



CITY OF DANA POINT
COMMUNITY DEVELOPMENT DEPARTMENT
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SB 330 ‘PROTECTED UNIT’ GUIDELINES

Government Code Sections 66300.5 and 66300.6, and the Density Bonus Law (if applicable), require housing development projects that demolish existing dwelling units to “replace” any existing “protected units” within a proposed housing development project. A “housing development project” is defined as: a residential project of one or more units; a mixed-use project with two-thirds of the floor area designated for residential use; or a transitional or supportive housing project.¹ Any “protected units” must be replaced with units that have an equivalent number of bedrooms, rents affordable at the same income category as the displaced tenant(s), and tenants displaced from “protected units” must be provided relocation benefits.² Government Code Section 66300.6 also prohibits the loss of protected units associated with the approval of a non-housing development project that requires the demolition of occupied or vacant protected units. Therefore, concurrent with the application of any development project that involves the demolition of any residential unit(s), or the application of a non-housing development project, the applicant shall answer the questions below for compliance.

Government Code Section 66300.5(h) defines the term “protected unit” to mean any residential dwelling units:

1. That are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
2. That are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.
3. That are or were rented by lower or very low-income households within the past five years.
4. That were withdrawn from rent or lease in accordance with Chapter 12.75 of Division 7 of Title 1 within the past 10 years.

¹ Govt. Code § 65905.5(b)(3) and Govt. Code § 65589.5(h)(2).

² Govt. Code § 65915(c)(3)(B).

Site Address: _____ **Legal Description:** _____

1. Units Proposed for Demolition: _____ Units Proposed for Construction: _____

2. Is the project redeveloping a site with a “housing development project”? ☐ Yes ☐ No

A housing development project must provide at least as many units as are proposed for demolition, regardless of whether the units are protected units or not.

3. If you answer “yes” to any of the following questions, the unit(s) are considered “protected units” and must be replaced consistent with the Government Code § 65915(c)(3)(B):

a. Currently, or within the last five years, are any of the units subject to a recorded covenant, ordinance, or law restricting rents to levels affordable to low income or very low-income households?

☐ Yes ☐ No

b. For occupied units proposed for demolition, are any units currently occupied by low income or very low-income households?

☐ Yes ☐ No

c. For any unoccupied unit proposed for demolition, was the unit last occupied by a low income or very low-income household, and was that occupancy within the last five years?

☐ Yes ☐ No

d. For any units proposed for demolition, were the units withdrawn from rent or lease in accordance with the Ellis Act³ within the past 10 years?

☐ Yes ☐ No

³ Refer to [Chapter 12.75 of Division 7 of Title 1](#)

If any of the units proposed for demolition meet the definition of a “protected” unit, please provide a summary of units (e.g., apartment number, size, number of bedrooms, household size, and income level of tenant/household) and schedule a meeting with a planner to discuss replacement requirements⁴. This information shall be provided by the Applicant to the City prior to or concurrent with the submittal of an application for a discretionary land use approval, if such a discretionary land use approval is required to implement the housing development project. If no discretionary land use approval is required to implement the housing development project, this information shall be provided to the City prior to or concurrent with the submittal of an application for a demolition permit. Applications lacking replacement unit calculations or providing insufficient supporting documentation will be deemed incomplete.

Within thirty (30) days of receipt of this form and any supporting documentation, which the City may require of the applicant in order to substantiate its responses, City staff will issue a written determination to the Applicant memorializing the project’s protected unit obligation, if any. If the housing project requires discretionary approvals, the staff recommendation related to replacement units will be identified within the staff report; but the hearing body will make the final determination on the replacement unit obligation.

Property Owner Certification (required)

I, _____, hereby certify that I am the property owner of the above-described property. I declare under penalty of perjury, the facts, statements and information presented in this document are true and correct to the best of my knowledge and belief.

Signature

Date

Phone Number

⁴ [Govt. Code § 65915\(c\)\(3\)\(B\)](#)