

Appendix B – Housing Constraints and Needs

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1.0 Introduction

Various interrelated factors may constrain the ability of the private and public sectors to provide adequate housing that meets the needs of all economic segments of the community. These constraints can be divided into two categories: governmental and non-governmental. Governmental constraints consist of land use controls, development standards, processing fees, development impact fees, code enforcement, site improvement costs, development permit and approval processing, and provision for a variety of housing. Non-governmental constraints include land availability, land cost, construction costs, and availability of financing.

2.0 Governmental Constraints

2.1 Land Use Controls

The City of Tulelake guides development in the City with use of the General Plan and Zoning Ordinance. At the time this Housing Element was drafted the Zoning Ordinance in effect (adopted in 1950) has very few development standards, and does not contain some provisions required by state law. Minor amendments were made in 2020 to identify the six zoning districts in the City, to change the zoning designations which apply to certain specified properties and to add the Vertical Mixed Use Zone and apply it to specified properties. Implementation of Program 1.1 in the previous Housing Element resulted in a draft zoning ordinance update with modern development standards which will comply with applicable state law once it is adopted by the city council tentatively scheduled for October, 2023 (Exhibit A). Program 4.2.1 in this Housing Element commits the City to adoption of the new zoning regulations by December 31 of 2023.

2.1.1 Development Standards in Zones that Allow Residential Uses

Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the General Plan. The Zoning Ordinance also serves to preserve the character and integrity of existing neighborhoods. The previous Housing Element noted zoning restrictions in the 1950 ordinance currently in effect are almost nonexistent. This will change with the pending adoption of the draft zoning ordinance update being reviewed by the Tulelake city council which is included in this Appendix in Exhibit A. The below analysis analyzes potential constraints of the proposed new zoning regulations on housing development rather than the zoning regulations currently in effect since the new regulations are tentatively scheduled to be adopted before this Housing Element is approved.

The draft zoning regulations allow a variety of housing types including multifamily uses in the new R-2, R-3, and Mixed Use zoning districts as principally permitted uses. As shown in the tables below, the proposed development standards facilitate multifamily development at a density of up to 16 dwelling units per acre which will help the City meet its projected housing needs by stimulating production of housing, particularly housing at higher densities which tends to be more affordable to lower income households.

**Table B-1
New Residential Zone District Development Standards**

	One Family (R-1)	Medium Density (R-2)	High Density (R-3)
Housing Types Principally Permitted	Single Family, Accessory Dwelling Units (ADUs), Junior ADUs (JADUs), Residential Care Homes, Small Employee Housing, Supportive Housing, Transitional Housing	Single Family, J/ADUs & JADU's , Duplexes, Residential Care Homes, Small Employee Housing, Supportive Housing, Transitional Housing	Dormitories , Single Family, J/ADUs & JADU's , Duplexes, Multifamily, Residential Care Homes, Small Employee Housing, Supportive Housing, Transitional Housing
Max. Units Per Acre	6	12	15
Minimum Lot Size (sf)	6,600	6,600	8,250
Minimum Lot Width (ft)	55	55	55
Front Yard Setback (ft)	20	20	20
Side Yard Setback (ft)	5	5	5
Rear Yard Setback (ft)	20	20	20
Max. Building Height:			
Primary Use (ft):	30	30	30
Accessory Use (ft):	15	15	15
Max. Lot Coverage	40%	50%	75%

Minimum Parking Spaces Per Unit

Single family: 2 spaces/unit, with at least 1 space in a covered garage or carport located outside the required setbacks.

Duplexes: 1.5 spaces/unit + 1 guest space for every 3 units

Multifamily: **Units < 700 sf in size:**
 1.25 spaces/unit + 1 guest space for every 3 units
Units between 700 – 1,200 sf in size:
 1.5 spaces/unit for + 1 guest space per 3 units
Units > 1,200 sf in size:
 1.75 spaces/unit for + 1 guest space for every 3 units

Note: Translation of abbreviations used in the table are “Max” = maximum, “sf” = square feet, and “ft” = linear feet

**Table B-2
New Mixed Use Zone District Development Standards**

	Limited Mixed Use (MU-1)	Mixed Use (MU-2)	Vertical Mixed Use (MU-3)
Housing Types Principally Permitted	Single Family, <u>J</u> /ADUs, Residential Care Homes, Small Employee Housing, Supportive Housing, Transitional Housing, <u>Live/work units</u>	<u>Dormitories</u> , Single Family, <u>J</u> /ADUs, Duplexes, Multifamily, Residential Care Homes, Small Employee Housing, Supportive Housing, Transitional Housing, Emergency Shelters, <u>Low Barrier</u> Navigation Centers, Dwelling Groups	<u>Live/work units, and</u> W when combined with commercial uses: Single Family, <u>J</u> /ADUs, Duplexes, Multifamily, Residential Care Homes, Small Employee Housing, Supportive Housing, Transitional Housing, Emergency Shelters, <u>Low Barrier</u> Navigation Centers, Dormitories
Max. Units Per Acre	6	16	16
Minimum Lot Size (sf)	6,000	5,000	6,000
Minimum Lot Width (ft)	50	50	50
Front Yard Setback (ft)	10	10	-
Side Yard Setback (ft)	5	5	-
Rear Yard Setback (ft)	10	10	-
Max. Building Height (ft):			
Primary Use:	30	30	30
Accessory Use	15	15	15
Max. Lot Coverage	75%	75%	100%
Minimum Parking Spaces Per Unit:			
Single family:	2 spaces/unit, <u>with at least 1 space in a covered garage or carport located outside the required setbacks.</u>		
Duplexes:	1.5 spaces/unit + 1 guest space for every 3 units		
Multifamily:	Units < 700 sf in size: 1.25 spaces/unit + 1 guest space for every 3 units		
	Units between 700 -- 1,200 sf in size: 1.5 spaces/unit for + 1 guest space per 3 units		
	Units > 1,200 sf in size: 1.75 spaces/unit for + 1 guest space for every 3 units		
	<u>Emergency Shelters and navigation centers: 1 space per 5 occupants plus one space for staff</u>		

Note: Translation of abbreviations used in the table are “sf” = square feet and “ft” = linear feet, “Max” = maximum

2.1.2 Parking Requirements

Tulelake’s off-street parking requirements are codified in Chapter 17.64 of the Zoning Ordinance, and presented in Table B-1 and Table B-2 above. The existing requirement that multifamily units that are less 700 square feet, and would likely be configured as a studio or one bedroom unit, is 1.25 spaces/unit plus 1 guest space for every 3 units exceeds HCD’s recommended ratio of one space per unit for efficiency units, studio apartments, and one-bedroom housing units. Reducing the existing parking requirement will reduce this housing cost. Program 5.1.5 commits the City to amending the Zoning Ordinance consistent with this analysis.

In accordance with State ADU law, Tulelake’s parking requirements do not apply to qualifying ADUs and JADUs. Consistent with Government Code Section 65654, no off-street parking is required for units within a supportive housing development that are occupied by supportive housing residents and located within 0.5 mile of a transit stop. Tulelake’s parking requirements incorporate a local incentive for residences being constructed or substantially rehabilitated using CDBG funds: the requirement for a garage or carport is expressly modified without requiring a permit. Rather, two off-street parking spaces surfaced with hardscape can be installed in-lieu of a garage or carport (17.64.130(F)).

Enactment of AB 1308 (2023) prohibits cities from increasing the minimum parking requirement that applies to a single-family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence provided that the project does not cause the single-family residence to exceed any maximum size limit imposed by the applicable zoning regulations, including, but not limited to, height, lot coverage, and floor-to-area ratio. To ensure compliance with this new requirement, Program 5.1.5 also commits the City to reviewing Chapter 17.64, and adopting any needed amendments for compliance.

2.1.22.1.3 On- and Off-Site Improvements

The 2014 Housing Element noted the City has basically no specified subdivision standards and that has not changed since then. The last subdivision (Ridgeview Estates) was developed in 1983–1985 and does have curb, gutter, and paved streets. It may have been a Federal Housing Administration-financed project that required these minimum improvements. If more specific development standards are determined to be needed, the City could adopt typical standards (e.g., many local communities adopt standards formulated by the City of Redding, as adapted for more rural settings). The following criteria may be considered as basic minimum standards necessary to protect public health and safety.

- Local Streets:
 - Right-of-way: 55–60 feet
 - Pavement width: 40 feet
- Major Streets:
 - Right-of-way: 76–80 feet
 - Pavement width: 64 feet
- Sidewalks: Provided when near schools, park, or public area
- Sewers:
 - Minimum pipe diameter: 6 inches
 - Manholes: 500-foot maximum spacing
- Storm drains: Based on 10-year storm event
- Water mains and fire hydrants: As determined by the director of public works

While all development-related improvements add to the cost of housing, the City’s standards (to the limited extent that it has specific development standards) do not substantially or unnecessarily constrain the development of affordable housing. The greatest constraints to the development of affordable housing continue to be the regional economy, the scarcity of jobs, and the distance from major transportation routes.

2.1.32.1.4 Adequacy of Zoning Standards to Facilitate Affordable Housing

The draft zoning ordinance update significantly improves the likelihood affordable housing will be developed. Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's) are principally permitted in all the residential and mixed use zones. The development standards in Section 17.100 mirror state law which allows in some cases development of both an ADU and JADU on the same property already developed with a single-family home or multifamily development. Attached ADU's are limited in the zoning ordinance to a maximum size of 800 square feet in size and JADU's are limited to a maximum of 500 square feet in size which will significantly reduce construction material costs for these new units.

In addition to new allowances for ADU's and JADU's, the City is also updating its zoning regulations to identify zoning districts where multifamily housing is allowed a various densities. State law recognizes that in rural areas such as Tulelake, housing constructed at densities of 15 units per acre or more is presumed to be affordable to lower income households and Tulelake's new Mixed Use and Vertical Mixed Use zones allow housing densities of up to 16 units per acre as principally permitted uses. The zoning map shows these zones will be applied to large parts of the City near commercial uses and connected with existing sidewalks which will meet the needs of households that require non-motorized transportation. The new zoning regulations provide the density and development standards that will facilitate the production of housing affordable to very low- and low-income households.

2.1.42.1.5 Provision for a Variety of Housing

The Housing Element needs to identify adequate sites that are available for the development of housing types for all economic segments of the population. Part of this task entails evaluating the City's Zoning Ordinance and its provision for a variety of housing types. Housing types include single-family dwellings, duplexes, ADU's, mobile homes, group care facilities, multi-family dwellings, senior housing, supportive housing, and single-room occupancy units.

Tables B-1 and B-2 above identify the principally permitted housing types in Tulelake's new zoning ordinance. A wide variety of housing types are allowed as principally permitted uses, particularly in the Mixed Use and Vertical Mixed Use zones which allow all the following housing types:

- Single Family,
- ADUs,
- Duplexes,
- Multifamily,
- Residential Care Homes,
- Small Employee Housing,
- Supportive Housing,
- Transitional Housing,
- Emergency Shelters,
- Low Barrier Navigation Centers,
- Dormitories,
- Dwelling Groups (clusters of three or more detached single-family homes).

Following is a discussion of those particular housing types that may be most appropriate to meet the needs of extremely low-, very low-, and low-income households, as well as an analysis of governmental constraints that may serve as a barrier to the development of these particular housing types.

2.1.52.1.6 Accessory Dwelling Units

Accessory dwelling units (ADU) and Junior Accessory dwelling units (JADU) are types of housing that may be more affordable by design. An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons, and may be configured as detached or attached from the primary unit, be converted from existing space or structure such as a garage or pool house. A JADU is a specific type of conversion of existing space that is contained entirely within an existing or new single-family residence, and cannot be more than 500 square feet. A JADU may share central systems, contain a basic kitchen utilizing small plug-in appliances, may share a bathroom with the primary dwelling, all to reduce development costs. ~~Both An ADUs and JADUs must may~~ be rented for more than 30 days. ~~;-Tulelake's Zoning Ordinance does not include an owner occupancy required for ADUs; however, in the case of JADUs may also be rented for more than 30 days but~~ either the JADU or the primary unit must be occupied by the property owner, consistent with State law.

The 2017 Legislative Housing Package brought sweeping amendments to State accessory dwelling law to remove regulatory barriers at both the state and local level. State law requires jurisdictions to permit ADUs and JADUs by-right in all areas that are zoned to allow single-family and multifamily residential uses. Jurisdictions must allow conversion of existing accessory structures to ADUs. State law limits development standards such as setbacks and lot coverage that a jurisdiction may impose, along with limiting local parking requirements and the imposition of impact fees. Development and design standards that may be adopted by local government must be objective.

Further, ADUs and JADUs that conform with State law shall not be considered to exceed the allowable density for a lot and are deemed a residential use that is consistent with the existing general plan and zoning designations for the lot. ADU/JADU ordinances adopted by jurisdictions are subject to HCD review for compliance with State law. Specific to Housing Element updates, a jurisdiction's housing element must include a plan that incentivizes and promotes creation of ADUs that can offer affordable rents for very low, low- or moderate income households.

The City's new Zoning Ordinance allows ADUs and JADUs consistent with State law. It establishes a range of zones where ADUs and JADUs are allowed by-right; reduces requirements for setbacks, parking, eliminates a previous minimum lot size requirements, expressly prohibits using ADUs and JADUs as short term rentals (also known as vacation home rentals). Below are some other highlights of the City's new ADU—JADU Ordinance:

- ADUs and JADUs are allowed by-right in all zones where single family residences are allowed.
- The unit may be rented for periods of no less than 30 days.
- There are no connection fees charged to ADUs and JADUs.
- The ADU is not intended for sale separate from the primary, although passage of AB 345 (2021) allows an ADU to be sold separately when the accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation and the other requirements are met (chaptered at Government Code Section 65852.26).
- The lot needs to contain an existing or proposed single-family or multifamily dwelling. When the ADU or JADU is proposed a new single- or multifamily the primary dwelling shall be approved for occupancy prior to occupancy of the ADU/JADU.
- Owner-occupancy of the parcel is not a requirement to apply for the construction of an ADU or JADU. In the case of a JADU, however, owner occupancy of the single-family residence in which a JADU will be permitted is required. The owner may occupy either the remaining area of the primary dwelling or the JADU. Disclosure of the JADU occupancy requirement is to be recorded on the property deed.

- The ADU may either be attached or detached from the existing or proposed dwelling and located on the same lot. Junior ADUs, however, must be attached to the existing dwelling and located within the living area of the proposed or existing dwelling.

ADUs and JADUs are types of housing that can be less costly to develop and have less impact on the environment as they are generally infill development. Securing building permit approval to develop an ADU or JADU in residential zones is nearly assured because of State mandates and oversight that include a 60-day shock clock (AB 3182 (2020)). ADUs and JADUs give homeowners the flexibility to share independent living areas with family members and others, including accommodating intergenerational living arrangements while maintaining privacy. ADUs or JADUs can provide housing for professionals who may prefer to live closer to jobs and amenities rather than spending hours commuting. Ultimately spurring ADU and JADU development can positively contribute more affordable housing to the community's inventory.

Increasing the number of ADUs and JADUs heavily relies on property owners developing the units. While ADUs and JADUs present an opportunity for property owners, the prospect of adding a dwelling may be daunting for property owners. The process of constructing a dwelling or converting a structure to a dwelling from start to finish may be a barrier for lay-property owners who may have questions about where to put the unit, how much will it cost and how to pay for it, how long it will take to build, who will live it, expected return on investment, etc. Program 2.1.1 seeks to reduce and remove these barriers by promoting and encouraging ADU and JADU development in Tulelake by homeowners by launching an outreach campaign.

Summer 2022, Freddie Mac began offering financing for development of ADUs. The new product is the Freddie Mac Choice Renovation loan, a "for a no-cash-out refinance...to pay off the temporary funding source for ADU construction". Also, more homeowners will qualify because the anticipated rental income from the ADU can be part of the qualifying income, according to the press release https://sf.freddiemac.com/content/_assets/resources/pdf/fact-sheet/adu-fact-sheet.pdf, accessed June 29, 2022).

In 2022 the State of California Housing Finance Agency (CalHFA) launched an ADU grant program that provides up to \$40,000 to reimburse pre-development and non-recurring closing costs associated with the construction of the ADU for eligible homeowners. According to the CalHFA website, "Predevelopment costs include site prep, architectural designs, permits, soil tests, impact fees, property survey, and energy reports" (<https://www.calhfa.ca.gov/adu/index.htm>, accessed June 29, 2022). Homeowners must be low or moderate income in order to be eligible to apply for the CalHFA program. The income limits for Siskiyou county are \$159,000. The Freddie Mac and CalHFA programs offer loans and financial assistance directly to the customer and the educational toolkit will include information about these financial resources. Policy 2.3 commits the City to applying for State funding that could allow awarded funds to be used for ADU development such as CalHOME.

2.1.62.1.7 Mobile Homes/Manufactured Housing/Multi-Family Housing

Pursuant to the provisions of Government Code Section 65852.3, mobile and manufactured homes are considered to be single-family residences and are to be permitted in zoning districts where a single-family dwelling is allowed. The new Zoning Ordinance allow manufactured housing parks with a conditional use permit in the MU-2 zone. Multi-family housing is permitted without a conditional use permit broadly in the Multifamily and Mixed Use zone districts as shown in Tables B-1 and B-2 [above](#).

2.1.72.1.8 Constraints to Housing for Persons with Disabilities

As part of a governmental constraints analysis, housing elements need to analyze constraints on the development, maintenance, and improvement of housing for persons with disabilities as both the Federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their land use regulations, in particular the zoning regulations, and procedures when such accommodations may be necessary to afford persons with a disability an equal opportunity to use and enjoy a dwelling. Also, the Anti-Discrimination in Land Use Law Act prohibits actions by localities that deny an individual or group of individuals residence, land ownership, tenancy, or any other land use due to discrimination. Discrimination based on a protected characteristic, method of financing of any residential development, or that the any of the development is intended for occupancy by persons of very low, low, moderate, or middle income. See Appendix A, section 7.0 for an assessment of affirmatively furthering fair housing.

Additionally, state law requires cities allow group homes that provide services for six or fewer clients and are subject to State licensing in any area zoned for residential use. Further cities cannot require these licensed group homes to obtain conditional use permits or variances that are not required of other residential uses in the same zone. The Tulelake Zoning Ordinance refers to these types of group homes as “Residential Care Homes”. Group homes, even those that serve more than six clients, that provide services that are not subject to State licensing are to be allowed where single family units are permitted and subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to other residential development in the same zone. The Tulelake Zoning Ordinance does not distinguish these types of group homes from other residential uses. Group homes that provide services for more than six clients and are subject to State licensing are identified as “Residential Care Facilities” the Tulelake Zoning Ordinance.

This analysis includes a review of zoning and land use policies and practices to ensure compliance with fair housing law. Below is a review of Tulelake’s existing regulations for group homes, including the definition of family (Table B-3), and reasonable accommodation (Table B-4).

A provision for group homes which can provide care for six or more persons with disabilities is contained in the new Zoning Ordinance as Residential Care Facilities, which are conditionally permitted in the R-1, R-2 and Mixed Use zones. Other than the generic Use Permit requirement, no siting or separation requirements for licensed residential care facilities are set in the Zoning Ordinance so it does not unnecessarily impact the development and cost of housing for persons with disabilities.

In accordance with state law, the new Zoning Ordinance allows residential care homes for six or fewer persons in any area zoned for residential use and does not require these types of group homes licensed care facilities serving six or fewer individuals to obtain conditional use permits or variances that are not required of other family dwellings residential uses in the same zone.

The occupancy standards of the Zoning Ordinance comply with fair housing law in that they do not restrict occupancy based on relationship, impose a zoning limit on the number of unrelated people, and does not overly scrutinize living arrangements. Tulelake’s Zoning Ordinance does not contain a separate definition of family; rather the definition of “Family” in Section 17.08.920 directs readers to the to the definition of “Household in section 17.08.1180”. A “Household”- which is defined as “One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit”.

Table B-3 ~~reviews is a checklist for~~ the City of Tulelake’s existing regulations for group homes for analyzing potential constraints ~~using a checklist developed on housing for persons with disabilities~~ pursuant to SB 520 (2002) and HCD’s Group Home Technical Advisory of December 2022:

Table B-3

Constraints on Housing for Persons with Disabilities Review of Regulations for Group Homes

Potential Constraints and Analysis	
Does the City of Tulelake have a process for persons with disabilities to make requests for reasonable accommodation?	The City has a process and makes information available on its agendas and at the main counter of City Hall concerning the process for making reasonable accommodation requests.
Has the City made efforts to remove constraints on housing for persons with disabilities?	The City enforces the Building Code. Otherwise, the City has not identified any constraints to housing for persons with disabilities over which the City has discretionary control.
Does the City make information available about requesting reasonable accommodations?	As noted above, the City places information relating to requests for reasonable accommodations at the main counter at City Hall and on meeting agendas.
ZONING AND LAND USE	
Has the City reviewed all of its zoning laws, policies, and practices for compliance with fair housing law?	The new Zoning Ordinance has been reviewed and found to be in compliance with fair housing law.
<u>Does the City’s land use element regulate the siting of special housing in relationship to one another?</u>	<u>No. The Land Use Element does not require a minimum distance between two or more special needs housing.</u>
<u>Does the City allow group homes with six or fewer clients by right in single-family zones?</u>	<u>Yes, Tulelake’s new Zoning Ordinance specifically allows group homes that provide services to six or fewer clients and are subject to State licensing as principally permitted uses in all the residential zone districts.</u>
<u>Does the City’s zoning regulations require all group homes of more than six clients obtain permits to locate in single family zones?</u>	<u>No. The new Zoning Ordinance stipulates that group homes with over six clients and are not subject to State licensing are permitted as a single family residential use of property and subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residential uses in the same zone (sections 17.08.1900 and 17.08.1910 Tulelake Zoning Ordinance). As indicated in Table B-1 and Table B-2 above, single family residential uses are principally permitted in all residential zones.</u> <u>Residential care facilities, which are group homes that provide services to more than six clients and are subject to State license with conditional use permit in the R-1, R-2, R-3, MU-1 and MU-2 zones. Program 4.2.5(3) commits the City to amending the zoning regulations to permit this type of group home as a by-right use in the R-3 and MU-2 zones. Additionally, this type of group home shall continue to be conditionally permitted in the R-1, R-2 and MU-1 zones</u>

Potential Constraints and Analysis	
	<u>subject to findings that are objective and provide for approval certainty.</u>
Are residential parking standards for <u>group homes persons with disabilities</u> different from other parking standards? Does the City have a policy or program for the reduction of parking requirements for special needs housing if a proponent can demonstrate a reduced parking need?	<p><u>For group homes providing services subject to State licensing for six or fewer clients and group homes providing services that are not subject State licensing are to be regulated in the same manner as other residential types in the same zone. This equal treatment extends to parking.</u></p> <p>In the new Zoning Ordinance, the parking space requirements for Residential Care Facilities are set at one-half space per resident plus one-half space per non-resident employee. Exceptions are allowed where shared parking can be demonstrated. <u>Parking exceptions are applied for and processed in accordance with the City’s administrative permit procedures (Chapter 17.76.010. Tulelake’s administrative permit does not require a public hearing, and the City Administrator acts on filed exception requests.</u></p>
<u>Does the City’s zoning regulations have spacing requirements for group homes or other developments standards that restrict the siting of group homes?</u>	<u>The City’s new Zoning Ordinance does not specify a spacing requirement or other development standard that restrict the siting of group homes. All group homes are subject to the same development standards that apply to other types of residential development. Because group homes with more than six clients and are subject to State licensing, siting may be a factor in consideration of a conditional use permit.</u>
<u>Does the City’s zoning regulations have occupancy standards in the zoning code that apply specifically to unrelated adults and not to families?</u>	<u>The new Zoning Ordinance makes no distinction between households comprised of related or unrelated persons. Nor does the Zoning Ordinance impose occupancy limits or standards that are separate from the requirements of the building code; the only occupancy standards that apply are those contained in the State building code.</u>
<u>Does the City’s zoning regulations impose additional building, fire, or other health and safety code requirements?</u>	<u>No. The same general building, fire, and other health and safety codes that apply to other residences, subject to state health and safety code provisions specific to certain types of residential facilities, apply to group homes.</u>
<u>Do the City’s zoning regulations include standards or requirements for group home operators and residents concerning management practices or specific services, or otherwise are beyond those for other land use regulations?¹</u>	<u>No. Tulelake’s zoning regulations do not impose requirements for group home operators or clients and do venture into the management practices.</u>
<u>Does the City’s zoning code for legal non-conforming uses apply in the same manner to group homes as other uses?</u>	<u>Yes. Tulelake’s zoning regulations do not contain provisions requiring different treatment of a legal nonconforming group home relative other legal nonconforming uses.</u>

¹ Consult HCD’s December 2022 Group Home Technical Advisory, section F, for details.

Potential Constraints and Analysis	
Does the land use element regulate the siting of special housing in relationship to one another?	No. The Land Use Element does not require a minimum distance between two or more special needs housing.
PERMITS AND PROCESSING	
How does the City process a request to retrofit homes for accessibility?	An application is made to the City Building Department. The City has adopted the Uniform Building Code. There are no local amendments of the code that affect accessibility.
Does the City allow group homes with fewer than six persons by right in single-family zones?	Yes, the Zoning Ordinance specifically allows group homes (“Residential Care Homes” of six or fewer individuals as principally permitted uses in all the residential zone districts
Does the City have a set of particular conditions or use restrictions for group homes with greater than six persons?	<u>Facilities Group homes that serving more than six persons and are subject to State licensing are considered-identified as “Residential Care Facilities” which are allowed as conditionally permitted uses in the R-1, R-2, R-3, MU-1 and MU-2 residential and mixed-use zones.-</u> Aside from the <u>Use Permit</u> requirement, no unique development or performance standards apply to that use.
What kind of community input does the City allow for approval of group homes?	No public input is solicited for licensed group homes serving six or fewer since they are treated as single-family dwellings. For facilities serving more than six (i.e., assisted housing), <u>Because residential care facilities require the approval of a the conditional use permit, the use permit process would requires a public hearing by the City Council. Because the other categories of group homes are principally permitted, no public input is solicited.</u>
<u>For group homes requiring a use permit, d</u> Does the City have particular conditions for group homes <u>that will be providing services on-site?</u>	No. <u>While Aa use permit is required for residential care facilities, the City does not have a standing list of particular conditions.-</u> that have more than six persons. Other restrictions do not apply.
BUILDING CODES	
Has the City adopted the Uniform Building Code?	Yes, but local amendments do not affect disabled access.
Has the City adopted any universal design element into the code?	The City encourages the incorporation of universal design in new construction.
Does the City provide reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits?	Yes. Building permit applications and other building code matters can be accommodated at the front counter of City Hall. If additional assistance is needed (e.g., sign language), a request can be made as addressed above.

Table B-4
Review of Tulelake’s Procedures and Regulations for Reasonable Accommodation

<p><u>Does the City of Tulelake have a process for persons with disabilities to make requests for reasonable accommodation to access City services?</u></p>	<p><u>Yes; the City has a process and makes information available on its agendas and at the main counter of City Hall concerning the process for making reasonable accommodation (RA) requests.</u></p>
<p><u>Has the City made efforts to remove constraints on housing for persons with disabilities?</u></p>	<p><u>The City enforces the Building Code. Otherwise, the City has not identified any constraints to housing for persons with disabilities over which the City has discretionary control.</u></p>
<p><u>Does the City make information available about requesting reasonable accommodations?</u></p>	<p><u>As noted above, the City places information relating to requests for RA at the main counter at City Hall and on meeting agendas.</u></p>
<p><u>Does the City of Tulelake have a reasonable accommodation procedures for for persons with disabilities to request reasonable accommodation from City’s land use, zoning, and building regulations, policies, practices, and procedures?</u></p>	<p><u>Yes, the City’s adopted procedures are Chapter 17.108 of the new zoning code. While located in the zoning code, the City’s RA requests expressly includes the building regulations too.</u></p>
<p><u>What are the procedures for persons with disabilities to request reasonable accommodation?</u></p>	<p><u>The City has RA requests forms available at City Hall. RA applicants are to provide standard contact information, a description of the requested accommodation and the regulation(s), policy, or procedure for which accommodation is sought; and the reason that the requested accommodation may be necessary for the applicant to enjoy the dwelling. The information that RA applicants are to provide is consistent with the requirements of federal and state law.</u></p> <p><u>The reviewing authority has 30 days to issue a written decision, or to request further information if necessary to reach a determination on the RA request. The City’s written procedures limit requests for new information to that that is consistent with fair housing laws.</u></p> <p><u>Consistent with federal and state law, the City does not charge applicants a fee for filing an RA request, or for assisting an RA applicant who requests assistance with completing a request.</u></p>
<p><u>Who is the reviewing authorizing of reasonable accommodation requests and what are the findings?</u></p>	<p><u>The city administrator or their designee is the designated reviewing authority of RA requests, unless another discretionary permit is also required. In the latter case, the reviewing authority of discretionary permit will also take action on the RA request concurrently.</u></p> <p><u>The City’s procedures stipulate that the decisions shall be consistent with fair housing laws and based on the following, which are consistent with State and federal laws:</u></p> <p style="padding-left: 40px;"><u>A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by</u></p>

	<p><u>an individual with disabilities protected under fair housing laws;</u></p> <p><u>B. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;</u></p> <p><u>C. Whether the requested accommodation would impose an undue financial or administrative burden on the city; and</u></p> <p><u>D. Whether the requested accommodation would require a fundamental alteration in the nature of the city’s land use and zoning or building program.</u></p> <p><u>The City’s adopted RA appeal procedures provide the RA applicant 30 days to appeal the reviewing authority’s decision.</u></p>
<p><u>Are residential parking standards for persons with disabilities different from other parking standards? Does the City have a policy or program for the reduction of parking requirements for special needs housing if a proponent can demonstrate a reduced parking need?</u></p>	<p><u>With respect to accessible parking, Section 17.64.070.A of the Zoning Ordinance incorporates Section 1129B of Title 24, California Code of Regulations by reference (hereafter “Section 1129B”). Section 1129B regulates parking lots or parking structures where parking is provided for the public as clients, guests or employees, shall provide accessible parking. Regulations include ratio of accessible spaces to total number of spaces, parking space size, etc.</u></p> <p><u>Section 17.64.070.B provides flexibility for all accessible parking by allowing it to be located within a yard setback area.</u></p>
<p><u>Has the City adopted the Uniform Building Code?</u></p>	<p><u>Yes, and there are no local amendments do not affect disabled access.</u></p>
<p><u>Has the City adopted any universal design element into the code?</u></p>	<p><u>The City encourages the incorporation of universal design in new construction.</u></p>
<p><u>Does the City provide reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits?</u></p>	<p><u>Yes. Building permit applications and other building code matters can be accommodated at the front counter of City Hall. If additional assistance is needed (e.g., sign language), a request can be made as addressed above.</u></p>

2.1.82.1.9 Senior Housing

According to the US Census, close to 2/3 of those who own homes in Tulelake are 60 years of age or older. Given the number of seniors in the City, the lack of senior care facilities in and adjacent to the City is a concern. There has not been an interest to develop or convert structures to senior housing. The new Zoning Ordinance allows group homes of more than six persons in the Residential and Mixed Use zones with a conditional use permit which could accommodate the need for an assisted living facility for seniors. Additionally, group homes for six or fewer persons are allowed in the Residential and Mixed Use Zones, so the City’s regulations would allow senior care facilities if a person or organization wanted to develop one.

2.1.92.1.10 Supportive Housing

Supportive housing is defined by Section 65582 of the Government Code ~~50675.14 of the Health and Safety Code~~ as housing with linked on- or off-site services with no limit on the length of stay that is occupied by a target population as defined in Health and Safety Code Section 53260 (i.e., low-income person with mental disabilities, AIDS, substance abuse or chronic health conditions, or persons whose disabilities originated before the age of 18). Services that are linked to supportive housing usually focus on retaining housing, living, and working in the community, and/or health improvement. Pursuant to Government Code Section 65583(c)(3), supportive housing shall be considered a residential use of property and shall only be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. The City's new Zoning Ordinance defines supportive housing consistent with the state's definition and allows it as a principally permitted use in the Residential and Mixed Use Zones. The City's regulations would allow supportive housing if a project is proposed.

2.1.102.1.11 Emergency Shelters, Low Barrier Navigation Centers, and Transitional Housing

Emergency Shelters. California Health and Safety Code (Section 50801) defines an emergency shelter as "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay."

Legislation (Senate Bill 2 (Cedillo, 2007)) requires jurisdictions to identify a zone where emergency shelters will be allowed as a permitted use without first obtaining a conditional use permit or other discretionary approval. Further, the zone(s) identified must have land available to accommodate an emergency shelter. Effective January 1, 2023, the definition of emergency shelter was expanded pursuant to Assembly Bill 2339 to include other interim housing interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care [Reference Government Code Section 65583(a)(4)(C)]. Additionally, the zone or zones designated by a city must have land available to accommodate at least one full-time emergency shelter, and the zone must allow other residential uses either by-right or with a conditional use permit if the locality's designated emergency shelter zone is nonresidential.

The City's new Zoning Ordinance defines emergency shelters consistent with the state's definition including AB 2339's expansion for other emergency housing interventions. Additionally, the new zoning code and allows it emergency shelters as a principally permitted use in the MU-2 and MU-3. The MU-2 allows other residential uses by-right, and the MU-3 also permits residential uses by-right when combined with one of commercial uses; therefore the City's new regulations for emergency shelters meets the requirements of AB 2339 (2022). The MU-2 and MU-3 districts are appropriate for the siting of emergency shelters because there are more likely to be other services available nearby such as grocery stores and coin-operated laundries. Approximately 2.85 acres on 11 vacant parcels zoned MU-2 and MU-3 are available with sewer and water to meet this potential need as shown in Table B-5 below.

As part of amending the Tulelake's Zoning Ordinance, the City established the following development standards, Chapter 17.80.110 of the Tulelake Zoning Ordinance consistent with Government Code Section 65583(a)(4). Emergency shelters are to comply with the

A. Physical Characteristics.

1. The facility shall comply with applicable state and local uniform housing and building code requirements.

- 2. The facility shall have on-site security during all hours when the shelter is in operation.
- 3. The facility shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
- 4. The facility shall provide secure areas for personal property.
- B. Maximum number of beds per facility shall not exceed fifteen beds.
- C. The maximum term of staying at an emergency shelter is six months.
- D. Emergency shelters shall provide on-site management.

The above emergency shelter development standards are objective and do not exceed the statutory limits for local regulation per Government Code Section 65583(a)(4) (in fact Tulelake has fewer development standards than allowed by State law). With respect to emergency shelter parking standards, which are contained in Chapter 17.64 of the Tulelake Zoning Ordinance, emergency shelters (and low barrier navigation centers) are to provide parking at a rate of space per five shelter occupants plus one space for staff. Given the Zoning Ordinance’s bed limit of 15, this would mean the maximum number of spaces a shelter would need to provide would be four. The City’s ratio accounts for staff who operate the shelter. The low ratio also accounts for families and households experiencing homelessness, while providing parking area for those who may have personal vehicle due to the Tuelake’s rural setting and lack of available transit. The City believes the parking requirement is not burdensome or a barrier, and is reasonably appropriate for a small rural community.

~~Mixed Use Zones.~~ As discussed in section 3.0 of Appendix C, eleven ~~Twelve~~ properties are identified in Tulelake where emergency shelters are allowed by right with no physical or governmental constraints as ~~described~~ itemized in ~~the~~ Error! Reference source not found. below.

**Table B-5
Emergency Shelter Land Inventory**

APN	Acres	New Zoning	Current Zoning / General Plan	Current Density (units/acre)	New Max. Density (units/acre)	Realistic development potential (units)	Current Use
Multifamily							
050-142-020	0.23	MU-2	M-1	n/a	16	3	Vacant
050-053-050	0.10	MU-3	V-2/CBD*	n/a	16	1	Vacant
050-101-170	0.14	MU-3	V-2/CBD*	n/a	16	2	Vacant
050-102-070	0.18	MU-3	V-2/CBD*	n/a	16	2	Vacant
050-102-190	0.17	MU-3	V-2/CBD*	n/a	16	2	Vacant
050-053-070	0.15	MU-3	V-2/CBD*	n/a	16	2	Vacant
050-102-090	0.17	MU-3	V-2/CBD*	n/a	16	2	Vacant
050-072-070	0.19	MU-3	V-2/CBD*	n/a	16	3	Vacant
050-072-100	0.19	MU-3	V-2/CBD*	n/a	16	3	Vacant
050-102-170	0.34	MU-3	V-2/CBD*	n/a	16	5	Vacant
050-042-010	0.98	MU-3	V-2/CBD*	n/a	16	15	Vacant

Low Barrier Navigation Centers. Assembly Bill 101 was enacted in 2019 and requires cities and counties allow low barrier navigation centers (LBNC) a use allowed by-right in mixed-use zones and nonresidential zones permitting multifamily uses if a navigation center proposal meets requirements of Government Code Section 65662 et seq.

A LBNC is statutorily defined in Government Code Section 65660(a), and is a Housing First shelter focused on moving individuals experiencing homelessness to services and housing. Cities and counties are to expedite navigation center applications in accordance with the statute. Although AB 101 is scheduled to sunset January 1, 2027, given the extent of California’s crisis of housing and homelessness, it would not be unexpected if the Legislature extended the sunset date.

The MU-1, MU-2 and MU-3 zones are Tulelake’s districts that are mixed-use zones and nonresidential zones that permit multifamily. Low barrier navigation centers are an enumerated principally permitted use in the MU-2 and MU-3 zones as indicated in Table B-2 above. Program 4.2.1(2) commits the City to amending the zoning code to permit low barrier navigation centers in the MU-1 zone because it is a mixed use zone allowing both commercial and residential uses as principally permitted uses. In the case of the MU-3 zone, this zone’s allowance for LBNC is qualified on the presence of nonresidential use. Further, as a residential use, a LBNC cannot be permitted on the ground floor unless an use permit is secured. Both qualifications for siting a LBNC in the MU-3 zone exceed the statutory qualifications specified in Government Code 65662. Program 4.2.1(2) commits the City to amending the Zoning Ordinance to remove the qualification for the presence of a nonresidential use of the MU-3 zone, and the use permit requirement to establish or site a LBNC at street level in the MU-3 zone.

Chapter 17.80.260 of Tulelake zoning code establishes the procedures and development standards for establishing LBNC. The definitions, provisions, and procedures of Tulelake’s development standards in Chapter 17.80.260 of the Tulelake Zoning Ordinance mirror the provisions of Government Code Section 65660 et seq. An administrative use permit is required prior to establishing a LBNC. Subsection D of Chapter 17.80.260 expressly states that an administrative use permit for a LBNC “shall be ministerial action without discretionary review or a hearing.” Additionally, to ensure compliance, subsection D requires the City to notify a developer whether the developer’s application is complete within thirty days, pursuant to Government Code Section 65943, and that action shall be taken within sixty (60) days of a complete application being filed. It is staff’s assessment that the City meets the zoning, procedural and development standard requirements for LBNC with incorporation of Program 4.2.1(2).

Transitional Housing. SB 2 (2007) further requires that transitional housing be considered a residential use and subject only to the same restrictions that apply to similar housing types in the same zone. Transitional housing is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months, but where the units are recirculated to another program recipient after a set period. It may be designated for a homeless individual or family transitioning to permanent housing. This housing can take many structural forms such as group housing and multi-family units and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

The City’s new zZoning oOrdinance provides a definition for transitional housing consistent with the state’s definition and it identifies zones where this type of use is permitted. As shown in Tables B-1 and B-2, transitional housing is principally permitted in all of the Tulelake’s Residential and Mixed Use zones.

2.1.12.1.12 Single-Room Occupancy Units

Housing elements must identify zoning to encourage and facilitate single-room occupancy units (SROs), which are often the most appropriate type of housing for extremely low-income persons. The City’s new Zoning Ordinance defines SRO’s and explicitly allows them as conditionally permitted uses in the R-3 and Mixed Use zones. They also define another use that could accommodate the needs of extremely low income households - Dormitories – which are allowed as principally permitted uses in the R-3 Zone. One notable distinction between Dormitories and SRO’s is SRO’s are allowed to have kitchenettes in individual rooms while Dormitories have common dining facilities.

2.1.122.1.13 Housing for Farmworkers

The new City of Tulelake Zoning Ordinance addresses farmworker housing by defining it as “Employee Housing”. It further distinguishes between “Small Employee Housing” for six or fewer tenants, and “Large Employee Housing” for up to 36 tenants in one or more buildings. Small Employee Housing is allowed in all Residential and Mixed Use zones by-right. Large Employee Housing is allowed in the R-3 Zone with a conditional use permit.

Additionally, the Tuelake Zoning Ordinance allows dormitories by right in the R-3 and MU-2 zones, as indicated in Table B-1 and Table B-2 above. Dormitories are defined as “A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms” (17.08.790 of the Tulelake Zoning Ordinance). Dormitories are required to provide parking at a ratio of one parking space per bed (Chapter 17.64). The Tulelake Zoning Ordinance does not impose additional development standards for establishing dormitories beyond the applicable zoning district’s development standards reviewed in Table B-1 and Table B-2 above. While not specific to farmworkers, Tulelake’s existing allowances for dormitories does not create barriers for a property owner or developer to exercise this housing typology as a farmworker housing option.

2.1.132.1.14 Other Mandatory State Housing Laws

Below is a summary of recently enacted legislation that provide additional regulatory incentives for the development of housing.

Senate Bill 9 (2021): The California HOME Act—otherwise known as Senate Bill 9—took effect on January 1, 2022 and makes it possible for homeowners to split their home’s lot and build up to four homes, not including J/ADUs, on a single-family parcel. For a property owner to exercise SB 9’s regulatory incentives, the property must be located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.² According to the 2020 U.S Census, the City of Tulelake does not contain any portion of Urban Area; only the cities of Yreka and Mount Shasta have U.S. Census Urban Area.³ This means although SB 9 can be implemented without a city adopting an implementing ordinance, the lands in the City of Tulelake do not meet the eligibility requirements for property owners to exercise SB 9. ~~According to the 2020 U.S Census, the City of Tulelake does not contain any portion of Urban Area.~~ Therefore, lands within the limits of Tulelake are not eligible to exercise the provisions of SB 9.

Senate Bill 10 (2021): Senate Bill 10 provides cities with an easier path for "up-zoning" residential neighborhoods close to job centers, public transit, and existing urban areas. Under SB 10, cities can upzone qualifying properties to allow construction of up to ten units on a single parcel without requiring an environmental review for the needed general plan and/or zoning amendments, which is otherwise mandated under the California Environmental Quality Act. Some jurisdictions have leveraged SB 10’s provisions to offer interested property owners no- or low-cost voluntary upzoning of their property. For a city to exercise SB 10, the parcel must be located in one of the following areas [Reference: Gov’t Code Section 65913.5(a)(1)]:

² With the 2020 Census, the Census Bureau no longer identifies an individual urban area as either an "urbanized area" or an "urban cluster", but refers to all qualified areas as “urban areas”. See https://www2.census.gov/geo/pdfs/reference/ua/Census_UA_2020FAQs.pdf, page 4, accessed November 8, 2023.

³<https://www.federalregister.gov/documents/2022/12/29/2022-28286/2020-census-qualifying-urban-areas-and-final-criteria-clarifications>, accessed November 8, 2023

(1) A transit-rich area. Means a parcel within one-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or a parcel on a high-quality bus corridor.

- A major transit stop means a bus stop served by public mass transit service with features that include full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- A high-quality bus corridor means a corridor with fixed route bus service, and average service intervals, Monday through Friday, of no more than 15 minutes during peak morning, late afternoon, and evening commute times, and no more than 20 minutes between the 6:00 am to 10:00 pm. On the weekends, the average service interval is no more than 30 minutes.

As reviewed in Appendix A, section 2.7, Modoc county’s Sage Stage provides weekly service to/from Tulelake to the City of Klamath Falls, Oregon. However, Sage Stage’s service from Tulelake to/from Klamath Falls is only weekly, and the schedule not meet the thresholds of a major transit stop or high-quality bus corridor.

(2) An urban infill site. An urban infill site means a site that satisfies all of the following [Reference: subdivision (e)(3) of Gov’t Code Section 65913.5]:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau. (emphasis added)

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

As discussed above under SB 9, the City of Tulelake does not contain any portion of an US Census Urban Area; only the cities of Yreka and Mount Shasta have U.S. Census Urban Area. Therefore, lands within the limits of Tulelake are not eligible for the provisions of SB 10.

Housing Crisis Act of 2019, Government Code 66300-66301: The Housing Crisis Act (HCA) requires the HCD to develop a list of cities (“affected cities”) and census designated places (CDPs) within the unincorporated county (“affected counties”).—An affected City includes all cities in urbanized areas and all cities with a population greater than 5,000 in an urban cluster. In accordance with the provisions of the HCA, in April 2023, HCD released the updated listing of affected cities and affected counties based on new data obtained from the 2020 Census. Although nearly 94 percent of California cities are affected cities, Tulelake is not identified as an affected city in HCD’s April 2023 updated listing of affected cities; therefore, the provisions of HCA prohibiting affected localities from taking certain zoning-related actions does not extend-apply to Tulelake.

Ministerial Streamlining (SB 35):—California Senate Bill 35 (SB 35) was enacted in 2017. SB 35 applies in cities and counties that are not meeting their RHNA goal for construction of above-moderate income housing and/or housing for households below 80 percent area median income (AMI). SB 35 requires local government to streamline the approval of certain housing projects located on a qualify property by providing a ministerial

approval process.—Developers of qualifying projects may opt in and exercise the incentives provided by SB 35 in cities and counties that are subject to SB 35. HCD annually determines which cities and counties are subject to SB 35.

According to the SB 35 Statewide Determination Summary released by HCD on June 30, 2023, the City of Tulelake is subject to SB 35 when proposed developments include at least 10 percent affordability. For a site, located within city boundaries, to be eligible for SB 35 the site must be a legal parcel, or parcels, and located in a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau. According to the 2020 U.S. Census, the cities of Yreka and Mt. Shasta are the only two cities in Siskiyou county that are designated as urban areas; therefore, there are no sites in the City of Tulelake that would be eligible for SB 35.⁴

Although the above statutes do not extend to Tulelake because the City does not include an urban area as defined by the U.S. Census, the draft Zoning regulations remove current procedural and regulatory barriers and will allow a greater variety of housing types, in more zoning districts, and at greater density in the City.

2.2 Development and Processing Fees

Building permit fees are determined by the price of construction. The state sets the fee on a regional basis and the 2010 Housing Element captured those fees for standard projects as shown in **Error! Reference source not found.** There are few additional on- or off-site requirements for construction of housing in Tulelake. The City has a part-time building inspector who provides inspection services when needed. Consequently, building permits are processed promptly, usually within two weeks. There is never any backlog of permits since only a few are received every year. Building permits are a priority with the City and typically are issued in a few days.

**Table B-4Table B-6
Building Permit Fee Schedule**

Value	Fee
\$1 to \$500	\$16.50
\$501 to \$2,000	\$16.50 for the first \$500, plus \$2.20 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$49.50 for the first \$2,000, plus \$9.90 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$277.00 for first \$25,000, plus \$7.15 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$455.95 for the first \$50,000, plus \$4.95 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$703.45 for the first \$100,000, plus \$3.85 for each additional \$1,000 or fraction thereof, to and including \$500,000.

⁴ <https://www.federalregister.gov/documents/2022/12/29/2022-28286/2020-census-qualifying-urban-areas-and-final-criteria-clarifications#h-7>, accessed July 12, 2023.

Value	Fee
\$500,001 to \$1,000,000	\$2,243.45 for the first \$500,000, plus \$3.30 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up	\$3,893.45 for the first \$1,000,000, plus \$2.20 for each additional \$1,000 or fraction thereof.

Source: City of Tulelake, 2010

Notes: Fees are for informational purposes only and are subject to change.

Other than building permit fees, other fees in the City are minimal. Fees include a sewer connection fee of \$500 per unit and a water connection fee of \$500 per unit. This is assumed to apply to both single family and multi-family development. Often jurisdictions fund schools with a school impact fee, but due to limited growth, Tulelake has no such fee. Also, the City does not charge fees for a planning application should one be necessary. Table B-6 below provides an example of the costs added to a residential project on permit and other fees.

For a typical single-family dwelling on public water and sewer, the fees are approximately \$1,761 per unit, building fees are approximately \$761 of that. For multi-family development (based on a 12-unit dwelling) the fees would be approximately \$12,949, not including construction, permit and plan check fees. These fees are lower than other cities in the region and do not constrain the development of affordable housing. While these costs will likely be passed on to the ultimate product consumer, thus impacting housing prices, these fees are on par with other cities in the region, are deemed necessary to maintain the quality of life desired by City residents, and do not constrain the development of affordable housing.

Table B-5 Table B-7
Developmental Impact Fees

Facility	Fee per Dwelling Unit	
	Single-Family ¹	Multi-Family ²
Planning	0	0
Building	\$761	\$2,949
Water Connection Fee	\$500	\$5,000
Sewer Connection Fee	\$500	\$5,000
School Impact Fee	\$0*	\$0*
Total	\$1,761	\$12,949 or \$1,079/unit

Source: City of Tulelake, 2010

Notes: Fees are estimates for informational purposes only and are subject to change.

¹Assumes a single family unit of 1,200 square feet valued at \$115,200.

² Assumes a 12 unit apartment of 750 square foot units, with each unit valued at \$59,521.

* No fee is charged due to the limited growth.

Table B-6 Table B-8

Proportion of Fee in Overall Development Cost for a Typical Residential Development Cost

Cost for a Typical Unit	Single-Family	Multi-Family
Total estimated fees per unit	\$2,177	\$1,079
Typical estimated cost of development per unit	\$115,700	\$59,521
Estimated proportion of fee cost to overall development cost	1.9%	1.9%

Note: Assumes a 12 unit complex of 750 square foot units on a developed lot at \$59,521.

2.3 Permit Processing Times

The time involved in processing development applications can become a constraint to affordable housing development. However, because Tulelake is a small community that receives few applications and almost no complicated applications, the processing of a residential application occurs expeditiously. Those residential projects permitted by right can be processed in a couple of weeks. This normally includes modifications to single-family dwellings and new single-family dwellings. It could include multi-family dwellings as well, since they are permitted by right in several zone districts. Applications are first submitted to the City and then processed by the City building inspector, who checks for compliance with zoning and the Building Code. Discretionary permits in Tulelake are very uncommon. If an applicant proposes a development that requires discretionary review, such as one that requires a use permit, the processing time is estimated to be two months regardless of project type. **Table B-9** lists estimated review times for each type of permit or approval process in the City. These review periods do not present constraints to development, as some review is needed to ensure the maintenance of health and safety standards.

Table B-7
Table B-9
Planning Processing Times

Type of Approval or Permit	Typical Processing Time
Ministerial Review	2–4 weeks
Conditional Use Permit (CUP)	6–8 weeks
Zone Change	3 months
General Plan Amendment	3 months
Site Plan Review	2–3 days
Parcel Maps	2–3 months
Initial Study (CEQA)	2–3 months
Environmental Impact Report (CEQA)	8–10 months

Source: City of Tulelake, 2010

2.4 Building Codes and Enforcement

The City utilizes the current California Building Code for its code requirements and deviates from it only in the case of snow load (i.e., the City has a higher standard for roofing due to local conditions). Therefore, because the California Building Code serves to protect public health and safety, it does not pose a significant constraint to the production or improvement of housing in Tulelake.

Code enforcement typically occurs when the building inspector is processing other permits on the site or when complaints are filed. City staff works with the Siskiyou County Health Department when the complaint appears to be a matter of both health and safety.

Most complaints come from renters who make complaints against their landlord. The inspection may reveal building or health code violations that are then written up with a timeline for correction and follow-up inspections. If there are no code violations, but other non-code situations occur, the renter is given a question-and-answer sheet prepared by the California Department of Consumer Affairs, which helps to define the renter’s rights and options in the matter.

3.0 Non-Governmental Constraints

3.1 Land Costs

The cost of raw, developable land creates a direct impact on the cost of a new home and is considered a possible constraint. A higher cost of land raises the price of a new home. Therefore, developers sometimes seek to obtain City approvals for the largest number of lots allowable on a parcel of land. Historically, land costs in Tulelake have been low. A web search revealed in 2023 properties developed with detached single family residences and mobilehomes were selling for between \$120,000 and \$220,000 on lots generally less than an acre in size⁵. Without improvements, the vacant properties in the City’s residential land inventory would be expected to cost less than those with existing homes on them.

3.2 Construction and Labor Costs

Factors that affect the cost of building a house include the type of construction, materials, site conditions, finishing details, amenities, and structural configuration. Table B-8 below summarizes the affordable multi-family construction costs for Siskiyou and Shasta Counties in 2021. Any multifamily development in the City of Tulelake would be expected to have similar construction costs. Siskiyou Crossroads in Yreka is a multifamily development of 49 units and is a total of 36,317 square feet (SF) in size. The construction costs are \$216,634 per unit or \$353 per square foot to build. Another project in Redding, CA in Shasta County was for 60 units and a total of 56,091 SF. The total construction costs for that development was a little less - \$290 per square foot.

**Table B-8 Table B-10
Construction and Labor Costs, Siskiyou and Shasta Counties 2021**

Project	Address	Total Units	Total Sq. Ft.	Construction Costs	Construction Cost Per Unit	Construction Cost Per Sq. Ft.
Siskiyou Crossroads	510 N. Foothill Dr., Yreka	49	36,317	\$12,820,045	\$216,634	\$353
Burney Commons	Bainbridge Dr., Burney	29	28,428	\$8,642,000	\$298,000	\$304
Lowden Lane Senior Apts.	2775 Lowden Lane, Redding	60	56,091	\$16,266,436	\$271,107	\$290
Center of Hope Apts.	1201 Industrial St., Redding	47	43,819	\$14,942,373	\$317,923	\$341
Live Oak Redding	1320 & 1358 Old Arturas Rd., Redding	38	65,203	\$11,215,000	\$295,132	\$172
Average					\$288,759	\$292

Source: Siskiyou County Housing Element Draft

⁵ <https://www.landwatch.com/california-land-for-sale/tulelake/price-100000-249999/available/under-contract/off-market> accessed 8/16/2023.

3.3 Availability of Financing

The cost of borrowing money to finance the construction of housing or to purchase a house affects the amount of affordably-priced housing in the City. Fluctuating interest rates can eliminate many potential homebuyers from the housing market or render as infeasible a housing project that could have been developed at lower interest rates. When interest rates decline, sales increase. The reverse has been true when interest rates increase.

Over the past decade, there has been a dramatic growth in alternative mortgage products, including graduated mortgages and variable rate mortgages. These types of loans allow homeowners to take advantage of lower initial interest rates and to qualify for larger home loans. However, variable rate mortgages are not ideal for low- and moderate- income households that live on tight budgets. Variable rate mortgages may allow lower-income households to enter into homeownership, but there is a definite risk of monthly housing costs rising above the financial means of that household. Therefore, the fixed interest rate mortgage remains the preferred type of loan, especially during periods of low, stable interest rates.

Table B-11 illustrates interest rates as of August, 2023. current average 30-year fixed mortgage interest rate is 7.55% The table presents both the interest rate and annual percentage rate (APR) for different types of home loans. The interest rate is the percentage of an amount of money that is paid for its use for a specified time, and the APR is the yearly percentage rate that expresses the total finance charge on a loan over its entire term. The APR includes the interest rate, fees, points, and mortgage insurance and is therefore a more complete measure of a loan’s cost than the interest rate alone. However, the loan’s interest rate, not its APR, is used to calculate the monthly principal and interest payment.

**Table B-9Table B-11
Interest Rates**

	Interest	APR
Conforming Loan		
30-year fixed	7.55%	7.75%
15-year fixed	6.00%	6.30%
Jumbo Loan		
30-year fixed	7.00%	7.01%
5-year ARM	7.63%	7.62%

Source: www.bankrate.com, August, 2023

Notes: A conforming loan is for no more than \$729,750. A jumbo loan is greater than \$729,750.

3.4 Adequate Infrastructure

The City maintains and operates its own water facilities. The City is served by ground water sources consisting of three wells. The water is conveyed via a booster pump to two elevated tanks, with a combined storage capacity of 175,000 gallons, not including well storage. The City acquired a third well in 2008 that doubled its water capacity. With recent improvements, the City projects it has sufficient capacity to meet any future growth for the next 20 years. New connections to the City’s water system are required to pay a one-time connection fee of \$500 for single family residential. There is no set fee by the City for multi-family residential, but a fee of \$500 per unit has been assumed.

The City provides collection, treatment and disposal of wastewater within the City limits. The City of Tulelake’s sewage treatment is adequate to serve the current demand. Currently the City is in the process of having their sewage treatment facility and some of the collection system upgraded and improved. The improved system will

be able to serve an estimated population increase of 228 by 2028. This will allow a potential reserve for adequately serving a population of over 1,200. New connections to the City's water system are required to pay a one-time connection fee of \$500 for single family residential. There is no set fee by the City for multi-family residential, but a fee of \$500 per unit has been assumed.

Senate Bill 1087 requires cities to immediately forward its adopted Housing Element to its water and wastewater providers so they can grant priority for service allocations to proposed developments that include units affordable to lower-income households. However, in this case, the City is the provider of water and sewer, and the City does not have policies or procedures, written or otherwise, that would prevent any level of income unit from connecting to sewer and water services. In accordance with this State law requirement, within thirty (30) days of adoption of its 2023-2031 Housing Element, the Planning Department will be internally distributed to the City's Department of Public Works, along with a summary of its Regional Housing Needs Allocation. In compliance with subparagraph (b) of Government Code Section 65589.7, this Housing Element includes program 1.4.1, a new program, that commits the City to establishing written policies and procedures to prioritize water and sewer connections for housing development that include lower income units within one year of adoption of the 2023-2031 Housing Element.

4.0 At-Risk Housing and Housing Resources

4.1 At-Risk Housing Analysis

California Government Code Section 65583(a)(9), et seq. requires that Housing Elements include an analysis of the assisted low-income housing units in the City that may be lost from the inventory of affordable housing within the next ten years as a result of the expiration of some type of affordability restriction. If units are at risk of market-rate conversion, the analysis must contain the following components:

- A comprehensive inventory of all subsidized rental housing units;
- A cost comparison of replacing or preserving any units, which will become at risk of market-rate conversion within ten years;
- Identification of nonprofit entities qualified to acquire and manage rental housing;
- Identification of possible sources and potential funds for preserving housing units; and
- An inventory of existing and proposed City programs for preserving at-risk units.

According to HCD's [6th cycle data set and the California Housing Partnership Affordable Housing Map](#), there are no [existing](#) subsidized affordable housing units [or developments at risk of conversion](#) in the City of Tulelake [or in the vicinity](#).⁶ [Therefore, there are no units at risk of conversion.](#) Nonetheless, the City has included Program 3.1.2 to promote the preservation of low-income and subsidized housing [throughout the planning period of the City's 6th cycle Housing Element](#).

⁶ Siskiyou_6thHE_Data Package1.xls; and <https://affordablehomes.chpc.net/> (accessed January 4, 2024).

4.2 Programs for Preservation and Construction of Affordable Housing

Following is a summary of the current affordable housing programs of which the City is aware. If applicable, these programs could be used to help meet the City's goal of remedying its affordable housing needs. Further, a list of funding sources that could be used by the City to meet its goals for affordable housing is provided in Appendix C.

- **Project Development:** The City, with related funding assistance, could provide technical assistance and administrative support for housing developments that would expand affordable housing options for residents.
- **Nonprofit Support:** The City should continue its cooperative relationships with qualified nonprofit groups that may play a role in assisting in the preservation and expansion of affordable housing in the community.
- **Policy and Ordinance Review:** Current policies and ordinances should be continually reviewed to ascertain the realistic impact on retaining or expanding affordable housing in the City. When necessary, changes or additions to the City's guiding policies and ordinances should be adopted.
- **Housing Referral Service:** The City should develop a listing of programs and a methodology for disseminating pertinent information about the types of subsidized housing and the various providers of housing-related services.

4.3 Rehabilitation Program

The City's rehabilitation loan program is currently funded by a revolving loan account (RLA). The City has applied for Community Development Block Grant (CDBG) funds in the past, which are used to make rehabilitation loans. As repayments of these loans are received, the money is put back into the program account to fund new loans. Loans are made to qualifying households in target income groups (TIGs) and can be used for structural rehabilitation, room additions to relieve overcrowding, and/or total reconstructions. Interest rates for owner-occupied units are usually set at three percent, but can be as low as zero percent for very low-income households, and the life of the loan can be up to thirty years. The City regularly applies for and implements this program when funding is available.

4.4 Housing Authority

Neither Tulelake nor Siskiyou County have a public housing authority. Instead the Housing Choice Voucher rent assistance program (Section 8) funds from the U.S. Department of Housing and Urban Development are administered for them by Shasta County. The voucher program provides a voucher to recipients to use to help pay their rent for any rental unit that accepts the voucher. The recipients pay part of the rent based on 30 percent of their income and the Section 8 program pays the remaining amount.

The previous Housing Element reported a total of 209 vouchers throughout Siskiyou County with 2 vouchers being used in the City of Tulelake. According to the Shasta County Housing Authority the Housing Choice Voucher waiting list was open and accepting applications in 2023⁷.

5.0 Regional Housing Needs

Pursuant to the California Government Code Section 65584, HCD has developed a Regional Housing Need Allocation (RHNA) Plan for the Siskiyou county region. The RHNA Plan identifies a need for 20 new residential units

⁷ <https://www.shastacounty.gov/housing-community-action-programs> accessed August 16, 2023

in Siskiyou county region over an eight-year period (February 2023 to November 2031). The regional housing need for 20 units is evenly shared and distributed among the County and each of the nine cities. Each jurisdiction has been allocated two housing units. As part of the RHNA Plan, HCD designates the affordability targets for the housing units. For the two housing units, the RHNA Plan identifies affordability targets of one low-income unit and one very-low income unit for each jurisdiction in the Siskiyou region.

Based on the requirements of State law, jurisdictions must also address the projected need of extremely low-income (ELI) households, defined as households earning less than 30 percent of the median income, and at least 50 percent of a jurisdiction's very low income RHNA must be categorized as ELI. The City has assigned the one very low income unit to the extremely low income category for its 6th cycle RHNA. Thus, the City of Tulelake's share of regional housing needs is two units over the eight-year period with one unit affordable to extremely-low income households and the other unit designated as affordable to low income households. The City's RHNA is presented in Table B-12.

The City and the community recognize that the City's RHNA values underestimate the actual local housing need. Tulelake is not immune from the housing crisis facing most communities in California and residents are confronted with price and rent increases often exceeding the buying power of local wages, increasing construction costs, and the historic and present pace of home construction not keeping up with pace population growth and other changes.

As shown in Appendix C, the City's inventory of vacant property zoned to allow by-right multifamily is sufficient to meet the City's 2023-2031 RHNA of two housing units: one extremely low income housing unit and one low income housing unit, making it unnecessary for the City to undertake a rezoning program in order to have adequate sites for new housing development. Nonetheless, in recognition that the community housing need is greater than the City's RHNA obligation, a critical objective of the Housing Element's Goals, Policies and Programs is to increase the variety and affordability of housing during the Element's eight year planning period. The sites identified in Appendix C can support the development of housing in excess of the City's share of the 2023-2031 regional housing needs as estimated and allocated by HCD. Therefore, it can be conclusively stated that the City has an adequate inventory of sites to its with supporting public services and facilities, to accommodate its housing needs over the current planning period.

Table B-10 Table B-12
Regional Housing Needs Allocation City of Tulelake, 2023-2031

Income Category	Projected Housing Needs	% of Total
Extremely Low*	1	50%
Very Low	0	0%
Low	1	50%
Moderate	0	0%
Above Moderate	0	0%
Total	2	100%

* For Extremely Low Income jurisdictions may either use available Census data to calculate the number of projected extremely low-income households (see Overpayment tab), or presume 50 percent of the very low-income households qualify as extremely low-income households.

Source: Siskiyou County 6th Cycle Housing Element Data Packet, December 21, 2021; Siskiyou County Final RHNA, HCD, December 2021.

6.0 Opportunities for Energy Conservation

Opportunities for energy conservation can be found for both existing and future housing developments. Conservation can be achieved through a variety of approaches including reducing the use of energy-consuming appliances and features in a home, physical modification of existing structures or land uses, and reducing reliance on automobiles by encouraging more mixed-use and infill development and providing pedestrian access to commercial and recreational facilities.

Some energy conservation features are incorporated into the design of residential structures in the City of Tulelake due to the requirements of Title 24 of the California Code of Regulations (also known as the California Building Standards Code), which outlines measures to reduce energy consumption. These measures include low-flow plumbing fixtures, efficient heating and cooling opportunities, dual-pane windows, and adequate insulation and weatherstripping. Incorporating new technology in residential development offers developers a chance to design projects that allow for maximum energy conservation opportunities.

Although energy regulations establish a uniform standard of energy efficiency, they do not ensure that all available conservation features are incorporated into building design. Additional measures may further reduce heating, cooling, and lighting loads and overall energy consumption. While it is not feasible that all possible conservation features be included in every development, a number of economically feasible measures may result in savings in excess of the minimum required by Title 24.

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. 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, insulation, 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; and
 - Zone heating and cooling systems, which reduce heating and cooling in the unused areas 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; and
 - 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; and
 - Use of trees and hedges as windbreaks.

In addition to these naturally based techniques, modern methods 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 heat pumps for heating and cooling of living areas;
- Use of energy-efficient home appliances; and
- Use of low-flow showerheads and faucet aerators to reduce hot water use.

Major opportunities for residential energy conservation in the City will include insulation and weatherproofing, landscaping, optimum orientation of structures, lowering appliance consumption, and maximization of solar energy technology. The following programs relate to the City’s opportunities for energy conservation:

- Program 3.1.3(2): The City will promote and publicize the availability of funding for housing rehabilitation, energy conservation, and weatherization programs by providing handouts available at public locations and through the development of a City newsletter. Additionally, as funding is awarded the City will provide a news release regarding the receipt of CDBG funds and the progress made with the rehabilitation program.

- Program 3.1.3(3): The City will require all units rehabilitated under the rehabilitation program funded with CDBG funds to be in compliance with California’s Title 24 energy standards, including retrofit improvements such as dual-pane windows, ceiling and floor insulation, caulking, and weather stripping to reduce energy costs.