

ATTACHMENT B

STATE HOUSING REQUIREMENTS

Introduction

In addition to requiring each city and county to periodically review their housing element, the California legislature has enacted specific requirements to ensure that local regulatory procedures do not constrain housing development. This appendix summarizes these requirements.

Findings on Housing Limits

A city or county adopting or amending its general plan in a manner that limits the number of units that may be constructed on an annual basis must make specified findings. These findings must address the efforts it has made to implement its housing element and the public health, safety and welfare considerations that justify reducing the housing opportunities of the region (Government Code section 65302.8).

Neither the current General Plan nor General Plan Revisions as now proposed limit the number of units that can be constructed on an annual basis.

Residential Zoning

Cities and counties must zone a sufficient amount of vacant land for residential use to maintain a balance with land zoned for non-residential use (e.g. commercial and industrial) and to meet the community's projected housing needs as identified in the housing element of the General Plan (Government Code Section 65913.1).

The Community Plan and zoning phase of the General Plan Revision Program incorporates both requirements in Section 2400 of those plans.

Density Bonuses

When a developer agrees to construct at least 25% of the total units in a housing development for low or moderate income households, or 10% of the total units for lower-income household, the city or county must either grant a density bonus or provide other incentives of equivalent financial value (Government Code Section 65915). The density bonus must increase by at least 25% of the otherwise maximum allowable density specified by the zoning ordinance and the land use element of the General Plan. Each city or county must set up procedures for carrying out these provisions.

The formulation of procedures to grant a bonus or equivalent incentives was part of the implementation program relating to revisions of the zoning ordinance in 1998 and 2003. The current Element also includes revisions to bring the Density Bonus Ordinance into compliance with recent changes in State law.

Mobilehomes in Single-Family Zones

Cities and counties may not prohibit throughout the community installation of mobilehomes on permanent foundations on lots zoned for single-family dwellings (Government Code Section 65852.3). However, cities and counties may specify those single-family zoned lots

upon which mobilehomes may be placed. Cities and counties may subject mobilehomes to the same standards that apply to single-family dwellings.

The Humboldt County Zoning Ordinance provides for the placement of mobilehomes on foundations in residential zones.

Mobilehome Parks - Permitted Uses

A mobilehome park is deemed by State Law to be a permitted use on all land planned and zoned for residential use, provided, however, cities and counties may regulate mobilehome parks by use permit (Government Code Section 65852.7).

The County satisfies this requirement by providing for the development of mobilehome parks within the residential zone classifications.

Mobilehome Park Conversions

Any person proposing to convert a mobilehome park to another use must prepare and file a report on the impact of the conversion on the displaced mobilehome park residents (Government Code Section 65863.7 and 66427.4). The City or County with jurisdiction must consider the impact report at a public hearing and may require as a condition of approval of the conversion that the project sponsor mitigate the impact of displacement.

The County has not received an application for conversion of a mobilehome park since the effective date of this requirement. Applications will be considered on a case-by-case basis.

CEQA and Density Reductions

Cities and counties may deny or reduce the density set forth by the general plan for a housing project only as a mitigation measure for a specific adverse impact upon public health or safety pursuant to the California Environmental Quality Act and only when there is no other feasible mitigation that would achieve comparable density results (Public Resources Code Section 21085). This requirement is implemented locally on a case-by-case basis.

Housing Disapprovals and Reductions

When a proposed housing development complies with applicable local policies and regulations in effect at the time the application is determined to be complete, the local agency may not disapprove the project or reduce its density unless it makes specified findings (Government Code Section 65589.5). This requirement is implemented locally on case-by-case basis.

Coordination of Permit Processing

By January 1, 1983, each city and county must designate a single administrative entity to coordinate the review and decision-making and provision of information regarding the status of all applications and permits for residential developments (Government Code Section 65913.3). The Department of Community Development Services carries out this responsibility.

Limitations on Development Permit Fees

Fees charged by local public agencies for zoning changes, variances, use permits, building inspections, building permits, subdivision map processing, or other planning services may not exceed the estimated reasonable cost of providing the service for which the fee is charged (Government Code Section 54990). Development permit fees adopted by the County target the full processing costs.

Secondary Residential Units

Encourages establishment of secondary units on existing developed lots by requiring that cities and counties either: (1) adopt an ordinance based on standards set out in the law authorizing creation of second units in residentially zoned areas: or (2) where no ordinance has been adopted, allow second units by use permit if they meet standards set out in the law (Government Code Section 65852.2). Local governments are precluded from totally prohibiting second units in residentially zoned areas unless they make specific findings.

The County adopted a second unit ordinance March 13, 1984 consistent with option (1) above. The 1998 Element and the 2003 Element contained measures to reduce constraints to the development of second units. This Element continues this effort, and includes additional measures to encourage second units.

Coastal Housing

Requires that new development within the coastal zone include, where feasible, housing units for persons and families of low or moderate income. Where it is not possible to include these units within the development, developers can satisfy the requirement by constructing units elsewhere within the coastal zone or within three miles of the coastal zone. To assist developers in meeting these requirements, local governments must provide density bonuses or other incentives. The law also prohibits the conversion or demolition of existing residential units in specific cases. Where conversion or demolition of low or moderate income housing is allowed, provision must be made for replacement of those residential units (Government Code Section 65590).

The County has not yet adopted procedures to implement these requirements, however, development and demolition applications are evaluated for consistency to these coastal housing requirements on a case- by-case basis pending adoption of procedures. The current comprehensive update of the County's coastal program will include implementation of these requirements.

Residential Energy Conservation

Requires cities and counties to implement State energy conservation standards for new residential dwellings.

The County Planning and Building Department implements energy standards embodied in Title 24: State Energy Conservation Regulations for Residential Buildings through the building permit process.