHILDREN'S CRISIS CENTER  
P.O. BOX 1062  
MODESTO CA 95353

THE ROSE JULIA RIORDAN  
TRANQUILITY HOUSE  
2410 EDWARDS AVENUE  
MERCED CA 95340

ASPIRANET  
815 W 18<sup>TH</sup> STREET  
MERCED CA 95340

PROJECT CHERISH  
1130 F STREET  
LOS BANOS CA 93635

PATRICK POKORNY  
COMMUNITY IMPACT CENTRAL VALLEY  
900 H STREET, SUITE D  
MODESTO CA 95354

DISABILITY RESOURCE AGENCY FOR  
INDEPENDENT LIVING  
920 12<sup>TH</sup> STREET  
MODESTO CA 95354

HOUSING AUTHORITY OF THE  
COUNTY OF MERCED  
405 U STREET  
MERCED CA 95341

FULL GOSPEL MISSION  
990 WEST 12<sup>TH</sup> STREET  
MERCED CA 95341

HABITAT FOR HUMANITY  
360 KEARNEY AVENUE  
MODESTO CA 95350

TURLOCK GOSPEL MISSION  
408 1<sup>ST</sup> STREET  
TURLOCK CA 95341

BELINDA ROLICHECK  
HAVEN WOMEN'S CENTER  
618 13<sup>TH</sup> STREET  
MODESTO CA 95354

MERCED COUNTY FOOD BANK  
2115 WARDROBE AVENUE  
MERCED CA 95341

SALVATION ARMY  
1231 4<sup>TH</sup> STREET  
LOS BANOS CA 93635

WE CARE PROGRAM  
221 S. BROADWAY  
TURLOCK CA 95380

MERCED COUNTY PUBLIC HEALTH  
415 F STREET  
LOS BANOS CA 93635

SAMARITAN VILLAGE  
7700 FOX ROAD  
HUGHSON CA 95326

BOB FRIESEN  
SELF HELP ENTERPRISES  
P.O. BOX 6520  
VISALIA CA 93290

ERIC D. KJELDGAARD  
OPPORTUNITY BUILDERS  
135 SOUTH 5<sup>TH</sup> AVENUE  
OAKDALE CA 95361

CENTRAL VALLEY APARTMENTS I & II  
1100 D STREET  
LOS BANOS CA 93635

LOS BANOS APARTMENTS  
44 W I STREET  
LOS BANOS CA 93635

MCARTHUR APARTMENTS I & II  
1130 F STREET  
LOS BANOS CA 93635

HERITAGE VILLAGE  
1156 SAN LUIS STREET  
LOS BANOS CA 93635



City of  
**Los Banos**  
*At the Crossroads of California*

**DATE:** July 24, 2015

**TO:** Residents of the City of Los Banos and Interested Agencies

**FROM:** City of Los Banos Community & Economic Development Department

**RE:** City of Los Banos Housing Element Update 2014-2023

Pursuant to section 65588 of the California Government Code, the City of Los Banos has initiated an update to the Housing Element of the City's General Plan.

State law requires the Los Banos Housing Element to consist of identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The Housing Element will include the following:

- Analysis of the City's demographics (i.e. population and employment trends);
- Identify City's Housing Needs as projected by Merced County Association of Governments;
- Inventory of land suitable for future residential development;
- Analysis of potential constraints (i.e. infrastructure, costs of development, etc.) related to residential development;
- Goals, Policies, Objectives, and Programs for the maintenance, preservation, improvement, and development of housing;
- Goals, Policies, Objectives, and Programs for the City to provide housing for persons of all income levels, including multi-family rental housing, factory built housing, mobile homes, farmworker housing, emergency shelters and transitional housing; and,
- Programs to assist in the development of housing needs for persons of extremely low, very low, low, and moderate income households.

The City of Los Banos Community & Economic Development Department will be conducting a Public Workshop for the 2014-2023 Housing Element on **Monday, August 3, 2015, from 6:00pm to 8:00pm**, at the following location:

**Los Banos City Council Chambers**  
**520 F Street**  
**Los Banos, California 93653**

All interested parties are encouraged to attend.

A copy of the City's current Housing Element may be obtained by e-mail request to Stacy Souza [stacy.souza@losbanos.org](mailto:stacy.souza@losbanos.org) or via the City's website (<http://www.losbanos.org/>). If you have any questions regarding the update to the Housing Element or the Public Workshop scheduled for August 3, 2015, please contact Stacy Souza at the City of Los Banos Community & Economic Development Department at (209) 827-7000.

**APPENDIX B**  
**AGENCY LETTER, QUESTIONNAIRE AND RESPONSES**

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City of  
**Los Banos**  
*At the Crossroads of California*

**DATE:** July 24, 2015  
**TO:** Advisory Agencies of the City of Los Banos  
**FROM:** Los Banos Community & Economic Development Department  
**RE:** City of Los Banos Housing Element Update 2014-2023

Pursuant to the California Government Code, the Housing Element of the City of Los Banos General Plan must be updated by March 1, 2016. The Los Banos Community & Economic Development Department is beginning the process of updating the Housing Element and would like your input.

State law requires the City of Los Banos's Housing Element to consist of identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The Housing Element will include the following:

- Analysis of the City's demographics (i.e. population and employment trends);
- Identify City's Housing Needs as projected by the Merced County Association of Governments ("MCAG")
- Inventory of land suitable for future residential development;
- Analysis of potential constraints (i.e. infrastructure, costs of development, etc.) related to residential development;
- Goals, Policies, Objectives, and Programs for the maintenance, preservation, improvement, and development of housing;
- Goals, Policies, Objectives, and Programs for the City to provide housing for persons of all income levels, including multi-family rental housing, factory built housing, mobile homes, farmworker housing, emergency shelters and transitional housing; and,
- Programs to assist in the development of housing needs for persons of very low, low, and moderate income households.

The questionnaire is intended to provide the City with comments from various agencies, groups, organizations and persons to better develop the City's General Plan Housing Element. Comments provide the City with direction in regards to developing goals, policies and programs to be implemented in the 2014-2023 planning period and help identify areas in which previous Housing Element succeeded or failed.

Please complete the enclosed questionnaire and return it to **J.B. Anderson Land Use Planning, Attn: Mark Niskanen, 139 S. Stockton Avenue, Ripon, CA 95366.**

**Please provide your comments regarding the City of Los Banos Housing Element update by August 28, 2015.**

Additionally, the City of Los Banos Community & Economic Development Department will be conducting a Public Workshop for the 2014-2023 Housing Element on **Monday, August 3, 2015, from 6:00pm to 8:00pm**, at the following location:

**City of Los Banos City Council Chambers  
520 J Street  
Los Banos, California 93635**

All interested parties are encouraged to attend.

2014 – 2023 Housing Element Update  
Questionnaire

1. If applicable, what types of housing related services does your agency or organization provide in the City of Los Banos?

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2. What housing needs have you identified that you feel should be addressed in the City's Housing Element Update?

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3. Are you familiar with the City's current Housing Element Policies and Programs, and if so, what are the most effective and the least effective Policies and/or Programs of the existing General Plan Housing Element?

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4. What other comments would you like to provide regarding the update of the General Plan Housing Element?

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*Please do not hesitate to attach additional sheet as needed.*

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Your Name

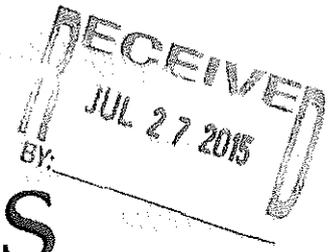
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Organization





City of  
**Los Banos**  
*At the Crossroads of California*



RECEIVED  
AUG 03 2015

J.B. Anderson Planning

**DATE:** July 22, 2015  
**TO:** Advisory Agencies of the City of Los Banos  
**FROM:** Los Banos Community & Economic Development Department  
**RE:** City of Los Banos Housing Element Update 2014-2023

Pursuant to the California Government Code, the Housing Element of the City of Los Banos General Plan must be updated by March 1, 2016. The Los Banos Community & Economic Development Department is beginning the process of updating the Housing Element and would like your input.

State law requires the City of Los Banos' Housing Element to consist of identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The Housing Element will include the following:

- Analysis of the City's demographics (i.e. population and employment trends);
- Identify City's Housing Needs as projected by the Merced County Association of Governments ("MCAG")
- Inventory of land suitable for future residential development;
- Analysis of potential constraints (i.e. infrastructure, costs of development, etc.) related to residential development;
- Goals, Policies, Objectives, and Programs for the maintenance, preservation, improvement, and development of housing;
- Goals, Policies, Objectives, and Programs for the City to provide housing for persons of all income levels, including multi-family rental housing, factory built housing, mobile homes, farmworker housing, emergency shelters and transitional housing; and,
- Programs to assist in the development of housing needs for persons of very low, low, and moderate income households.

The questionnaire is intended to provide the City with comments from various agencies, groups, organizations and persons to better develop the City's General Plan Housing Element. Comments provide the City with direction in regards to developing goals, policies and programs to be implemented in the 2014-2023 planning period and help identify areas in which previous Housing Element succeeded or failed.

Please complete the enclosed questionnaire and return it to **J.B. Anderson Land Use Planning, Attn: Mark Niskanen, 139 S. Stockton Avenue, Ripon, CA 95366.**

2014 – 2023 Housing Element Update  
Questionnaire

1. If applicable, what types of housing related services does your agency or organization provide in the City of Los Banos?

Housing Authority County of Merced provide the following housing programs in Los Banos: 50 units Seasonal Farmworker housing; 70 units of Public Housing and under the Section 8 program 171 families receive housing assistance

2. What housing needs have you identified that you feel should be addressed in the City's Housing Element Update?

Housing Element Plan has done a great job of identifying the housing needs of the Los Banos area and adequately covered areas that would be of concern to our mission and goals - - affordable housing, special needs housing

3. Are you familiar with the City's current Housing Element Policies and Programs, and if so, what are the most effective and the least effective Policies and/or Programs of the existing General Plan Housing Element?

No opinion at this time

4. What other comments would you like to provide regarding the update of the General Plan Housing Element?

Perhaps more communication between City and Housing Authority related to housing and current issues/needs HA ~~are~~ is aware of or experiencing

Please do not hesitate to attach additional sheet as needed.

Rennia Lerrario  
Your Name

Housing Authority  
Organization  
County of Merced



City of  
**Los Banos**  
*At the Crossroads of California*

**RECEIVED**

**AUG 10 2015**

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- Analysis of the City's demographics (i.e. population and employment trends);
- Identify City's Housing Needs as projected by the Merced County Association of Governments ("MCAG")
- Inventory of land suitable for future residential development;
- Analysis of potential constraints (i.e. infrastructure, costs of development, etc.) related to residential development;
- Goals, Policies, Objectives, and Programs for the maintenance, preservation, improvement, and development of housing;
- Goals, Policies, Objectives, and Programs for the City to provide housing for persons of all income levels, including multi-family rental housing, factory built housing, mobile homes, farmworker housing, emergency shelters and transitional housing; and,
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Please complete the enclosed questionnaire and return it to **J.B. Anderson Land Use Planning, Attn: Mark Niskanen, 139 S. Stockton Avenue, Ripon, CA 95366.**

2014 - 2023 Housing Element Update  
Questionnaire

1. If applicable, what types of housing related services does your agency or organization provide in the City of Los Banos?

None

2. What housing needs have you identified that you feel should be addressed in the City's Housing Element Update?

Provide for homeless intervention as your City needs deem necessary

3. Are you familiar with the City's current Housing Element Policies and Programs, and if so, what are the most effective and the least effective Policies and/or Programs of the existing General Plan Housing Element?

Not familiar

4. What other comments would you like to provide regarding the update of the General Plan Housing Element?

*Please do not hesitate to attach additional sheet as needed.*

Rhonda Bauche  
Your Name

Director Finance & HR

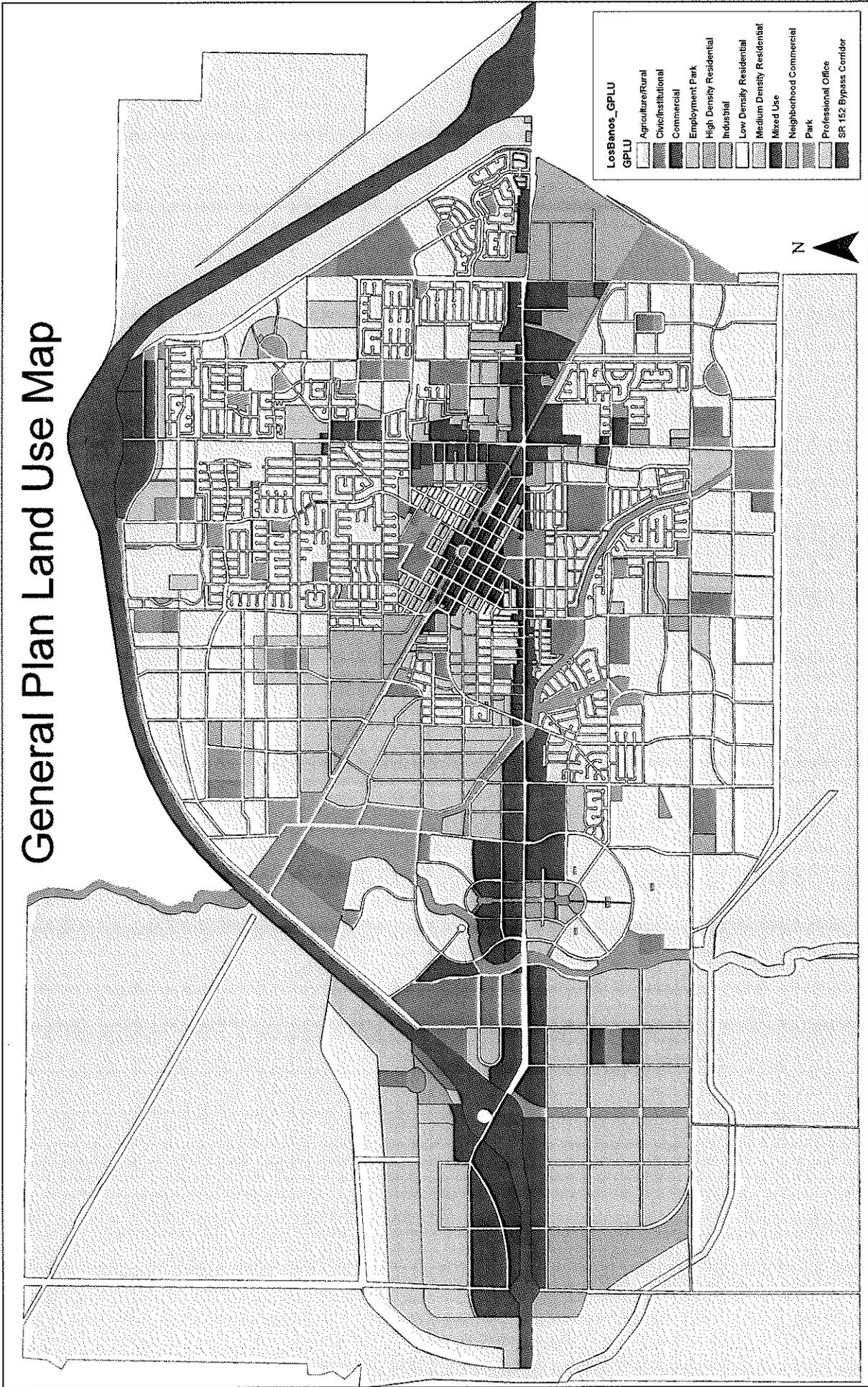
Turlock Gospel Mission  
Organization

**APPENDIX C**  
**CITY OF LOS BANOS GENERAL PLAN AND ZONING MAP**

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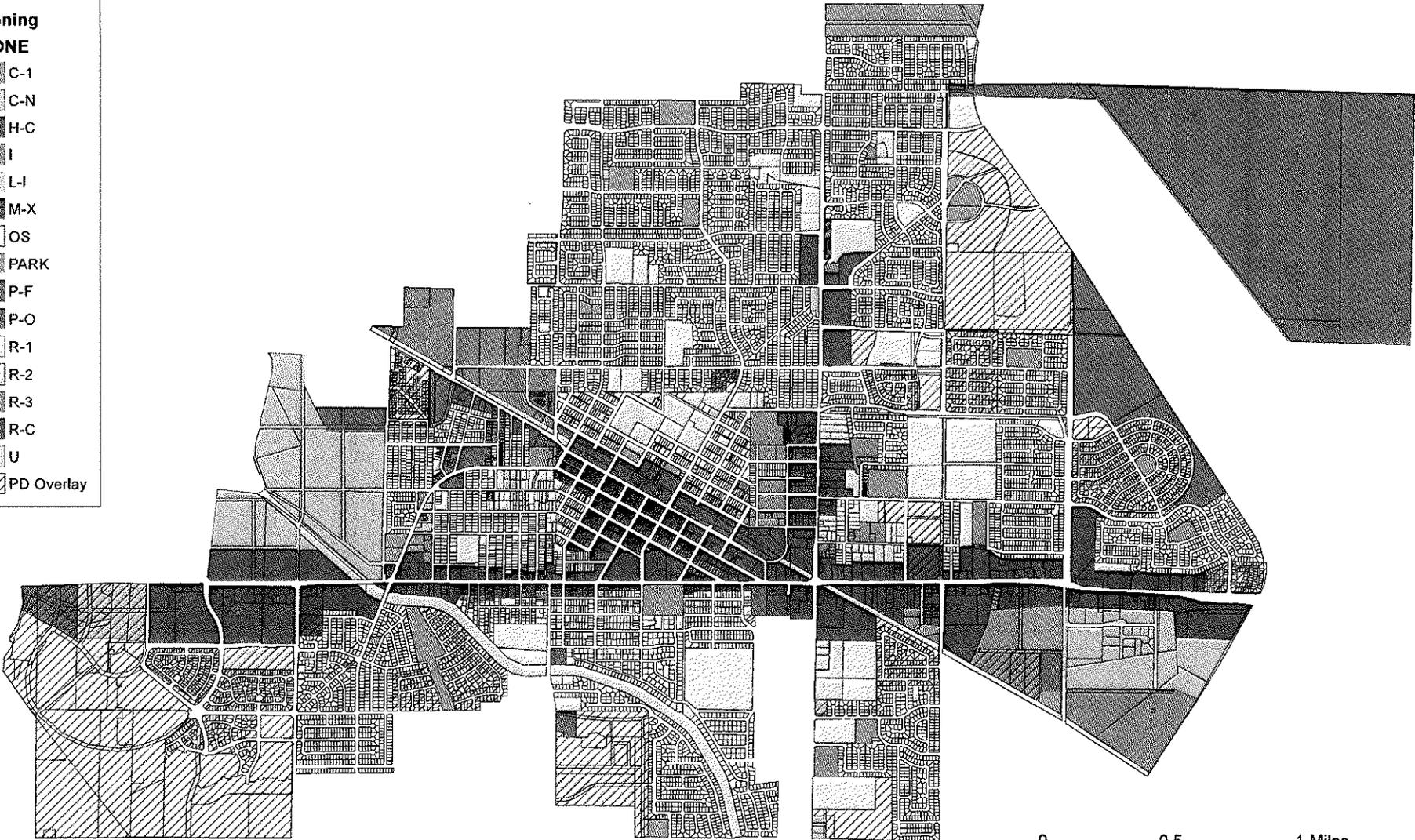
# General Plan Land Use Map



# City of Los Banos Zoning Map

**Zoning**  
**ZONE**

[Pattern]	C-1
[Pattern]	C-N
[Pattern]	H-C
[Pattern]	I
[Pattern]	L-I
[Pattern]	M-X
[Pattern]	OS
[Pattern]	PARK
[Pattern]	P-F
[Pattern]	P-O
[Pattern]	R-1
[Pattern]	R-2
[Pattern]	R-3
[Pattern]	R-C
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[Pattern]	PD Overlay

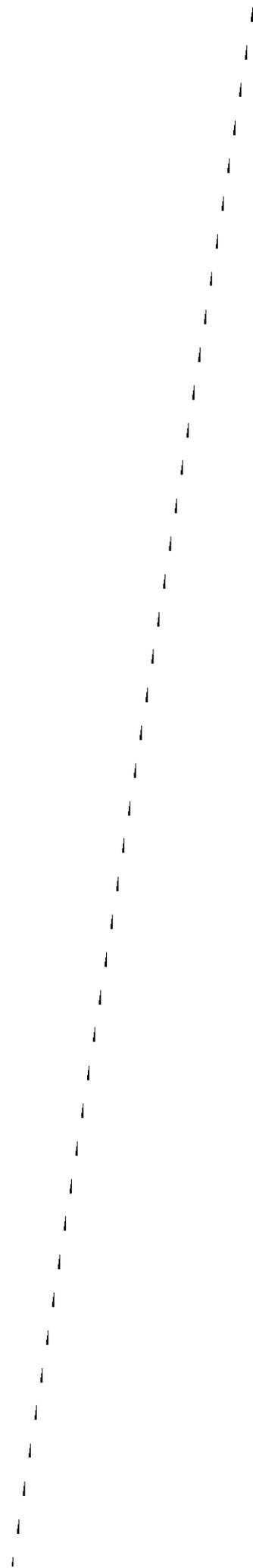


October 20, 2010



**APPENDIX D**  
**SUMMARY OF FINANCIAL RESOURCES FOR HOUSING**

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## Appendix D

### Summary of Financial Resources for Housing

Program Name	Description
<b>FEDERAL PROGRAMS</b>	
Community Development Block Grant (CDBG) Program	Federal block grant program administered and awarded by the State Dept. of Housing and Community Development (HCD) on behalf of HUD through an annual competitive process to cities and counties. Funds may be used for affordable housing acquisition, rehabilitation, construction, homebuyer assistance, community facilities, community services, and infrastructure improvements, among other uses that assist low-income persons.
Neighborhood Stabilization Program (NSP)	Federal block grant administered and awarded by HUD, which was enacted by the United States Housing and Urban Development Department to allow Municipal Agencies to purchase foreclosed or abandoned homes and to rehabilitate, resell, and redevelop these homes in order to stabilize home neighborhoods.
Emergency Shelter Grants (ESG) Program	Federal block grant program administered and awarded by the State Dept. of HCD on behalf of HUD through an annual competitive process to cities and counties. Funds may be used for homeless services and facilities, including emergency shelter and transitional housing.
Housing for Persons with AIDS (HOPWA) Program	HOPWA makes grants to local communities, States, and non-profit organizations for projects that benefit low-income persons medically diagnosed with HIV/AIDS and their families. HOPWA funding provides housing assistance and related supportive services
HUD Continuum of Care grants	Continuum grants fund outreach and assessment programs and provide transitional and permanent housing for the homeless.
HOME Investment Partnership Act (HOME) Funds	Federal block grant program for affordable housing activities administered and awarded by the State on behalf of HUD through an annual competitive process to cities, counties, and private non-profit housing development agencies.
HUD Section 8 Rental Assistance Program	Provides project-based rental assistance or subsidies in connection with the development of newly constructed or substantially rehabilitated privately owned rental housing financed with any type of construction or permanent financing.
HUD Section 8 Housing Choice Voucher Program	HUD Section 8 Voucher program provides very-low income tenants with a voucher to be used in rental housing of the tenant's choosing.
HUD Section 202 - Supportive Housing for the Elderly Program	Provides funding for construction, rehabilitation or acquisition of supportive housing for very low-income elderly persons and provides rent subsidies for the projects to help make them affordable.
HUD Section 203(k) - Rehabilitation Mortgage Insurance Program	Provides in the mortgage, funds to rehabilitate and repair single-family housing.
HUD Section 207 - Mortgage Insurance for Manufactured Home Parks Program	Insures mortgage loans to facilitate the construction or substantial rehabilitation of multi-family manufactured home parks.
HUD Section 221(d)(3) and 221(d)(4)	Insures loans for construction or substantial rehabilitation of multi-family rental, cooperative, and Single Room Occupancy (SRO) housing.
HUD Section 811 - Supportive Housing for Persons with Disabilities	Provides funding to nonprofits to develop rental housing for persons with disabilities, and provides rent subsidies for the projects to help make them affordable.

## Appendix D

### Summary of Financial Resources for Housing

HUD Self-help Homeownership Opportunity Program (SHOP)	Provides funds for non-profits to purchase home sites and develop or improve the infrastructure needed for sweat equity affordable homeownership programs.
HUD Shelter Plus Care Program (S+C)	Provides rental assistance and permanent housing for disabled homeless individuals and their families.
HUD Supportive Housing Program (SHP)	Provides grants to develop supportive housing and services that enable homeless people to live independently.
Low-Income Housing Tax Credit (LIHTC) Program	Provides Federal and State income tax credit based on the cost of acquiring, rehabilitating or constructing low-income housing.
Mortgage Credit Certificate (MCC) Program	MCCs can be used by lower-income first-time homebuyers to reduce their federal income tax by a portion of their mortgage interest.
USDA RHS Direct Loan Program and Loan Guarantee Program (Section 502)	Provides low-interest loans to lower-income households. Also guarantees loans made by private sector lenders.
USDA RHS Home Repair Loan and Grant Program (Section 504)	Provides loans and grants for renovation including accessibility improvements for persons with disabilities.
USDA RHS Farm Labor Housing Program (Section 514)	Provides loans for the construction, improvement, or repair of housing for farm laborers.
USDA RHS Rural Rental Housing - Direct Loans (Section 515)	Provides direct loans to developers of affordable rural multi-family rental housing and may be used for new construction or rehabilitation.
USDA RHS Farmworker Housing Grants (Section 516)	Provides grants for farmworker housing.
USDA RHS Multi-Family Housing - Rental Assistance Program (Section 521)	Provides rent subsidies to ensure that elderly, disabled, and low-income residents of multi-family housing complexes financed by RHS are able to afford rent payments.
USDA RHS Rural Housing Site Loans (Sections 523 and 524)	Provide financing for the purchase and development of affordable housing sites in rural areas for low/moderate-income families.
USDA RHS Housing Preservation Grant Program (Section 533)	Provides grants to nonprofit organizations, local governments and Native American tribes to renovate existing low-income multi-family rental units.
USDA RHS Rural Rental Housing Guaranteed Loan Program (Section 538)	Provides funding construction of multi-family housing units to be occupied by low-income families.
<b>STATE PROGRAMS</b>	
Affordable Housing Innovation Program: Catalyst Community Grant Program	Grants in support of designated Gold and Silver Catalyst Projects; ongoing targeted technical assistance from participating State agencies; and bonus points when applying for State funding programs.
Affordable Housing Innovation Program: Golden State Acquisition Fund	Provides quick acquisition financing for the development or preservation of affordable housing. Loans for developers, provided through a nonprofit fund manager.

## Appendix D

### Summary of Financial Resources for Housing

Affordable Housing Innovation Program: Local Housing Trust Fund Program	To help finance local housing trust funds (LHTFs) dedicated to the creation or preservation of affordable housing
CalHome Program	Grants to local public agencies and nonprofit corporations for first-time homebuyer downpayment assistance, home rehabilitation, including manufactured homes not on permanent foundations, acquisition and rehabilitation, homebuyer counseling, self-help mortgage assistance programs, or technical assistance for self-help homeownership.
California Self-Help Housing Program (CSHHP)	Grants are made to sponsor organizations that provide technical assistance to participating families.
State Community Development Block Grant Program (CDBG): CD, Native American, and Colonia Allocation	Funds housing activities, public works, community facilities, and public service projects serving lower-income people in small, typically rural communities.
State Community Development Block Grant Program (CDBG): Economic Development Allocation, Over the Counter Development	Economic development through assistance to local businesses, resulting in the creation or retention of jobs for low-income workers in rural communities.
State Community Development Block Grant Program (CDBG): Economic Development Allocation, Enterprise Fund Component	Assists low-income microenterprise owners, and create or preserve jobs for low-income and very low-income persons.
State Community Development Block Grant Program (CDBG): Planning and Technical Assistance Grants	Provides funds for small cities and counties for planning and evaluation studies related to any CDBG-eligible activity.
Disaster Recovery Initiative (DRI) / Disaster Recovery Enhancement Fund (DREF)	Established to distribute federal funds to assist physical and economic recovery from wildlife disasters in 2008 that affected 15 California counties and two Indian tribes.
Emergency Housing and Assistance Program Capital Development (EHAPCD)	To fund capital development activities for emergency shelters, transitional housing and safe havens that provide shelter and supportive services for homeless individuals and families.
Enterprise Zone Program (EZ)	Stimulates business investment and job creation for disadvantaged individuals in state-designated economically distressed areas of California.
Governor's Homeless Initiative (GHI)	Reduces homelessness by funding development or permanent supportive housing for persons with severe mental illness and are chronically homeless.
Housing Related Parks Program	Provides financial incentives to Cities and Counties that issue building permits for new housing.
Infill Infrastructure Grant Program	Funds infrastructure improvements to facilitate new housing development in residential or mixed use infill projects and infill areas.
Transit-Oriented Development Housing Program	Provides funding to stimulate the production of higher density housing and related infrastructure within close proximity to qualifying transit stations that encourage increased public transit ridership and minimizes automobile trips.

## Appendix D

### Summary of Financial Resources for Housing

Accessibility Grants for Renters	Grants by HCD to local agencies to fund accessibility improvements for disabled renters.
Building Equity and Growth in Neighborhoods (BEGIN)	HCD provides grants to local public agencies that adopt measures to encourage affordable housing. Grant funds must be used for downpayment assistance for low and moderate-income homebuyers.
California Homebuyer's Downpayment Assistance Program (CHDAP)	Provides deferred downpayment assistance loans for first-time moderate-income homebuyers.
California Self-Help Housing Program	Provides grants to organizations in order to assist low and moderate-income households who build their own homes.
CDLAC Tax-Exempt Housing Revenue Bonds	Local agencies can issue tax-exempt housing revenue bonds to assist developers of multifamily rental housing units, acquire land, and construct new projects or purchase and rehabilitate existing units. Reduce interest rate paid by developers for production of affordable rental housing for low and very low income households.
CHFA Affordable Housing Partnership Program (AHPP)	Provides below market-rate mortgages to qualified low-income, first-time homebuyers who also receive direct financial assistance from their local government, such as downpayment assistance or closing cost assistance.
CHFA Homeownership Program	Program offers single-family low-interest homeownership loans requiring as little as 3% down payment to first-time low- and moderate-income buyers to purchase new or existing housing.
CHFA 100% Loan Program (CHAP)	Provides 100% of the financing needs of eligible first-time homebuyers by providing a below market interest rate first mortgage combined with a 3% "silent second" mortgage to purchase newly constructed or existing (resale) housing.
CHFA Self-Help Builder Assistance Program	Offers an opportunity to households with limited down payment resources to obtain homeownership. The borrower's labor represents the downpayment.
CTCAC Tax Credit Program	Through a competitive process, awards tax credits to local agencies or non-profits for the development of affordable rental housing.
Emergency Housing Assistance Program (EHAP)	EHAP provides funds for emergency shelter, transitional housing and related services for the homeless and those at risk of losing their housing. The funds are distributed to all 58 counties based on a "need" formula derived from factors including population, unemployment and poverty.
Jobs Housing Balance Incentive Grant Program	Provides grants to local governments that approve increased housing production.
Joe Serna, Jr. Farmworker Housing Grant Program: Single Family	Finances new construction, rehabilitation and acquisition of owner-occupied housing units for agricultural workers, with a priority for lower-income households. – Homeowner Grants
Joe Serna, Jr. Farmworker Housing Grant Program: Rental	Finances new construction, rehabilitation and acquisition of owner-occupied housing units for agricultural workers, with a priority for lower-income households. – Rental new construction or rehabilitation grants and loans
Local Housing Trust Fund	Provides matching grants to local agencies that operate local housing trust funds.
Mobile home Park Resident Ownership Program (MPROP)	Finance the preservation of affordable mobile home parks by conversion to ownership or control by resident organizations, nonprofit housing sponsors, or local public agencies.
Multifamily Housing Program: General Component (MHP-General)	Provides low-interest loans to developers of affordable rental housing.

## Appendix D

### Summary of Financial Resources for Housing

Multifamily Housing Program: Supportive Housing Component (MHP-SH)	Provides low-interest loans to developers of permanent affordable rental housing developments that contain supportive housing units.
Multifamily Housing Program: Homeless Youth Component (MHP-HY)	Provides low-interest loans to developers of affordable rental housing developments that contain units for homeless youth (HY).
Preservation Interim Repositioning Program	Provides a short-term loan to an organization for preservation of "at-risk" subsidized developments.
Preservation Opportunity Program	Provides supplemental financing for "at-risk" subsidized rental developments receiving bond financing from CalHFA.
Predevelopment Loan Program (PDLP)	Provides predevelopment capital to finance the start of low-income housing projects.
Proposition 84 Office of Migrant Services	Uses general obligation bonds to fund new construction or conversion and rehabilitation of existing facilities for migrant housing.
School Facility Fee Downpayment Assistance Program (CHFA)	Provides downpayment assistance grants for low and moderate-income homebuyers of newly constructed to cover school impact fees
<b>LOCAL PROGRAMS</b>	
Single-Family Mortgage Revenue Bonds	Bonds may be issued and used to fund programs for construction and rehabilitation of affordable single-family housing.
Multi-Family Mortgage Revenue Bonds	Bonds may be issued and used to fund programs for construction and rehabilitation of affordable multi-family housing.
<b>PRIVATE RESOURCES</b>	
Federal Home Loan Bank Affordable Housing Program	Provides grants or subsidized interest rate loans for purchase, construction and/or rehabilitation of owner-occupied housing by or lower- and moderate-income households and/or to finance the purchase, construction or rehabilitation of rental housing.
Federal National Mortgage Association (Fannie Mae) Programs	Provides low downpayment mortgage to help first-time buyers purchase a home.
Federal Home Loan Mortgage Corporation (Freddie Mac) Affordable Gold Program	Provides mortgages requiring as little as 3% downpayment.
California Community Reinvestment Corporation (CCRC)	Provides long-term mortgage and bond financing for new construction, acquisition and rehabilitation as well as direct equity investment funds to acquire housing at risk of going to market-rate rents.
Low-Income Housing Fund	Provides financing for low-income housing at affordable rates and terms.

Source: HUD, HCD Financial Assistance Directory Program (June 2012), LISC, USDA, and CCRC.



**APPENDIX E**  
**SITE INVENTORY**

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# APPENDIX E Site Inventory

6/2/2016

#	APN	Zone	Address	Density	GP Designation	Acres	Capacity	Use	Infrastructure Capacity	On-Site Constraints
<b>Low Density Residential</b>										
1	025-102-006	R-1	860 F Street	2-6 du/ac	Low Density Residential	0.13	1	Vacant	Yes	None
2	025-103-023	R-1	937 E Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
3	025-113-003	R-1	915 F Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
4	025-113-004	R-1	Not Available	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
5	026-071-009	R-1	Not Available	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
6	026-102-001	R-1	Not Available	2-6 du/ac	Low Density Residential	0.2	1	Vacant	Yes	None
7	027-171-005	R-1	Not Available	2-6 du/ac	Low Density Residential	0.24	1	Vacant	Yes	None
8	027-171-006	R-1	Not Available	2-6 du/ac	Low Density Residential	0.29	1	Vacant	Yes	None
9	027-171-038	R-1	Not Available	2-6 du/ac	Low Density Residential	0.22	1	Vacant	Yes	None
10	027-171-040	R-1	Not Available	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
11	027-171-044	R-1	Not Available	2-6 du/ac	Low Density Residential	0.25	1	Vacant	Yes	None
12	027-171-045	R-1	Not Available	2-6 du/ac	Low Density Residential	0.44	1	Vacant	Yes	None
13	027-201-017	R-1	721 Iowa Avenue	2-6 du/ac	Low Density Residential	0.29	1	Vacant	Yes	None
14	027-202-011	R-1	Not Available	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
15	027-202-020	R-1	605 Madrome Street	2-6 du/ac	Low Density Residential	0.28	1	Vacant	Yes	None
16	027-202-024	R-1	Not Available	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
17	081-162-003	R-1	351 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
18	081-162-005	R-1	335 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
19	081-162-006	R-1	327 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
20	081-163-004	R-1	394 Sunburst Court	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
21	081-163-005	R-1	390 Sunburst Court	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
22	081-163-006	R-1	382 Sunburst Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
23	081-163-007	R-1	374 Sunburst Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
24	081-163-008	R-1	368 Sunburst Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
25	081-163-009	R-1	360 Sunburst Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
26	081-163-010	R-1	352 Sunburst Street	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
27	081-163-011	R-1	344 Sunburst Street	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
28	081-163-013	R-1	328 Sunburst Street	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
29	081-163-014	R-1	320 Sunburst Street	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
30	081-173-002	R-1	300 Sunburst Street	2-6 du/ac	Low Density Residential	0.2	1	Vacant	Yes	None
31	081-174-001	R-1	268 Sunburst Street	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
32	081-174-002	R-1	260 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
33	081-174-003	R-1	254 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
34	081-174-004	R-1	244 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
35	081-174-005	R-1	236 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
36	081-174-006	R-1	228 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None

# APPENDIX E

## Site Inventory

6/2/2016

#	APN	Zone	Address	Density	GP Designation	Acres	Capacity	Use	Infrastructure Capacity	On-Site Constraints
37	081-174-007	R-1	222 Sunburst Street	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
38	081-174-008	R-1	212 Sunburst Street	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
39	082-030-038	R-1	729 North Mercy Springs Road	2-6 du/ac	Low Density Residential	4.45	22	Vacant	Yes	None
40	082-515-001	R-1	Not Available	2-6 du/ac	Low Density Residential	1.17	6	Vacant	Yes	None
41	083-100-006	R-1	Not Available	2-6 du/ac	Low Density Residential	18.8	94	Vacant	Yes	None
42	083-100-019	R-1	Not Available	2-6 du/ac	Low Density Residential	19.99	100	Vacant	Yes	None
43	083-100-080	R-1	Not Available	2-6 du/ac	Low Density Residential	23.22	116	Vacant	Yes	None
44	083-261-010	R-1	Not Available	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
45	084-301-001	R-1	501 Heather Creek Drive	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
46	084-301-002	R-1	505 Heather Creek Drive	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
47	084-301-011	R-1	2317 Creekside Drive	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
48	084-301-012	R-1	2321 Creekside Drive	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
49	084-302-002	R-1	514 Heather Creek Drive	2-6 du/ac	Low Density Residential	0.12	1	Vacant	Yes	None
50	084-302-003	R-1	510 Heather Creek Drive	2-6 du/ac	Low Density Residential	0.12	1	Vacant	Yes	None
51	084-302-004	R-1	506 Heather Creek Drive	2-6 du/ac	Low Density Residential	0.12	1	Vacant	Yes	None
52	084-302-005	R-1	502 Heather Creek Drive	2-6 du/ac	Low Density Residential	0.13	1	Vacant	Yes	None
53	424-010-005	R-1	Not Available	2-6 du/ac	Low Density Residential	31.8	159	Vacant	Yes	None
54	424-010-006	R-1	Not Available	2-6 du/ac	Low Density Residential	24.48	122	Vacant	Yes	None
55	424-153-002	R-1	1458 San Antonio Street	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
56	424-153-003	R-1	1462 San Antonio Street	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
57	424-153-004	R-1	1466 San Antonio Street	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
58	424-153-005	R-1	1470 San Antonio Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
59	424-153-006	R-1	1474 San Antonio Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
60	424-153-007	R-1	1478 San Antonio Street	2-6 du/ac	Low Density Residential	0.2	1	Vacant	Yes	None
61	424-153-008	R-1	1482 San Antonio Street	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
62	424-153-009	R-1	1486 San Antonio Street	2-6 du/ac	Low Density Residential	0.24	1	Vacant	Yes	None
63	424-153-010	R-1	346 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
64	424-153-011	R-1	340 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
65	424-153-012	R-1	334 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
66	424-153-013	R-1	328 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
67	424-153-014	R-1	322 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
68	424-153-015	R-1	316 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
69	424-153-016	R-1	310 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
70	424-153-017	R-1	304 San Jeronimo Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
71	428-023-010	R-1	1498 East B Street	2-6 du/ac	Low Density Residential	0.38	2	Vacant	Yes	None
72	428-080-001	R-1	Not Available	2-6 du/ac	Low Density Residential	40.9	205	Vacant	Yes	None
73	428-120-009	R-1	Not Available	2-6 du/ac	Low Density Residential	77.2	386	Vacant	Yes	None

# APPENDIX E

## Site Inventory

6/2/2016

#	APN	Zone	Address	Density	GP Designation	Acres	Capacity	Use	Infrastructure Capacity	On-Site Constraints
74	428-121-012	R-1	Not Available	2-6 du/ac	Low Density Residential	5.48	27	Vacant	Yes	None
75	428-293-011	R-1	229 San Bruno Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
76	428-293-012	R-1	233 San Bruno Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
77	428-293-013	R-1	235 San Bruno Street	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
78	428-293-014	R-1	1441 San Pedro Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
79	428-293-015	R-1	1439 San Pedro Street	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
80	428-293-016	R-1	1435 San Pedro Street	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
81	428-293-017	R-1	238 Senora Court	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
82	428-293-018	R-1	234 Senora Court	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
83	428-293-019	R-1	230 Senora Court	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
84	428-293-020	R-1	231 Senora Court	2-6 du/ac	Low Density Residential	0.22	1	Vacant	Yes	None
85	428-293-023	R-1	228 San Bruno Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
86	428-293-037	R-1	201 Las Palmas Street	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
87	430-010-024	P-D	Not Available	2-6 du/ac	Low Density Residential	3.53	18	Vacant	Yes	None
88	430-010-035	P-D	Not Available	2-6 du/ac	Low Density Residential	22.4	112	Vacant	Yes	None
89	430-010-037	R-1	Not Available	2-6 du/ac	Low Density Residential	5.64	28	Vacant	Yes	None
90	430-035-005	P-D	1638 Woodland Court	2-6 du/ac	Low Density Residential	0.14	1	Vacant	Yes	None
91	430-035-006	P-D	1634 Woodland Court	2-6 du/ac	Low Density Residential	0.13	1	Vacant	Yes	None
92	430-036-001	P-D	1545 Mayweed Drive	2-6 du/ac	Low Density Residential	0.12	1	Vacant	Yes	None
93	430-036-002	P-D	1541 Mayweed Drive	2-6 du/ac	Low Density Residential	0.13	1	Vacant	Yes	None
94	430-060-002	R-1	Not Available	2-6 du/ac	Low Density Residential	28.4	142	Vacant	Yes	None
95	430-060-003	P-D	Not Available	2-6 du/ac	Low Density Residential	31.26	156	Vacant	Yes	None
96	430-060-005	P-D	Not Available	2-6 du/ac	Low Density Residential	7.73	39	Vacant	Yes	None
97	430-060-008	R-1	Not Available	2-6 du/ac	Low Density Residential	21.31	107	Vacant	Yes	None
98	430-060-016	R-1	Not Available	2-6 du/ac	Low Density Residential	13.4	67	Vacant	Yes	None
99	430-060-017	R-1	Not Available	2-6 du/ac	Low Density Residential	16.21	81	Vacant	Yes	None
100	430-071-002	P-D	1640 Dolomite Drive	2-6 du/ac	Low Density Residential	0.2	1	Vacant	Yes	None
101	430-071-003	P-D	1636 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
102	430-071-004	P-D	1632 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
103	430-071-005	P-D	1628 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
104	430-071-006	P-D	1624 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
105	430-071-007	P-D	1620 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
106	430-071-008	P-D	1616 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
107	430-071-009	P-D	1612 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
108	430-071-010	P-D	1608 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
109	430-071-011	P-D	1604 Dolomite Drive	2-6 du/ac	Low Density Residential	0.23	1	Vacant	Yes	None
110	430-071-012	P-D	1600 Dolomite Drive	2-6 du/ac	Low Density Residential	0.25	1	Vacant	Yes	None

# APPENDIX E

## Site Inventory

6/2/2016

#	APN	Zone	Address	Density	GP Designation	Acres	Capacity	Use	Infrastructure Capacity	On-Site Constraints
111	430-071-014	P-D	1603 Dolomite Drive	2-6 du/ac	Low Density Residential	0.27	1	Vacant	Yes	None
112	430-071-015	P-D	1609 Dolomite Drive	2-6 du/ac	Low Density Residential	0.22	1	Vacant	Yes	None
113	430-071-016	P-D	1613 Dolomite Drive	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
114	430-071-017	P-D	1804 Chert Court	2-6 du/ac	Low Density Residential	0.23	1	Vacant	Yes	None
115	430-071-018	P-D	1808 Chert Court	2-6 du/ac	Low Density Residential	0.31	1	Vacant	Yes	None
116	430-071-019	P-D	1812 Chert Court	2-6 du/ac	Low Density Residential	0.23	1	Vacant	Yes	None
117	430-071-020	P-D	1813 Chert Court	2-6 du/ac	Low Density Residential	0.3	1	Vacant	Yes	None
118	430-071-021	P-D	1809 Chert Court	2-6 du/ac	Low Density Residential	0.21	1	Vacant	Yes	None
119	430-071-022	P-D	1805 Chert Court	2-6 du/ac	Low Density Residential	0.22	1	Vacant	Yes	None
120	430-071-023	P-D	1801 Chert Court	2-6 du/ac	Low Density Residential	0.23	1	Vacant	Yes	None
121	430-071-024	P-D	1619 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
122	430-071-025	P-D	1623 Dolomite Drive	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
123	430-072-001	P-D	1643 Dolomite Drive	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
124	430-072-002	P-D	1639 Dolomite Drive	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
125	430-072-003	P-D	1635 Dolomite Drive	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
126	430-072-004	P-D	1631 Dolomite Drive	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
127	430-081-014	P-D	1225 Turquoise Court	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
128	430-081-015	P-D	1217 Turquoise Court	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
129	430-081-018	P-D	1727 Cobblefield Lane	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
130	430-081-019	P-D	1735 Cobblefield Lane	2-6 du/ac	Low Density Residential	0.17	1	Vacant	Yes	None
131	430-081-030	P-D	1739 Crystal Court	2-6 du/ac	Low Density Residential	0.22	1	Vacant	Yes	None
132	430-081-033	P-D	1264 Travertine Way	2-6 du/ac	Low Density Residential	0.28	1	Vacant	Yes	None
133	430-084-002	P-D	1200 Obsidian Court	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
134	430-091-001	P-D	1147 Obsidian Court	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
135	430-091-002	P-D	1159 Obsidian Court	2-6 du/ac	Low Density Residential	0.33	1	Vacant	Yes	None
136	430-091-003	P-D	1165 Obsidian Court	2-6 du/ac	Low Density Residential	0.2	1	Vacant	Yes	None
137	430-091-004	P-D	1173 Obsidian Court	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
138	430-091-005	P-D	1181 Obsidian Court	2-6 du/ac	Low Density Residential	0.18	1	Vacant	Yes	None
139	430-091-006	P-D	1818 Cobblefield Lane	2-6 du/ac	Low Density Residential	0.24	1	Vacant	Yes	None
140	430-091-007	P-D	1824 Cobblefield Lane	2-6 du/ac	Low Density Residential	0.35	1	Vacant	Yes	None
141	430-091-008	P-D	1830 Cobblefield Lane	2-6 du/ac	Low Density Residential	0.26	1	Vacant	Yes	None
142	430-091-009	P-D	1836 Cobblefield Lane	2-6 du/ac	Low Density Residential	0.25	1	Vacant	Yes	None
143	430-091-010	P-D	1842 Cobblefield Lane	2-6 du/ac	Low Density Residential	0.22	1	Vacant	Yes	None
144	431-111-011	R-1	Not Available	2-6 du/ac	Low Density Residential	0.19	1	Vacant	Yes	None
145	431-132-042	R-1	1534 Magnolia Court	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
146	431-132-044	R-1	1539 Magnolia Court	2-6 du/ac	Low Density Residential	0.25	1	Vacant	Yes	None
147	431-132-045	R-1	1535 Magnolia Court	2-6 du/ac	Low Density Residential	0.23	1	Vacant	Yes	None

# APPENDIX E

## Site Inventory

6/2/2016

#	APN	Zone	Address	Density	GP Designation	Acres	Capacity	Use	Infrastructure Capacity	On-Site Constraints
148	431-132-046	R-1	1531 Magnolia Court	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
149	431-132-048	R-1	910 Azalea Court	2-6 du/ac	Low Density Residential	0.22	1	Vacant	Yes	None
150	431-132-049	R-1	914 Azalea Court	2-6 du/ac	Low Density Residential	0.16	1	Vacant	Yes	None
151	431-141-013	R-1	Not Available	2-6 du/ac	Low Density Residential	5.01	25	Vacant	Yes	None
152	431-250-034	R-1	Not Available	2-6 du/ac	Low Density Residential	0.15	1	Vacant	Yes	None
153	431-270-010	R-1	Not Available	2-6 du/ac	Low Density Residential	7.92	40	Vacant	Yes	None
<b>Total:</b>						<b>435</b>	<b>2171</b>			
<b>Medium Density Residential</b>										
1	025-042-001	R-2	Not Available	7-18 du/ac	Medium Density Residential	0.58	6	Vacant	Yes	None
2	025-051-014	R-2	208 G Street	7-18 du/ac	Medium Density Residential	0.17	2	Vacant	Yes	None
3	025-052-024	R-2	Not Available	7-18 du/ac	Medium Density Residential	0.26	3	Vacant	Yes	None
4	025-052-024	R-2	Not Available	7-18 du/ac	Medium Density Residential	0.26	3	Vacant	Yes	None
5	025-052-025	R-2	Not Available	7-18 du/ac	Medium Density Residential	0.26	3	Vacant	Yes	None
6	025-054-006	R-2	Not Available	7-18 du/ac	Medium Density Residential	2.02	20	Vacant	Yes	None
7	025-081-010	R-2	708 D Street	7-18 du/ac	Medium Density Residential	0.17	2	Vacant	Yes	None
8	025-081-014	R-2	711 C Street	7-18 du/ac	Medium Density Residential	0.26	3	Vacant	Yes	None
9	025-114-011	R-2	Not Available	7-18 du/ac	Medium Density Residential	0.92	9	Vacant	Yes	None
10	025-114-012	R-2	Not Available	7-18 du/ac	Medium Density Residential	0.92	9	Vacant	Yes	None
11	027-081-024	R-2	305 West J Street	7-18 du/ac	Medium Density Residential	0.48	5	Vacant	Yes	None
12	082-072-027	PD	Not Available	7-18 du/ac	Medium Density Residential	4.73	47	Vacant	Yes	None
13	082-420-047	PD	Not Available	7-18 du/ac	Medium Density Residential	0.75	8	Vacant	Yes	None
14	083-100-080	R-2	Not Available	7-18 du/ac	Medium Density Residential	2.56	26	Vacant	Yes	None
15	083-100-084	PD	Not Available	7-18 du/ac	Medium Density Residential	8.21	82	Vacant	Yes	None
16	424-010-005	PD	Not Available	7-18 du/ac	Medium Density Residential	14	140	Vacant	Yes	None
17	424-010-006	PD	Not Available	7-18 du/ac	Medium Density Residential	18	180	Vacant	Yes	None
18	428-030-002	R-2	110 Mercy Springs Road	7-18 du/ac	Medium Density Residential	1.4	14	Vacant	Yes	None
19	428-030-006	R-2	Not Available	7-18 du/ac	Medium Density Residential	1.3	13	Vacant	Yes	None
20	428-030-019	R-2	1500 Racquet Club Drive	7-18 du/ac	Medium Density Residential	3.1	31	Vacant	Yes	None
21	428-121-013	R-2	555 Miller Lane	7-18 du/ac	Medium Density Residential	4.25	43	Vacant	Yes	None
22	428-122-004	R-2	Not Available	7-18 du/ac	Medium Density Residential	13.69	137	Vacant	Yes	None
23	428-150-001	R-2	Not Available	7-18 du/ac	Medium Density Residential	1.8	18	Vacant	Yes	None
24	428-150-002	R-2	Not Available	7-18 du/ac	Medium Density Residential	1.8	18	Vacant	Yes	None
25	428-160-001	R-2	Not Available	7-18 du/ac	Medium Density Residential	8.7	87	Vacant	Yes	None
26	428-280-002	PD	Not Available	7-18 du/ac	Medium Density Residential	6.62	66	Vacant	Yes	None
27	430-010-022	PD	1401 Praire Springs Drive	7-18 du/ac	Medium Density Residential	15.42	154	Vacant	Yes	None
28	430-010-027	R-2	Not Available	7-18 du/ac	Medium Density Residential	5.71	57	Vacant	Yes	None

# APPENDIX E Site Inventory

6/2/2016

#	APN	Zone	Address	Density	GP Designation	Acres	Capacity	Use	Infrastructure Capacity	On-Site Constraints
29	430-103-002	R-2	Not Available	7-18 du/ac	Medium Density Residential	3.57	36	Vacant	Yes	None
30	424-120-003	R-3	Not Available	7-18 du/ac	Medium Density Residential	0.32	3	Vacant	Yes	None
31	424-120-016	PD	Overland Court - Approved 2013	15.04	Medium Density Residential	4.32	69	Vacant	Yes	None
<b>Total:</b>						<b>126.6</b>	<b>1291</b>			

High Density Residential										
1	027-130-020	R-3	Not Available	12-30 du/ac	High Density Residential	0.88	21	Vacant	Yes	None
2	027-060-004	R-3	Not Available	12-30 du/ac	High Density Residential	0.37	9	Vacant	Yes	None
3	027-060-007	R-3	Not Available	12-30 du/ac	High Density Residential	0.32	8	Vacant	Yes	None
4	027-130-002	R-3	645 Pacheco Boulevard	12-30 du/ac	High Density Residential	3.1	74	Vacant	Yes	None
5	027-130-020	R-3	Not Available	12-30 du/ac	High Density Residential	0.81	19	Vacant	Yes	None
6	027-171-038	R-3	Not Available	12-30 du/ac	High Density Residential	0.22	5	Vacant	Yes	None
7	027-171-040	R-3	Not Available	12-30 du/ac	High Density Residential	0.29	7	Vacant	Yes	None
8	083-100-084	PD	Not Available	12-30 du/ac	High Density Residential	8.21	197	Vacant	Yes	None
9	424-120-012	R-3	Not Available	12-30 du/ac	Medium Density Residential	1.44	35	SFD	Yes	None
10	428-030-018	H-C	1344 San Luis Street	12-30 du/ac	High Density Residential	1.3	31	Barn	Yes	None
11	428-030-021	R-3	1520 Racquet Club Dr.	12-30 du/ac	Professional Office	5.9	57	Partial Use	Yes	Access
12	428-121-011	R-3	1510 Canal Street	12-30 du/ac	High Density Residential	2	48	Single Bldg	Yes	None
<b>Total:</b>						<b>24.8</b>	<b>511.6</b>			

Mixed Use										
1	025-072-025	*	Not Available	0-18 du/ac	Mixed Use	0.25	2	Vacant	Yes	None
2	025-072-026	*	Not Available	0-18 du/ac	Mixed Use	0.84	8	Industrial	Yes	None
3	025-072-031	*	Not Available	0-18 du/ac	Mixed Use	1.6	14	Industrial	Yes	None
4	025-072-036	*	Not Available	0-18 du/ac	Mixed Use	1.69	15	Vacant	Yes	None
5	025-072-037	*	500 H Street	0-18 du/ac	Mixed Use	0.21	2	Commercial	Yes	None
6	025-114-015	*	Not Available	0-18 du/ac	Mixed Use	0.45	4	Vacant	Yes	None
7	025-114-017	*	840 H Street	0-18 du/ac	Mixed Use	1.1	10	Industrial	Yes	None
8	025-114-010	*	Not Available	0-18 du/ac	Mixed Use	0.77	7	Vacant	Yes	None
<b>Total:</b>						<b>6.9</b>	<b>62</b>			

Downtown District										
1	025-191-012	**	546 I Street	0-18 du/ac	Downtown District	0.09	1	Commercial	Yes	None
2	025-191-013	**	536 I Street	0-18 du/ac	Downtown District	0.17	2	Commercial	Yes	None
3	025-214-010	**	541 I Street	0-18 du/ac	Downtown District	0.16	1	Commercial	Yes	None
4	025-231-009	**	661 I Street	0-18 du/ac	Downtown District	0.17	2	Commercial	Yes	None

## APPENDIX E Site Inventory

6/2/2016

#	APN	Zone	Address	Density	GP Designation	Acres	Capacity	Use	Infrastructure Capacity	On-Site Constraints
5	025-231-016	**	Not Available	0-18 du/ac	Downtown District	0.26	2	Commercial	Yes	None
6	025-241-003	**	509 I Street	0-18 du/ac	Downtown District	0.09	1	Commercial	Yes	None
7	025-241-004	**	511 I Street	0-18 du/ac	Downtown District	0.09	1	Commercial	Yes	None
8	025-241-005	**	515 I Street	0-18 du/ac	Downtown District	0.09	1	Commercial	Yes	None
9	025-241-006	**	521 I Street	0-18 du/ac	Downtown District	0.09	1	Commercial	Yes	None
10	025-241-007	**	525 I Street	0-18 du/ac	Downtown District	0.07	1	Commercial	Yes	None
11	025-241-008	**	529 I Street	0-18 du/ac	Downtown District	0.06	1	Commercial	Yes	None
12	025-241-009	**	535 I Street	0-18 du/ac	Downtown District	0.13	1	Commercial	Yes	None
13	025-241-011	**	551 I Street	0-18 du/ac	Downtown District	0.1	1	Commercial	Yes	None
Total:						<b>1.6</b>	<b>14</b>			

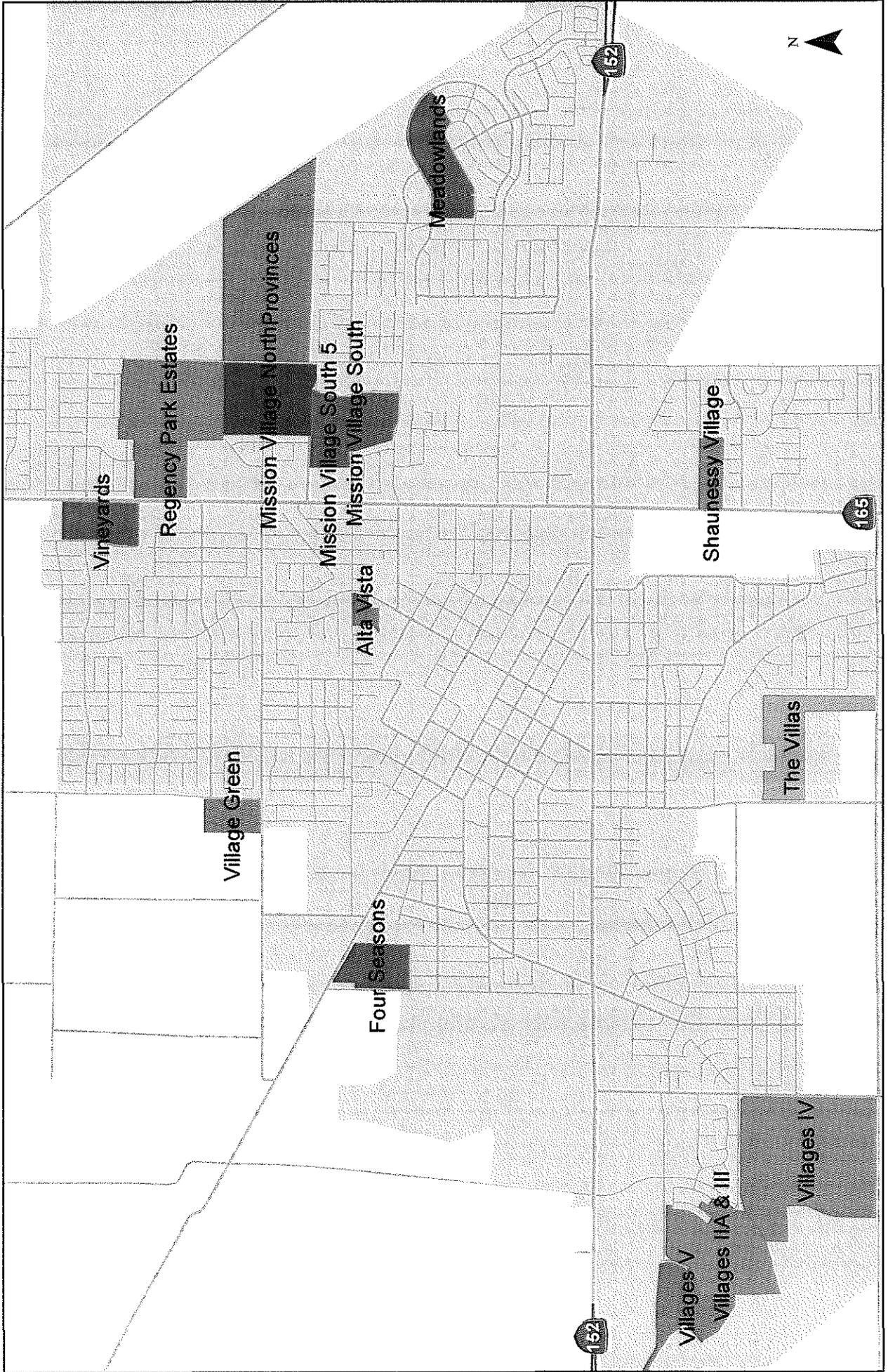
## Appendix E Inventory of Land

General Plan Designation	Zoning District	Density Range (units/acre)	Acres of Developable Land	Max Housing Unit Capacity	Realistic Capacity
<b>Land Within City Limits</b>					
Low Density	R-1 / PD	2 - 6 du/acre	435	2,610	2,171
Medium Density	R-2 / PD	7 - 18 du/acre	126.6	2,279	1,291
High Density	R-3 / PD	12 - 30 du/acre	18.9	567	512
Mixed Use	MX	0 - 18 du/acre	6.9	124	62
Downtown District	MX	0 - 18 du/acre	1.6	29	14
<b>Total</b>			<b>589</b>	<b>5,609</b>	<b>4,050</b>

**APPENDIX F**  
**UNFINISHED SUBDIVISION MAP**

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# Los Banos



**APPENDIX G**  
**MERCED COUNCIL OF GOVERNMENTS RHNA**

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# **Regional Housing Needs Allocation Plan for Merced County**

Adopted June 18, 2015

Prepared by



Merced County Association of Governments  
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# Introduction and Final Allocation

Merced County Association of Governments (MCAG) is required to distribute the State determined regional housing needs for Merced County to the seven jurisdictions in the county. The Regional Housing Needs Allocation (RHNA) process is mandated by housing law, California Government Code Section 65584. This fifth RHNA cycle began on January 1, 2014 and will conclude on December 31, 2023. The RHNA plan, once adopted, allocates to each local government a share of regional housing need for use in updating their General Plan housing element. The housing element must accommodate the total RHNA for each of four income categories over the designated period.

The three steps in the RHNA process are:

1. California Housing and Community Development (HCD) determines the county-wide housing need, broken down by income category. This occurred December 30, 2013.
2. MCAG develops a methodology describing how to distribute the housing need to each of the jurisdictions in the region. There is a 60 day review period and public hearing. MCAG adopted a methodology on February 19, 2015.
3. MCAG prepares a RHNA Plan with an allocation based on the adopted methodology. This also has a 60 day review period and appeal periods if necessary. The final Plan was adopted, after a publicly noticed public hearing, on June 18, 2015.

The RHNA allocation and plan is required to be consistent with the following objectives:

1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households.
2. Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.
3. Promoting an improved intraregional relationship between jobs and housing.
4. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States Census.

Applying the methodology described later results in the following final RHNA allocations:

Jurisdiction	Very	Low	Moderate	Above	Total
	Low			Moderate	
Atwater	429	307	281	748	1,760
Dos Palos	71	27	47	124	292
Gustine	61	56	51	136	320
Livingston	249	178	163	435	1,023
Los Banos	604	431	396	1,049	2,473
Merced	1,351	966	886	2,348	5,537
Merced County	1,085	775	711	1,885	4,445
Sums by Income	3,850	2,740	2,535	6,725	15,850
Percent of Total	24.3%	17.3%	16.0%	42.4%	

## RHNA Determination (county-wide total)

The RHNA Determination is made by the state Housing and Community Development Department (HCD). HCD issued the determination to MCAG in a letter dated December 30, 2013 (see Appendix A). The letter describes the details of the determination. The total regional need is a minimum of 15,850 housing units. Total units by income categories are:

Income Category	Housing Unit Need	Percent
Very Low	3,850	24.3%
Low	2,740	17.3%
Moderate	2,535	16.0%
Above Moderate	6,725	42.4%
<b>TOTAL</b>	<b>15,850</b>	<b>100%</b>

## RHNA Factors

10 factors are required to be included in developing the RHNA methodology. MCAG addressed these factors in the following ways:

**1. Each member jurisdiction's existing and projected jobs and housing relationship.**

The balance between jobs and housing for all jurisdictions was a component in the regional forecast process. The RTP projections represent where growth will likely occur so the RTP forecast was used as the basis for the overall RHNA distribution in the RHNA methodology. The regional growth forecast is available on the MCAG website.

**2. The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:**

**a. Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.**

The RHNA methodology addressed this factor through the RTP forecast, which incorporates the land use in local general plans and community plans. As required by State law, each jurisdiction's circulation and land use element must consider public utilities and facilities, which includes capacity for sewer and water service.

**b. The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.**

The RHNA methodology addressed this factor through the RTP forecast and through the 15% downward adjustment to unincorporated Merced County, detailed below. This recognizes the opportunities for infill development and increased densities in existing communities and incorporated cities.

**c. Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.**

The RHNA methodology addresses this factor through the RTP forecast. The RTP forecast is based on jurisdictions' General Plans and Zoning, which identify the portions of the County where growth cannot occur due to being protected via various mechanisms. In other words, the RTP forecast and the RHNA methodology assume no growth will occur on these protected lands.

**d. County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.**

The RHNA methodology addressed this factor through the RTP forecast. The RTP forecast took into consideration policies in the County's General Plan intended to protect agricultural land.

**3. The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.**

The RHNA methodology addressed this factor through the RTP forecast and through the 15% downward adjustment to unincorporated areas, detailed below. Both the RTP forecast and this adjustment reflect the proximity of housing in incorporated cities to public transportation and a greater variety of employment and service opportunities.

**4. The market demand for housing.**

The RTP forecast (see Appendix A of the RTP) considered the market demand for housing and the RTP forecast was the basis for the RHNA methodology. In addition, HCD considered this factor in their determination for the housing need for the region.

**5. Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.**

No such formal agreements exist. Note however that the General Plan of Merced County and the Local Agency Formation Commission (LAFCO) policies do encourage growth in existing communities, which includes but is not limited to incorporated areas.

**6. The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.**

Based on the data available, there are no risks in the loss of units contained in assisted housing developments. State law requires housing elements to address the loss of assisted housing development for lower-income households. The Merced County Housing Element (2010) identified publicly-assisted rental housing in the unincorporated part of Merced County and evaluated the potential of such housing to convert to market rate units. Four complexes provide a total of 147 assisted rental housing units in the unincorporated part of Merced County:

Property	Location	Units with Subsidy	Bedrooms	Target Population	Subsidy	Loan Expiration
Almond Garden Apartments	Delhi	26	1,2	Very Low-, Low-Income	USDA Section 515	2043 for family housing, 2044 for senior housing
Magnolia Garden Apartments	Delhi	24	2	Very Low-, Low-Income	USDA Section 515	2033
Le Grand Apartments	Le Grand	34	1,2,3,4	Very Low-, Low-Income	USDA Section 515	N/D
Bear Creek Apartments	Planada	63	2,3,4	Very Low-, Low-Income	USDA Section 515	2039

### 7. High-housing cost burdens.

Based on HCD's RHNA Determination for the region for the projection period, 41.6% of all units are affordable (i.e., very low- and low income). These affordable units are the minimum required that need to be addressed in the RHNA Plan and the RHNA Plan meets this minimum. Note that the income categories of the RHNA are relative to the median income of the region.

### 8. The housing needs of farmworkers.

According to the 2012 Ag Census, in Merced County there are 1,253 farms, with an annual total of 17,265 hired workers. A breakdown by Days Worked is also provided:

#### Farmworkers by Days Worked

	Farms	Workers
Fewer than 150 Days	828	8,817
150 Days or More	811	8,448
<i>Farms with 10 or more Workers</i>	223	6,689

Source: USDA Census of Farmworkers, 2012. <http://www.agcensus.usda.gov/index.php>

This information is in the 5<sup>th</sup> Housing Element Data Package provided to the local jurisdictions and was used as a reference in preparing the methodology. The RTP forecast serves as the basis of the RHNA methodology and allocation share. The RTP forecast takes into account all residents and allocation of future growth in the region. Farmworker housing and related data is included in the Housing Element Data Package, and the housing needs of farmworkers are also addressed by local jurisdictions in their housing elements.

According to Merced County, in their 2010 Housing Element, the County Housing Authority manages four seasonal housing centers providing 260 units, and Self-Help Enterprises manages one facility in Planada. The facilities are available during the six-month harvest season (April – November) and are reserved only for farmworkers and their families. The centers include:

- Atwater/Livingston – 62 units;
- Merced – 50 units;
- Los Banos – 48 units; and
- Planada – 100 units (Housing Authority - 73 units, Self-Help Enterprises - 37 units)

**9. The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.**

The University of California at Merced is located within the County of Merced. A portion of the housing need of the University is accommodated on-site in student housing, and the rest is assumed to be distributed in the nearby cities of Merced and Atwater. The RHNA methodology addresses this through the RTP forecast which assumes higher growth in Merced and Atwater due to the effect of the University.

**10. Any other factors adopted by the council of governments.**

No other factors have been adopted by MCAG.

## RHNA Methodology

Due to uncertainty in the expected rate of recovery in the local housing markets, MCAG is using a simple three-step approach in distributing the HCD RHNA determination to local jurisdictions.

First, projections for 2020 used in the 2014 Regional Transportation Plan were used to determine each jurisdiction's percentage of household population in the County. The RHNA for each jurisdiction will be derived by applying this percentage to the total countywide RHNA determination. This approach is consistent with the first and third statutory objectives, as well as market demand, to consider in distributing RHNA to each local government.

The projected shares of 2020 household population are:

Jurisdiction	2020 Population	Percent Share	Step 1 Housing Need
Atwater	31,300	10.3%	1,639
Dos Palos	5,200	1.7%	272
Gustine	5,700	1.9%	298
Livingston	18,200	6.0%	953
Los Banos	44,000	14.5%	2,303
Merced	98,500	32.5%	5,156
Unincorporated County	99,900	33.0%	5,229
<b>TOTAL</b>	<b>302,800</b>	<b>100%</b>	<b>15,850</b>

Second, a downward adjustment of 15% for the unincorporated total will be made, to decrease the unincorporated share and direct growth toward incorporated areas. This addresses the second and third statutory objectives, protects agricultural resources, encourages efficient development patterns, and improves the relationship between jobs and housing.

After applying this adjustment the shares by jurisdiction are:

Jurisdiction	Step 1 Housing Need	Adjustment	Step 2 Housing Need
Atwater	1,639	+121	1,760
Dos Palos	272	+20	292
Gustine	298	+22	320
Livingston	953	+70	1,023
Los Banos	2,303	+170	2,473
Merced	5,156	+381	5,537
Unincorporated County	5,229	-784	4,445
<b>TOTAL</b>	<b>15,850</b>	<b>0</b>	<b>15,850</b>

The last step is the determination of RHNA by income category. Section 65584.(d)(4) says that the allocation shall be consistent with the objective of “allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census”.

According to the American Community Survey 2008-2012 5-year estimates, the percentages of households in each income category, for each jurisdiction, are as follows:

Income Category	County-wide	Unincorporated	Atwater	Dos Palos	Gustine	Livingston	Los Banos	Merced
Very Low	24.3	24.4	24.2	21.0	30.8	20.9	22.3	28.4
Low	17.3	17.1	18.0	31.3	17.1	20.2	14.5	17.4
Moderate	16.0	16.4	18.7	15.4	19.9	19.4	16.4	15.4
Above Mod.	42.4	42.1	39.1	32.3	32.3	39.5	46.8	38.8

Comparing each jurisdictions’ share by income category to the county-wide average reveals disproportionately high shares are present as shown by the yellow highlighted cells in the below table. A “Disproportionately high” share will be one where the percentage is more than 25% more than the county-wide average.

Income Category	County-wide	Unincorporated	Atwater	Dos Palos	Gustine	Livingston	Los Banos	Merced
Very Low		100%	99%	87%	127%	86%	92%	117%
Low		99%	104%	181%	99%	117%	84%	101%
Moderate		103%	117%	96%	124%	121%	103%	96%
Above Mod.		99%	92%	76%	76%	93%	110%	91%

Gustine has 27% more households in the very low income category than the county-wide average, and Dos Palos has 81% more households in the low income category.

Therefore this RHNA methodology will use an income distribution of each jurisdiction’s households that will be the countywide distribution, with two exceptions: Gustine’s share of very low will be reduced by 21.26% (1 / 127%), a reduction of 17 households (from 78 to 61). Also, Dos Palos’ share of low income will be reduced by 44.75% (1 / 181%), a reduction of 23 households (from 50 to 27). The reductions will

be spread proportionally amongst the remaining jurisdiction. This distribution meets the first and fourth statutory objectives for a mix of housing types and affordability and income category allocations based on countywide distribution of incomes.

The result of applying this methodology is shown on page 1 in the Introduction and Allocation.

## Public Review / Approval Process

The draft methodology was released for a 60 day public review period beginning October 17, 2014 and ending December 16, 2014. The draft methodology was an item on MCAG's regular committees' agendas, including the Governing Board at its November 13, 2014 meeting.

A public hearing on the methodology was held November 20, 2014. No comments were received at the public hearing. One comment letter was received, from California Rural Legal Assistance. In response, the methodology was revised as follows:

- added a written explanation of the 10 "RHNA Factors" considered while developing the methodology
- added an adjustment to account for disproportionate shares by income category by jurisdiction

The methodology was approved by the MCAG Governing Board on February 19, 2015. MCAG provided notice of the adoption of the methodology and the Draft RHNA Plan to the local jurisdictions and to HCD.

Prior to the approval of the RHNA Plan, jurisdictions had a 60 day period to request a revision to their share. This period was from February 26, 2015 through April 28, 2015. No revision requests were received.

MCAG held a publicly noticed public hearing on June 18, 2015 at the Governing Board meeting. No comments were made.

# Appendix A

5<sup>th</sup> Cycle Regional Housing Need Determination

December 30, 2013 Letter from  
Department of Housing and Community Development



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Ave  
Sacramento, CA 95833-1829  
916) 263-2911 FAX: (916) 263-7453  
www.hcd.ca.gov



December 30, 2013

Ms. Marjie Kirn  
Executive Director  
Merced County Association of Governments  
369 W. 18th St.  
Merced, CA 95340

Dear Ms. Kirn,

**RE: 5<sup>th</sup> Cycle Regional Housing Need Determination for Housing Element Updates**

This letter provides Merced County Association of Governments (MCAG) its 5<sup>th</sup> cycle regional housing need assessment (RHNA) determination for the projection period January 1, 2014 through December 31, 2023. The Department of Housing and Community Development (Department) is required to determine MCAG's existing and projected housing need pursuant to State housing law, Government Code (GC) Section 65584, et. seq..

As you know, Senate Bill 375 (Chapter 728, Statutes of 2008) further strengthened the existing coordination of regional housing and transportation planning. Metropolitan Planning Organizations (MPOs) are now required to develop and incorporate a new sustainable community strategy (SCS) in their Regional Transportation Plans (RTP) to achieve greenhouse gas emission reductions and accommodate the region's housing need. SB 375 amended the RHNA schedule and methodology requiring the due date for local governments to update their housing elements be no later than 18 months from the date MCAG adopts the RTP.

The Department has prepared MCAG's RHNA determination based on MCAG's estimated RTP adoption date of June 26, 2014. Please note that in the event the RTP is adopted on a different date, the RHNA and projection period will not change, but the housing element planning period and element due date will change accordingly. The Department must be notified of any change to the RTP adoption date and will reflect RTP adoption date changes on its website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/web\\_he\\_duedate.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/web_he_duedate.pdf).

For your information, GC Section 65584.01(d)(1) allows 30 days from the date of this letter to file an objection and proposed alternative to the Department's determination (Attachment 1). An objection and proposed alternative must be based on demographic and methodology factors set forth in the statute.

The Department determined MCAG's regional housing need to be 15,850 for the 10-year projection period, from January 1, 2014 to December 31, 2023. In assessing MCAG's regional housing need, the Department considered the critical role housing plays in developing sustainable communities and supporting employment growth.

Housing element law (GC Section 65584, et. seq.) requires MCAG's methodology and RHNA Plan to be consistent with the following objectives:

- increasing the housing supply and mix of housing types, tenure, and affordability;
- promoting infill development and socio-economic equity, protecting environmental and agricultural resources, and encouraging efficient development patterns;
- promoting an improved intraregional relationship between jobs and housing; and
- balancing the distribution of households by income category.

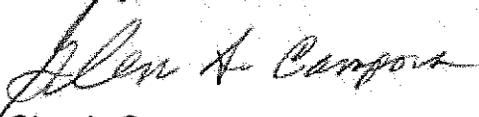
Pursuant to GC Section 65584.05(h), MCAG is required to submit its RHNA Plan to the Department for approval within three days of adopting the RHNA Plan. Upon approval by the Department of the RHNA Plan, MCAG is to distribute to all its local government members their income category shares of new housing needs to be addressed in their housing element updates covering the 2015 - 2023 planning period.

When updating their housing elements, local governments may only take RHNA credit for units approved (entitled or permitted) since the January 1, 2014 start date of the RHNA projection period. Localities are also required to describe how units were credited to different income categories based on actual or projected sale price or rent level data. Any city planning to accommodate a portion of RHNA on sites within its Sphere of Influence (SOI) needs to include an annexation program in the housing element. The annexation program needs to demonstrate SOI sites can be annexed early enough in the planning period to make adequate sites available to avoid other rezoning pursuant to GC sections 65583(c)(1)(A), and 65583(f).

Regarding transfers of housing need among local governments, AB 242 (Chapter 11, Statutes of 2008) amended provisions of GC Section 65584.07. RHNA transfers agreed between local governments may occur until adoption of the RHNA Plan. Once MCAG has adopted its RHNA Plan, RHNA transfers meeting specified conditions may only occur from the county to cities within the county. Transfers after the due date of the housing element are restricted to annexations and incorporations and must be completed within specified timeframes. The numbers of units by income to be transferred are determined either based on mutual agreement between affected local governments, or, when no agreement is reached, by the entity responsible for allocating housing need (MCAG). The Department must be notified of all transfers; jurisdictions affected by RHNA transfers must amend their housing element within the timeframe specified in the statute.

The Department commends MCAG's efforts to meet the objectives of SB 375 and especially appreciates the assistance provided by Mr. Matt Fell. We look forward to a continued partnership with MCAG and its member jurisdictions in planning efforts to accommodate the region's housing need. If you need assistance or have any question, please contact me or Anda Draghici, Housing Policy Senior Specialist, at (916) 263-2911.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

Enclosures

## ATTACHMENT 1

### HCD REGIONAL HOUSING NEED DETERMINATION: Merced CAG Projection Period: January 1, 2014 through December 31, 2023

Income Category	Percent	Regional Housing Need (rounded) <sup>(1)</sup>
Very-Low	24.3%	3,850
Low	17.3%	2,740
Moderate	16.0%	2,535
Above-Moderate	42.4%	6,725
<b>Total</b>	<b>100.0%</b> <sup>(2)</sup>	<b>15,850</b> <sup>(3)</sup>

(1) The statutory objective regarding RHNA requires HCD, in consultation with Department of Finance (DOF) and councils of governments (COGs), to determine projected household growth and housing need based on DOF population projections and COG regional population forecasts and requires regional and local jurisdictions to plan to accommodate capacity for all of the projected RHNA. The Legislature recognizes that different assumptions and variances in methodologies can be used that can result in different population projections. Projection of housing need developed by DOF and HCD for RHNA purposes does not consider local government constraints.

For this RHNA cycle only (due to unique conditions not expected to recur to impact future RHNA cycles), the housing need was adjusted downward to account for an estimated 20 percent absorption level of unprecedented high vacancies in existing stock due to extraordinary conditions including high foreclosures and economic uncertainties.

(2) The income category percentages reflect the minimum percentage to apply against the total RHNA decided by MCAG in determining housing need for very-low, low, and moderate income households. Each category is defined by Health and Safety Code (Section 50093, et seq.). Percentages are derived from the 2007-2011 American Community Survey's number of households by income, over 12 month periods. Housing unit need under each income category is derived from multiplying the portion of households per income category against the total RHNA determination.

(3) The 15,850 allocation (see Attachment 2) reflects MCAG's projected minimum housing need (rounded) and an adjustment (-2,230) for existing excess vacant units in estimating 80% of vacant units will not be absorbed before the start of the projection period. This column represents the minimum housing need that MCAG's RHNA Plan must address in total and also for very-low, low, and moderate income categories.

**Based on the region's estimated RTP adoption date of June 19, 2014 (subject to change):**

**5th Update of the Housing Element Due Date:**

**December 31, 2015**



**ATTACHMENT 2  
HCD REGIONAL HOUSING NEED DETERMINATION: Merced CAG**

1	<b>Population: December 31, 2023 (DOF Projections)</b>			323,927
2	<i>less: Group Quarters Population Census DOF</i>			8,342
3	<b>Household (HH) Population December 31, 2023</b>			315,585
	<b>Household Formation Groups</b>	<b>2023 HH Population</b>	<b>2023 Households</b>	
	<b>All Age Groups (DOF)</b>		<i>HH Formation or Headship Rate</i>	97,223
	Under 15	-	-	-
	15 - 24 years	54,141	8.10%	4,387
	25 - 34 years	50,268	36.22%	18,210
	35 - 44 years	41,563	47.40%	19,701
	45 - 54 years	32,683	50.87%	16,627
	55 - 64 years	30,700	53.12%	16,307
	65 -74 years	22,988	54.38%	12,500
	75 - 84 years	12,149	56.87%	6,909
	84+	4,555	56.73%	2,584
4	<b>Projected Households-December 31, 2023</b>			97,223
5	<i>less: Households at Beginning of Projection Period (January, 2014, interpolated)</i>			79,698
6	<b>Household Growth: 10 Year Projection Period</b>			17,525
7	<b>Vacancy Allowance</b>	<b>Owner</b>	<b>Renter</b>	<b>Total</b>
	Tenure Percentage per 2010 Census	54.46%	45.54%	
	HH Growth by Tenure	9,544	7,980	17,525
	Healthy Vacancy Rate	1.50%	4.00%	
	Vacancy Allowance	143	319	462
8	<b>Replacement Allowance (minimum)</b>	0.54%		17,987
				18,084
9	<i>less: Adjustment for Absorption of Existing Excess Vacant Units</i>			
	Estimate 20% Absorbed, 80% Not Absorbed by 2014	Effective Vacant Units	Healthy Market Units	Differential
	Derived (2010 Census, HH Growth, & Vacancy Rate)	(4,448)	2,081	-2367
	Total 2012 Housing Stock	83,979		
	Existing Vacant Unit (Others) Adjustment	3.05%	2.63%	
	Total Adjusted Existing Vacant Units (Others)	(2,603)	2,183	-420
	Estimated Total Vacant Units Not Absorbed by 2014	80%		-2,787
	<b>Merced CAG FINAL REGIONAL HOUSING NEED DETERMINATION</b>			15,850

- 2023 Population:** Pursuant to Government Code Section 65584.01(b), and in consultation with MCAG, the 2023 population projections used by the Department were provided by the Department of Finance Population Projections for December 2023.
- Group Quarter Population:** Figure is an estimate of persons residing either in a group home, institution, military, or dormitory using based on the average between the 2010 Census group quarters proportion in total population and MCAG's forecast Group quarter, as used in its RTP. As this population doesn't constitute a "household" population generating demand for a housing unit, the group quarter population is excluded from the calculation of the household population, and is not included in the housing need.
- 2023 Household (HH) Population:** The portion of population projected to reside in housing units after subtracting the group quarter population from total projected population. The composition by race/ethnicity for the household population was calculated as an average between DOF's and MCAG's (Planning Center forecast as used in its RTP) population projections' race/ethnicity compositions.
- Projected 2023 Households (HHs):** The December 2023 number of households is derived by applying (to 2023 HH population by age and race/ethnicity) household formation rates calculated by applying half of the 1990-2010 change to the 2010 Census-based household headship rates. HH formation or headship rates reflect the propensity of different population groups (age, racial and ethnic) to form households.

## ATTACHMENT 2

### HCD REGIONAL HOUSING NEED DETERMINATION: Merced CAG

- 5 **Households at Beginning of Projection Period:** The baseline number of households at the beginning of the projection period (January 2014) was projected, as a direct effect of amendment to Section 65588(e)(6) specifying the new projection period to start on either June 30 or December 31 whichever date most closely precedes the end of the current housing element period. As such, the 2014 household number reflects the January 1, 2014 DOF-projected number of households.
- 6 **Household (HH) Growth:** This figure reflects projected HH growth and need for (occupied) new units.
- 7 **Vacancy Allowance:** An allowance (unit increase) is made to facilitate availability and mobility among owner and renter units. Owner/Renter % is based on Census 2010 data. A smaller rate is applied to owner units due to less frequent mobility than for renter households. Information from a variety of authoritative sources supports an acceptable range of 1 to 4% for owner units and 4 to 8% for renter units depending on market conditions.
- 8 **Replacement Allowance:** Rate (0.54%) reflects the housing losses that localities annually reported to DOF each January for years 2002-2011.
- 9 **Adjustment for Absorption of Existing Excess Vacant Units:** For this RHNA cycle only (due to extraordinary uncertainty regarding conditions impacting the economy and housing market not expected to similarly impact future RHNA cycles), a new one-time adjustment was made to account for unprecedented high vacancies in existing stock due to unusual conditions including high foreclosures and economic uncertainties. An absorption rate of 20% of existing excess vacant units is assumed to occur in shrinking current excess vacant units before the start of the 2014 RHNA projection period. This results in applying a 80% adjustment to account for units not absorbed, reflected in a downward adjustment of (- 2,230). Existing housing stock consists of two components: (1) housing units for sale and rent in existing housing stock that are above the housing units required to maintain the healthy market condition, calculated as the number of units in housing stock (for sale + for rent + sold, not occupied+rented, not occupied + occupied units), (2) housing units in the "vacant units others" category of existing housing stock above the "normal" rate considered to be at the level of 2000, at 2.63% of total housing units, as provided by the 2000 Census. The Department used 2010 Census Demographic profile data (DP-1) and desirable "normal" vacancy rates by tenure, in conjunction with the region's household growth and proposed household formation rates. The vacancy adjustment is limited to not exceed the differential between the 2010 Census vacant units and the healthy market vacant units rate associated with the region's annual household growth. As the adjustment was below the differential, the adjustment was applied in calculating the RHNA determination.

**RHNA Projection Period January 1, 2014 to December 31, 2023:** Pursuant to SB 375, the start of the projection period (in effect January 1, 2014) was determined pursuant to GC 65588(e)(6), which requires the new projection period to start on June 30 or December 31 that most closely precedes the end of the current housing element period, which for Merced County region is June 30, 2014. The end of the projection period was determined pursuant to GC 65588(e)(5) to be the end of the housing element planning period. *Note: For projection purposes the end of the projection period is rounded to the end of the month.*

**Housing Element Planning Period December 31, 2015 to December 31, 2023:** Pursuant to SB 375, the start of the planning period was determined pursuant to GC 65588(e)(5), 18 months from the estimated adoption date of MCAG's Regional Transportation Plan, as notified to HCD, with the date rounded to the end of month for projection purposes. The end of the planning period was calculated pursuant to GC 65588(e)(3)(A), 18 months after the adoption of the second RTP, provided that it is not later than eight years from the adoption of the previous housing element. If the actual RTP adoption date differs from the estimated date of June 19, 2014, the RHNA determination and the projection period will not change, however the housing element due date, and implicitly, the housing element planning period would change accordingly.

# Appendix B

Public Notices and Memoranda

**NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
FOR THE DRAFT METHODOLOGY FOR THE MERCED COUNTY  
REGIONAL HOUSING NEEDS ALLOCATION (RHNA)**

NOTICE IS HEREBY GIVEN that the Merced County Association of Governments (MCAG) will hold a public hearing on November 20 at 3 p.m., at the Merced County Board of Supervisors Chambers, at 2222 M St., Merced CA, regarding the Regional Housing Needs Allocation – Draft Methodology (RHNA). The purpose of the public hearing is to receive public comments on the document. The methodology will be the basis of the final Allocation and RHNA Plan required by the state in order for local jurisdictions to prepare updated General Plan Housing Elements.

Individuals with disabilities may call MCAG (with 3 working-day advance notice) to request accommodations. Spanish translation services will be available at this hearing, upon request.

A 60-day public review and comment period will commence on October 17, 2014 and conclude on December 16, 2014. The draft document is available for review at the Merced County Association of Governments office, located at 369 West 18<sup>th</sup> St., Merced CA, and on the MCAG website at <http://mcagov.org/>.

Public comments are welcomed at the hearing, or may be submitted in writing by 5 p.m. on December 16, 2014, to Matt Fell at the address below. Contact: Matt Fell, Transportation Manager, 369 West 18<sup>th</sup> St., Merced, CA 95340. Phone: 209-723-3153. Email: [matt.fell@mcagov.org](mailto:matt.fell@mcagov.org)

**MEMORANDUM**

DATE: February 26, 2015

TO: Interested Parties

FROM: Matt Fell, Transportation Planning Manager

SUBJECT: Adoption of Regional Housing Needs Allocation (RHNA) Methodology and Issuance of Draft Allocation

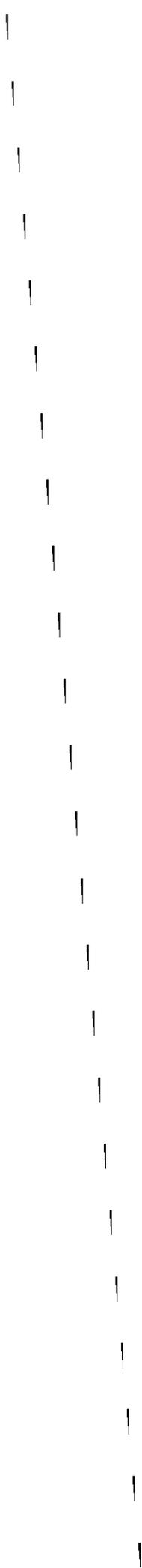
At its February 19, 2015 meeting, the MCAG Governing Board adopted the Regional Housing Needs Allocation (RHNA) Methodology and authorized providing the resulting draft allocations to the local jurisdictions. The draft allocations are:

Jurisdiction	Very Low	Low	Moderate	Above Moderate	Total Allocation
Atwater	429	307	281	748	1,760
Dos Palos	71	27	47	124	292
Gustine	61	56	51	136	320
Livingston	249	178	163	435	1,023
Los Banos	604	431	396	1,049	2,473
Merced	1,351	966	886	2,348	5,537
Merced County	1,085	775	711	1,885	4,445
Sums by Income	3,850	2,740	2,535	6,725	15,850
Percent of Total	24.3%	17.3%	16.0%	42.4%	

Attached is the draft RHNA Plan which includes the RHNA Determination from the Department of Housing and Community Development (HCD) and the adopted methodology which results in these allocations. Pursuant to Government Code Section 65584.05, a jurisdiction has 60 days from the date of issuance to request a revision of its share. Revision requests are due to MCAG by April 28, 2015.

If you have any questions or suggestions, please contact me at 209-723-3153 or [matt.fell@mcagov.org](mailto:matt.fell@mcagov.org)

Attachment:  
*Regional Housing Needs Allocation Plan (Draft)*



**NOTICE OF PUBLIC HEARING TO ADOPT  
THE PROPOSED FINAL MERCED COUNTY  
REGIONAL HOUSING NEEDS ALLOCATION PLAN**

NOTICE IS HEREBY GIVEN that the Merced County Association of Governments (MCAG) will hold a public hearing on June 18, 2015, at 3 p.m., at the Highway 59 Landfill, Administration Building, 7040 N. Hwy. 59, Merced, CA, to consider adoption of the proposed final Regional Housing Needs Allocation Plan (RHNA). This public hearing signals the end of MCAG's process to issue the RHNA Plan required by the State of California in order for local jurisdictions to prepare updated General Plan Housing Elements. The RHNA Plan has been prepared in accordance with Government Code Section 65580 et seq., and maintains a total regional housing need, by income category, within the range approved by the State Department of Housing and Community Development.

The proposed final Regional Housing Need Allocation Plan is available for review online at <http://www.mcagov.org> and at the MCAG offices at 369 West 18<sup>th</sup> St., Merced, CA 95340.

Individuals with disabilities may call MCAG (with 3 working-day advance notice) to request accommodations. Spanish translation services will be available at this hearing, upon request.



**APPENDIX H**  
**HCD HOUSING ELEMENT LETTERS**

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



May 5, 2016

Mr. Al Silva, Planning Director  
Building Department  
City of Los Banos  
520 J Street  
Los Banos, CA 93635

Dear Mr. Silva:

**RE: City of Los Banos' 5<sup>th</sup> Cycle (2016-2024) Draft Housing Element**

Thank you for submitting the City of Los Banos' draft housing element received for review on March 9, 2016 along with additional revisions received on March 21, 29, and April 22, 2016. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by multiple conversations with the City's consultants, Mr. Mark Niskanen and Mr. Davis Niskanen of JB Anderson Land Use Planning.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (GC, Article 10.6). In particular, the elements must analyze the feasibility of identified non-vacant sites to accommodate the City's regional housing need allocation (RHNA). The enclosed Appendix describes this and other revisions needed to comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) Los Banos must adopt its housing element within 120 calendar days from the statutory due date of March 31, 2016 for MCAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

For your information, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRRP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further

Mr. Al Silva, Planning Director  
Page 2

information is available on the Department's website at:

<http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html> .

The Department appreciates the hard work and dedication Messrs. Niskanen provided during the course of our review. We are committed to assisting Los Banos in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at (916) 263-7422.

Sincerely,

A handwritten signature in cursive script that reads "Glen A. Campora".

Glen A. Campora  
Assistant Deputy Director

Enclosure

## APPENDIX CITY OF LOS BANOS

The following changes would bring Los Banos' housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov/hpd](http://www.hcd.ca.gov/hpd). Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at [www.hcd.ca.gov/hpd/housing\\_element2/index.php](http://www.hcd.ca.gov/hpd/housing_element2/index.php) and includes the Government Code addressing State housing element law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Los Banos has a regional housing need allocation (RHNA) of 2,473 housing units, of which 1,035 are for lower-income households. To address this need, the element relies on zoned non-vacant sites and sites to be rezoned. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Suitability of Non-Vacant Sites: While the element identifies non-vacant sites to accommodate the regional housing need for lower-income households, it provides no analysis to demonstrate the potential for redevelopment. The element must describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites (Section 65583.2(g)). For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For additional information and sample analysis, see the *Building Blocks* at: [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php#nonvacant](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvacant).

#### Sites with Zoning for a Variety of Housing Types:

- **Housing for Farmworkers:** The element must demonstrate the zoning is consistent with the Employee Housing Act (Health and Safety Code Section 17000 et seq.), specifically, Sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single family structure and permitted in the same manner as other dwellings

of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. For additional information and sample analysis, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_variety.php#Farmworker](http://www.hcd.ca.gov/hpd/housing_element2/SIA_variety.php#Farmworker).

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

**Fees and Exaction:** The element must describe all required fees for single family and multifamily housing development, including school impact fees, and analyze their impact as potential constraints on housing cost, supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For information and a sample analysis and tables, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_fees.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_fees.php).

## **B. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

To address program requirements of GC Section 65583(c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

**Program 8A:** Describe specific implementation actions to occur as a result of the program. Include timeframes and quantification of desired outcomes.

Program 8B: Quantify the number of senior housing projects to be assisted through program actions.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A-1, the element does not include a complete sites analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A-2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

Program 8G: The City's Site Plan Review process includes several findings that are subjective in nature. Subjective findings decrease certainty in the development planning process and can increase costs. The program commits to review and amend the Site Plan Review process, but it is limited to housing development for special needs groups. The program should be revised to include all housing developments requiring Site Plan Review.

Transitional and Supportive Housing: Revisions are necessary to ensure treatment of Transitional and Supportive housing comply with SB 2. For example, the element must include a program to amend the zoning ordinance to permit transitional and supportive housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). For additional information, see the *Building Blocks*' at [http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_adqsites.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_adqsites.php) and the Department's SB 2 memo at [http://www.hcd.ca.gov/hpd/sb2\\_memo050708.pdf](http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf).





City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

Date: May 13, 2016

Regarding: Notice of Public Hearing

Proposal: City of Los Banos Housing Element 2014-2023

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a recommendation to the Los Banos City Council for a proposed General Plan Amendment that would update the Housing Element of the Los Banos General Plan pursuant to State law. The purpose of the Housing Element is to establish specific goals, policies and objectives relative to the provision of housing and to adopt an action plan toward this end. In addition, the Housing Element identifies and analyzes housing needs and resources and constraints to meeting those needs. A copy of the City of Los Banos Housing Element 2014-2023 is available for public review at: [www.losbanos.org](http://www.losbanos.org).

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, May 25, 2016 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Senior Planner, at City Hall or at (209) 827-7000, Ext.133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing per Government Code Section 65009.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms  
Senior Planner



## DESIGN REVIEW STUDY SESSION

**TO:** Chairman Spada and Planning Commissioners

**FROM:** Stacy Souza Elms, Senior Planner 

**DATE:** June 8, 2016

**SUBJECT:** O'Reilly Auto Parts  
Northwest Corner Pacheco Blvd. and Sixth Street

---

### Project Description

The Applicant, O'Reilly Auto Enterprises, LLC, is proposing the constructing of a new 8,712 square foot auto parts store located at the northwest corner of Pacheco Blvd. and Sixth Street.

The project site has historically been used for new and used automotive sales. The project site is located within the Highway Commercial zoning district on the northwest corner of Pacheco Blvd. and Sixth Street and is located at the gateway to the City's historic downtown. The project site is east of the Economy Inn, south of Habitat for Humanity Re-Use Store, west of Dutra Towing, and north of Los Banos Express Oil.



The Community and Economic Development Department has referred the project to the Planning Commission for a study session on the aesthetic aspects related to the proposed project pursuant to Section 9-3.2318(a) of the Design Review Ordinance. The proposed project will require final site plan approval by the Planning Commission through a public hearing at a later date.

#### **Planning Commission Project Study Session Review**

Pursuant to Section 9-3.2318(a) of the Design Review Ordinance, the purpose of the study session is to provide the applicant with feedback from the Planning Commission early on in the design process, before becoming overly invested in a design. The review is in the nature of a discussion between the Planning Commission and the applicant concerning the aesthetic aspects of a proposal, and does not constitute a final decision by the Planning Commission concerning the proposed development.

Pursuant to Section 9-3.2318(b) of the Design Review Ordinance, the Planning Commission's scope during the study session is to review, consider, and provide feedback on the following design aspects of the proposed project in light of the City's General Plan and applicable policies:

- Architecture;
- Landscaping; and
- Lighting.

#### **Architecture**

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following architectural elements:

- Architectural style and consistency;
- Height;
- Bulk;
- Area;
- Color of buildings;
- Types of construction materials;
- Physical and architectural relationships with existing and proposed structures;
- Materials and variations of boundary walls;
- Fences;
- Exterior elevations of all sides of the buildings or structures; and
- Methods used to screen mechanical equipment from public view.

The preferred style along Pacheco Boulevard is Spanish/Mission. The architects of the project have worked with staff to incorporate this style into the project. The proposed building is not a prototype and the architectural features are unique to the applicant.

Some of the characteristics of the Community Design Standards incorporated in the elevations include stucco walls, rounded corners, and parapeted gable roofline. In addition to the Community Design Standard requirements, the applicant has

incorporated varied roof heights and stone veneer to enhance the Spanish Mission style architecture.

The building has a 360-degree design which provides consistent architectural design and enhancements on all sides of the building. The height of the proposed building is in keeping with the surrounding area with a general height of 20'. The orientation of the building lends to a more open circulation. There are no plans for a boundary wall or fencing around the perimeter of the project site.

A moderate use of contrasting colors is proposed on different surfaces to provide visual interest and to further articulate the building's mass. The corporate colors are Red and Green and have been incorporated over the entrance of the building. The rooftop equipment will be screened by the parapet roof and the downspouts have been integrated into the building's architecture.

### **Landscaping**

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following landscaping and site treatment elements:

- Types of planting and vegetation;
- Rock groupings; and
- Topography and location of landscaping areas.

The proposed landscape plan shows planting areas with various tree, shrub, vine, and ground cover species. The main planting areas are along the west, south, and east property lines. Greenspire Linden and Village Green Sawleaf Zelkova are proposed to be used throughout the parking areas for shading and purpleleaf plum as ornamental tree. The shrubs and groundcovers proposed to be used through the site consist of rosy glow barberry, burning bush, stella d'oro day lilly, blue pacific juniper, Japanese privet, compact Oregon grape, david viburnum, and bowles vinca minor.

The proposal landscape plan meets the City minimum standard of 4% gross landscape area and the 50% shade tree canopy ordinance. Landscaping will be required to be irrigated in a manner that focuses on water conservation, with properly designed and installed low-volume irrigation.

### **Lighting**

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following lighting elements:

- Aesthetics of exterior lighting

The project proposes to utilize typical parking lot lighting fixtures. In addition, the building will consist of wall mounted sconces around the exterior of the building. All lighting will be directed downward and shielded.

### **Project Review Board**

The proposed project will be reviewed by the Project Review Board (PRB) for these aspects:

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB will be providing a formal recommendation to the Planning Commission concerning the scope of their review during the Site Plan Review process.

### **Recommendation**

Staff is requesting that the Planning Commission evaluate the architectural considerations, landscape and site treatment, and lighting elements as described above and provides initial feedback to the applicant on the proposed design. No formal action will be taken at this time.

### **Attachments**

Site Plan  
Site Photos

**-PRELIMINARY-  
NOT FOR CONSTRUCTION**

PREPARED UNDER THE SUPERVISION OF T&T & ASSOCIATES, INC.

DATE: 07-09-16  
REVISION: 001

CC1 of 1

PROJECT: O'Reilly Auto Parts

CLIENT: O'Reilly Auto Parts

DATE: 07-09-16

REVISION: 001

PROJECT: O'Reilly Auto Parts

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PROJECT: O'Reilly Auto Parts

CLIENT: O'Reilly Auto Parts

DATE: 07-09-16

REVISION: 001

**KEY NOTES:**

1 CONCRETE PAVING

2 CONCRETE CURB

3 CONCRETE SIDEWALK

4 STEEL ROLLUP

5 HANDICAP PARKING SIGN

6 HANDICAP PARKING SYMBOL

7 HANDICAP ACCESS UNLOADING ZONE

8 TRASH ENCLOSURE

9 CONCRETE BUMPER BLOCK

10 STRIPING: USE ARROWS FOR EXISTING AS SHOWN

11 USE HIGHWAY MARKING PAINT (YELLOW (2 COATS))

12 LANDSCAPING AREAS

13 PROPOSED FACILITY SIGN

14 EXISTING CONCRETE TO BE REMOVED

15 EXISTING WATER WETTER

16 LIGHT POLE TO BE RELOCATED

17 ELECTRIC LINES AND BOX TO BE RELOCATED

18 WATER METER TO BE REMOVED

19 TRAFFIC SIGNAL

**GENERAL NOTES:**

ALL ON SITE STORM WATER TO DISCHARGE TO THE INTO EXISTING STORM WATER

MANAGEMENT FACILITIES

NO WATER QUALITY MANAGEMENT NEEDED

FLOODPLAIN NOTE: SITE LOCATION IS WITHIN "ZONE X" BOUNDARIES

**VERTICAL DATUM:**

NAD83 AS BASED UPON BENCHMARK V205 - LISTED IN THE DATA

BOOK OF RECORDS, SHEET 1001, AND HAVING A PUBLISHED ELEVATION OF 100.00

(PMS 137), AND HAVING A PUBLISHED ELEVATION OF 100.00.

**SITE BENCHMARK:**

FOUND IN WALL IN ASPHALT ALLEY AS SHOWN. ELEVATION DETERMINED

BY GPS MEASUREMENTS TO BE 111.32.

**BASIS OF BEARING:**

CONSIDERED AS BEING SOUTH-SOUTHWEST ALONG THE CENTERLINE

REASUREMENT RECORDED IN BOOK OF PLATS, PAGE 7, MERGED

COUNTY, CLIP PERIA RECORD.

**SITE PLAN**

SCALE: 1" = 20'

CC1

EXISTING 50' DRIVEWAY

**VICINITY MAP:**

SCALE: 1" = 200'

CC1

EXISTING 50' DRIVEWAY

EXISTING



**FINISH LEGEND:**

	ACCENT STUCCO -	SHERWIN WILLIAMS "SUNSET TAN" SW9141
	FIELD STUCCO -	FIELD PAINTED SHERWIN WILLIAMS "LATTE" SW9106
	STUCCO AROUND SIGN -	CUSTOM RED MIX BY DRYVIT ORAPPTIUMS WITH DRYVIT FINISHES TO MATCH SIGN COLORANT (FACTORY MIXED ONLY)
	STONEFRONT -	KAWNEER "SUNLIT"
	STONE VENEER -	ELDORADO STONE BUSTIC LEDGE "SAWTOOTH"



**1 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"  
CE1

BY O'REILLY AUTO PARTS (R-001)



**2 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"  
CE1



**3 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"  
CE1



**4 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"  
CE1

NOT FOR CONSTRUCTION

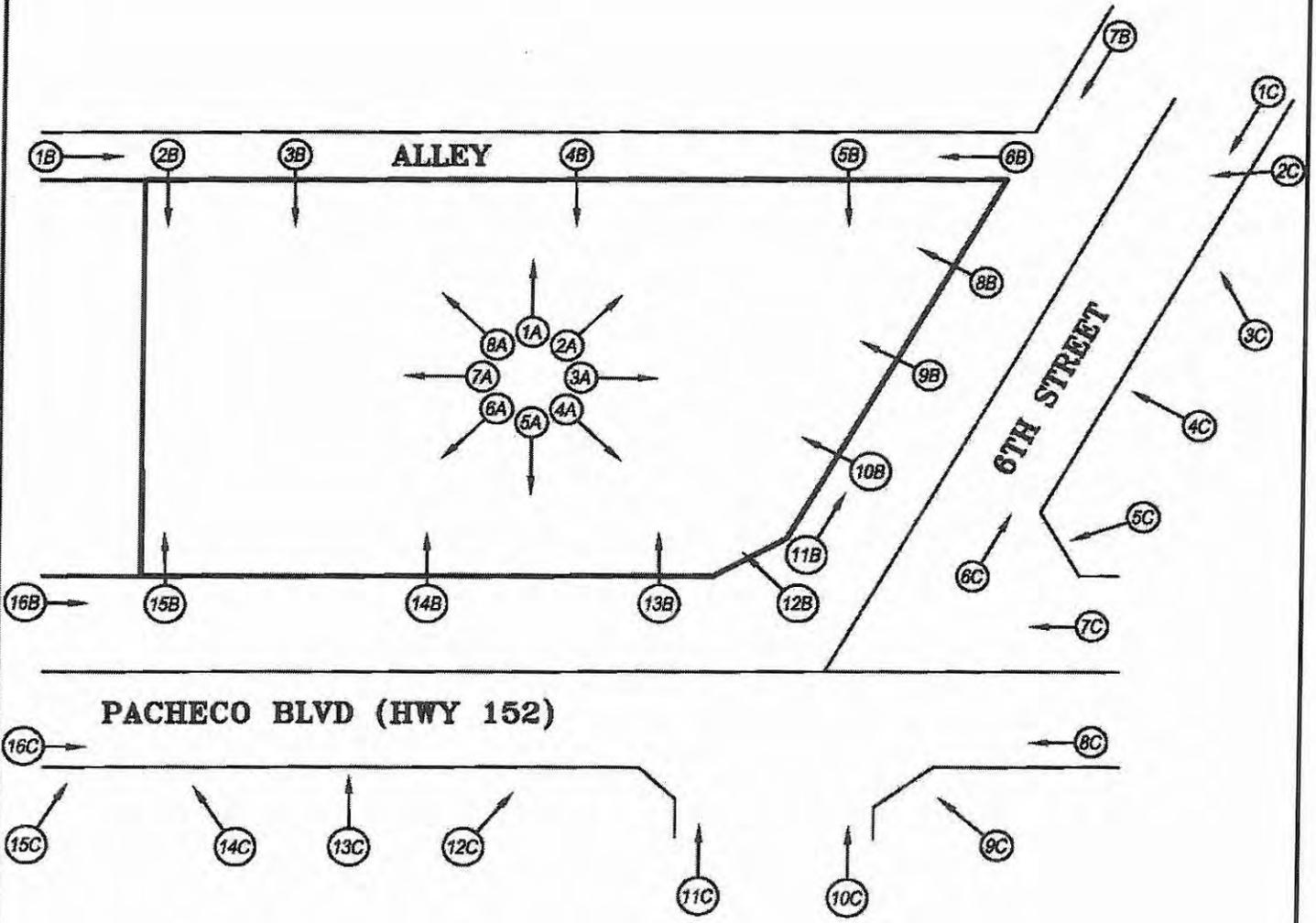
THOMAS A. LUDBERG ARCHITECT  
417.962.2674  
1729 EAST SUMMIT, IRVING, TEXAS 75038  
SPRINGFIELD, MISSOURI 65902  
PACHECO BOULEVARD  
LOS BANOS, CA  
MAY O'REILLY AUTO PARTS SIGN

O'Reilly AUTO PARTS  
233 SOUTH PATTENSON  
SPRINGFIELD, MISSOURI 65902  
417.962.2674 PHONE

CE1 of 1  
DATE: 05/18/2011  
DRAWN: JAV  
CHECKED: JAV  
DATE: 05/18/2011



NOT TO SCALE



**O'Reilly**  **AUTO ENTERPRISES**

Corporate Office:  
233 South Patterson, Springfield, MO 65802  
Phone: (417) 862-2674 FAX: (417) 874-7119

PHOTO LAYOUT KEY  
Los Banos, CA  
(LSB)



PROJECT: LSB                      AUGUST 19, 2015  
VIEW: NORTH FROM CENTER OF SITE

LOCATION: 1A



PROJECT: LSB                      AUGUST 19, 2015  
VIEW: NORTHEAST FROM CENTER OF SITE

LOCATION: 2A







PROJECT: LSB                      AUGUST 19, 2015  
VIEW: WEST FROM CENTER OF SITE

LOCATION: 7A



PROJECT: LSB                      AUGUST 19, 2015  
VIEW: NORTHWEST FROM CENTER OF SITE

LOCATION: 8A









PROJECT: LSB

AUGUST 19, 2015

LOCATION: 7B

VIEW: SOUTHWEST FROM NW SIDE OF SITE - WEST SIDE OF 6<sup>TH</sup> STREET



PROJECT: LSB

AUGUST 19, 2015

LOCATION: 8B

VIEW: NORTHWEST FROM NORTHEAST CORNER OF SITE















PROJECT: LSB

AUGUST 19, 2015

LOCATION: 5C

VIEW: SOUTHWEST FROM EAST SIDE – MIDDLE OF SITE - EAST SIDE OF 6<sup>TH</sup> STREET



PROJECT: LSB

AUGUST 19, 2015

LOCATION: 6C

VIEW: NORTHEAST FROM NORTHEAST CORNER INT OF 6<sup>TH</sup> STREET & PACHECO BLVD.







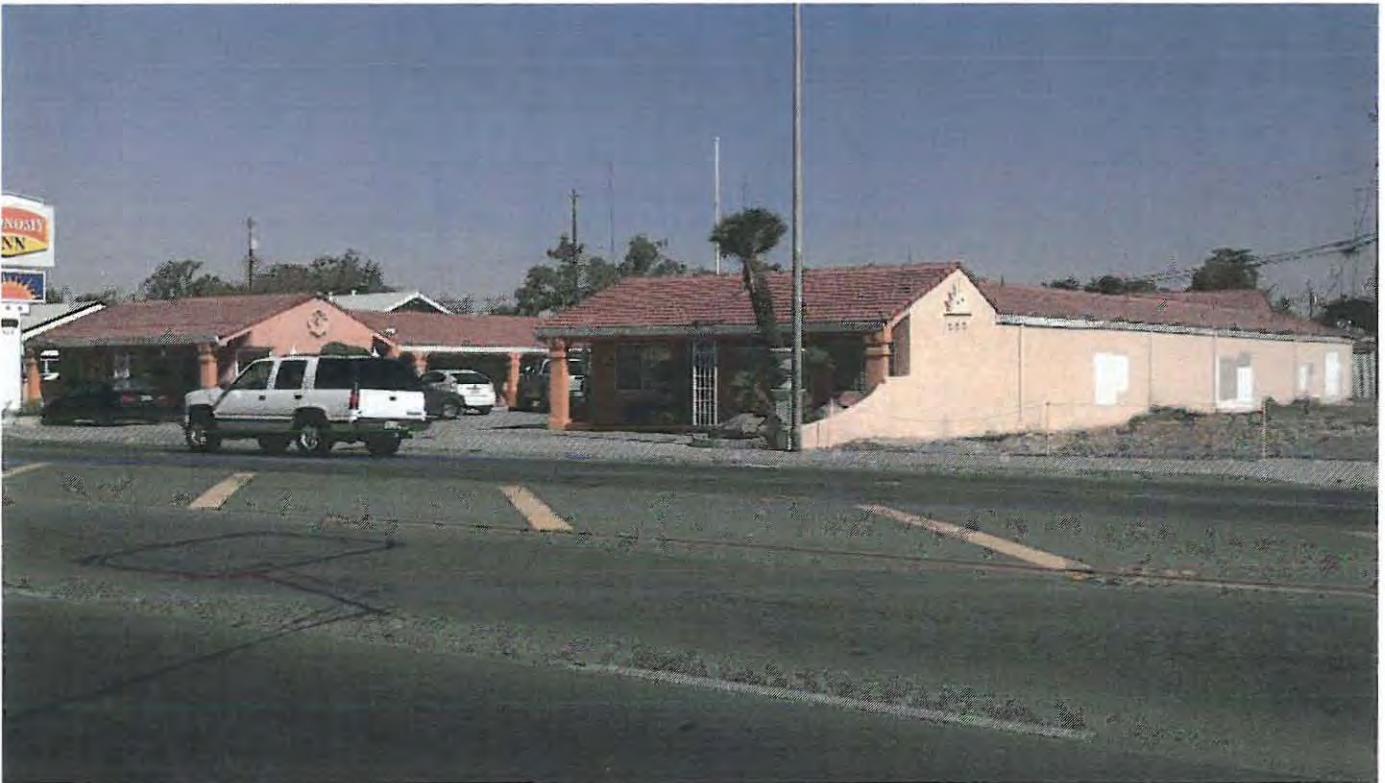


PROJECT: LSB

AUGUST 19, 2015

LOCATION: 13C

VIEW: NORTH FROM MIDDLE OF SITE - SOUTH OF SIDE OF PACHECO BLVD



PROJECT: LSB

AUGUST 19, 2015

LOCATION: 14C

VIEW: NORTHWEST FROM MIDDLE OF SITE - SOUTH OF SIDE OF PACHECO BLVD

