



HOUSING & NEIGHBORHOOD SERVICES DEPARTMENT

Development Project/Permit Process | Mello Act Screening Coastal Zone

Rev 2024-04

The Mello Act (California Government Code Sections [65590](#) and [65590.1](#)) is a statewide law that requires local governments to comply with certain provisions designed to preserve and increase the supply of affordable housing in California’s coastal zone. The Mello Act applies to any proposal to convert or demolish existing housing, or to develop new housing in the coastal zone. Residential units that existed within the past three years in the Coastal Zone must be replaced on-site whenever feasible for various development types. Where a provision of the Mello Act and the [Housing Crisis Act \(HCA\)](#) overlap, the provisions that result in the largest number of affordable replacement units and the deepest affordability levels apply, including the replacement provisions and occupant protections for Protected Units under the [HCA](#). A project subject to unit replacement under both the [HCA](#) and the Mello Act are required to replace units on-site as a provision of the [HCA](#).

The purpose of this advisory notice and screening checklist is to determine if your project is subject to the Mello Act, and to inform you of the possible requirements.

Planning Counter Staff must complete this form for all Coastal Zone projects.

STEP ONE. Does the project involve the conversion, demolition or construction of one or more “whole” residential units? Check all that apply.

- Efficiency dwelling units
- One-family dwellings
- Two-family dwellings
- Accessory Dwelling Units
- Structures with three or more dwelling units or efficiency dwelling units
- Joint living and work quarters
- Mobile homes
- Mobilehome lot in a mobilehome park
- Residential hotel defined in paragraph (1) of subdivision (b) of [Section 50519](#) of the California Health and Safety Code: “Residential hotel means any building containing six or more guestrooms or efficiency units, as defined by Section 17958.1, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests, but does not mean any building containing six or more guestrooms of efficiency units, as defined by Section 17958.1, which is primarily used by transient guests who do not occupy that building as their primary residence.”

If no boxes are checked, the project is not subject to the Mello Act and does not require a Mello Act Compliance Review.

Subject to Mello Act: YES NO

Activity/Record # (if subject to Mello Act)	
Project Description:	
Project Address:	
Owner/Applicant (PRINT):	
Owner/Applicant Signature: <small>Acknowledgement of Receipt of Copy</small>	DATE:

If any of the boxes in STEP ONE are checked, proceed to STEP TWO.



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STEP TWO. Does the project qualify for one or more automatic exemptions? These exemptions are:

- SMALL PROJECT where a residential structure contains less than three dwelling units, or, if the proposed conversion or demolition involves more than one residential structure, the conversion or demolition of 10 or fewer dwelling units. [Govt Code Section 65990\(b\)\(1\)](#)
- EXISTING RESIDENTIAL STRUCTURE(S) TO BE DEMOLISHED HAS (HAVE) BEEN DECLAIRED A PUBLIC NUISANCE by the Development Services Department Building Division. *The Owner/Applicant must provide a copy of Notice to Comply or Notice to Demolish.* [Govt Code Section 65990\(b\)](#)
- EXISTING RESIDENTIAL STRUCTURES TO BE DEMOLISHED/CONVERSTED FOR A NONRESIDENTIALUSE which is either “coastal dependent,” as defined in Section 30101 of the Public Resources Code, or “coastal related,” as defined in Section 30101.3 of the Public Resources Code. [Govt Code Section 65990\(b\)\(2\)](#)

If NO boxes in STEP TWO are checked, proceed to STEP THREE.

STEP THREE. If any of the following questions are answered “YES,” the project will require a Replacement Housing Determination. A public hearing (if required) will not be scheduled, or written determination issued, until a Replacement Housing Determination has been completed.

Conversion	Yes	No
Will the project result in a reduction in the existing number of residential units?	<input type="checkbox"/>	<input type="checkbox"/>
Will the project convert existing rental residential units to for-sale units?	<input type="checkbox"/>	<input type="checkbox"/>
Will the project convert existing residential units to non-residential uses?	<input type="checkbox"/>	<input type="checkbox"/>
Demolition		
Will the project involve the demolition of existing residential units?	<input type="checkbox"/>	<input type="checkbox"/>
New Housing Development		
Will the project result in the construction of one or more “whole” residential Units through new construction or adaptive reuse of existing non-residential structures?	<input type="checkbox"/>	<input type="checkbox"/>

Rules for Conversions and Demolitions

- In most instances, converted or demolished existing affordable units must be replaced one-for-one. The Housing and Neighborhood Services Department (NSD) is responsible for determining whether existing residential units qualify as “affordable units.” This process may take up to 60 days. While applications will be accepted for filing they will not be “deemed complete” until the NSD HAS COMPLETED ITS REVIEW and issued a determination. *It is incumbent on the Owner/Applicant to complete and submit to NSD a request for Replacement Housing Determination (RHD).*

Rules for New Housing Developments (Oceanside City Code Chapter 14C)

- **Three or more units.** New housing developments of three or more units must provide affordable inclusionary residential units. Owner/Applicants have two options:
 1. 10% of all units must be reserved for low- and/or moderate-income households for ownership developments, or
 2. 10% of all units must be reserved for ow-income households for rental housing developments.

FOR ASSISTANCE AND MORE INFORMATION, PLEASE CONTACT: lhines@oceansideca.org or (760) 435-3377.