



# Housing Element, Associated Countywide Plan, and Development Code Amendments

Marin County Board of Supervisors  
January 24, 2023



# Agenda

---

- **Housing Element**
  - Overview
  - Public Engagement & Outreach
  - Needs, Constraints, and Resources
  - Affirmatively Furthering Fair Housing (AFFH)
  - Goals and Implementing Programs
- **Countywide Plan (CWP) Amendments**
- **Rezoning**
- **Form Based Code and Associated Rezoning**







# Overview



# Updating the Housing Element

---

- **Updated every 8 years**
- **Required to be reviewed** by CA Housing and Community Development Department (HCD)
- **Adoption deadline:** January 2023
- Housing Element for Marin County only covers the **unincorporated areas**



# Sections of the Housing Element

## Housing Plan

### Needs Assessment

- Demographic Trends
- Housing Market Trends
- Special Needs Groups

### Affirmatively Furthering Fair Housing

- Five Categories of Analysis
- Distribution of RHNA Sites
- Meaningful Actions

### Sites Inventory

- Sites for very low, low, moderate income and market rate housing

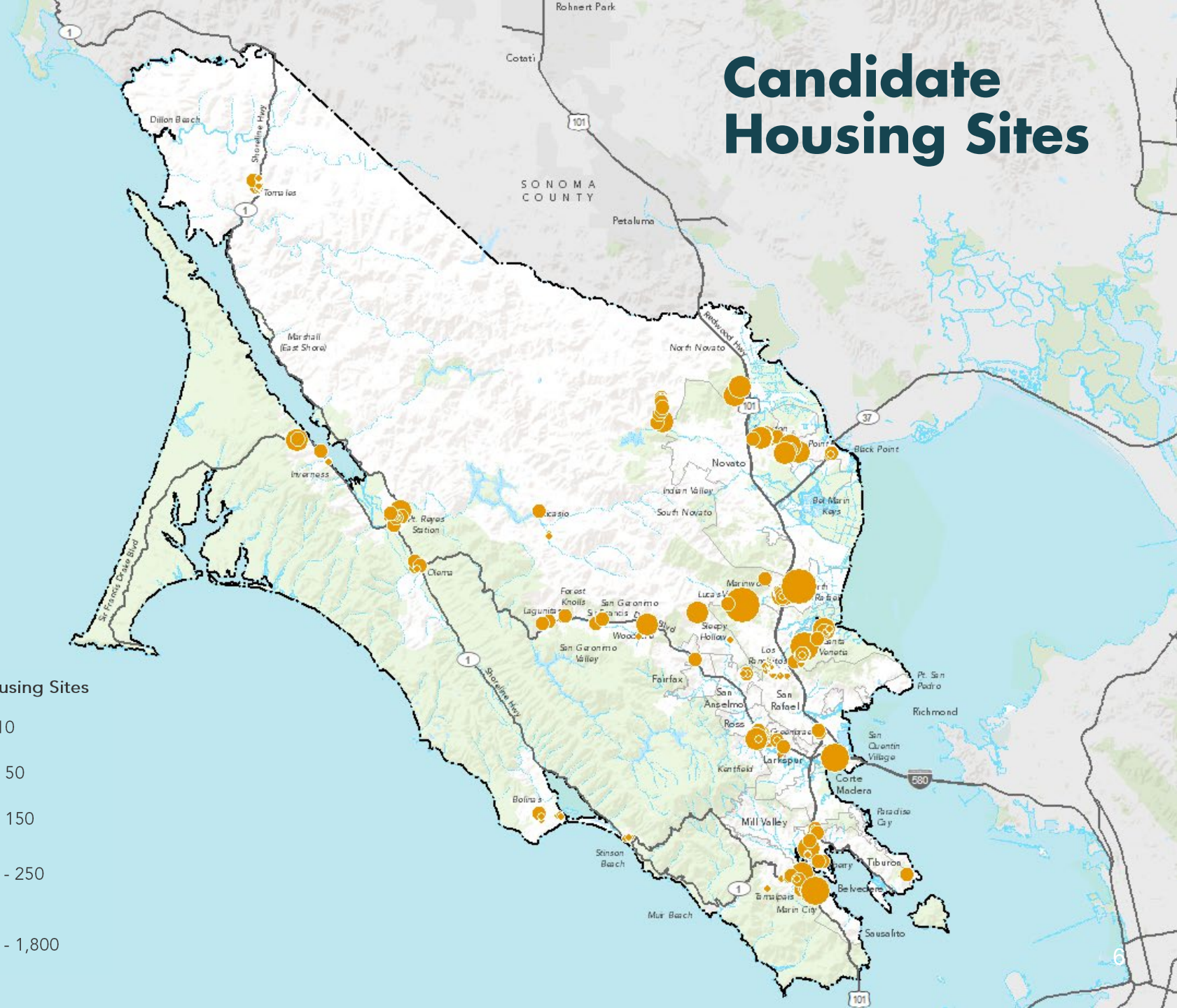
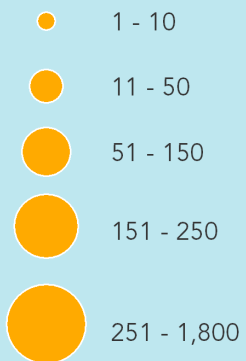
### Programs and Policies

- Increase Availability of Existing Units
- AFFH
- Special Populations
- Market



# Candidate Housing Sites

## Candidate Housing Sites







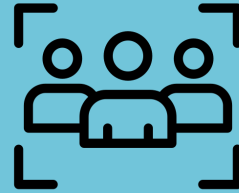
# Public Outreach & Engagement



# Outreach & Engagement Methods



**Over 800 survey responses**



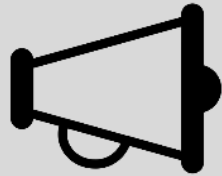
**8 focus group sessions**

*Including with homeowners and low-income renters*



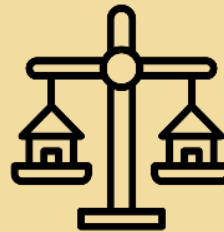
**9 community workshops**

*Over 600 participants*



**10 sites roadshow sessions**

*Throughout communities in unincorporated Marin, over 450 participants*



**143 Balancing Act submissions**

*And 2,925 page views*



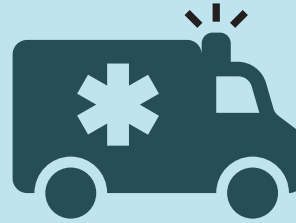
**Over 800 Email/  
Voicemail  
Comments**



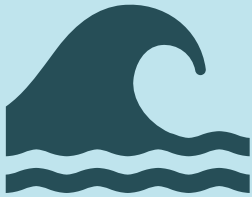
# Key Findings



Traffic  
congestion



Fire risk/limited  
access for  
emergency  
services



Threat of sea  
level rise/current  
flooding



Impacts on  
natural  
resources



Limited water  
supply



Infrastructure  
limitations

# Key Findings



Need for  
workforce housing



Special needs housing  
for families, seniors,  
people with disabilities,  
experiencing  
homelessness



Need to address  
disparities in  
housing types



Housing in High  
Resource Areas



Homeownership  
opportunities



Extremely low-  
income housing





# Local Housing Needs & Barriers



# Local Housing Needs

<b>Limited Rental Housing Options:</b>	17% multi-unit
<b>Growing Aging Population:</b>	22% residents 65+
<b>Limited Vacancy (rent/sale):</b>	57% of vacant units are for seasonal uses
<b>Insufficient Affordable Housing:</b>	Cost-burdened: 20% of households Severely cost-burdened: 17% of households
<b>Overcrowded:</b>	13.4% renter-households 0.9% owner-households





# Local Housing Needs

---

- Housing costs are **out-of-reach** for a significant portion of the community.
  - Median home sale price of a single-unit detached home - \$1.91 million\*
  - Condominium - \$740,088\*
  - Median rent for a one-bedroom apartment - \$2,450\*; two-bedrooms - \$3,151\*
- **Over 60%** of Marin's workforce **commutes** from outside of the County.
  - Teachers, care workers, first responders and hospitality workers are being increasingly priced out of the community.
- Residents of color face **disproportionate** housing challenges.
  - Higher proportion renters, higher proportion rent-burdened, disproportionate displacement and experiences of discrimination  
→ all contribute to greater housing instability

*\*Data is pulled from Housing Element Needs Assessment, August 2021*



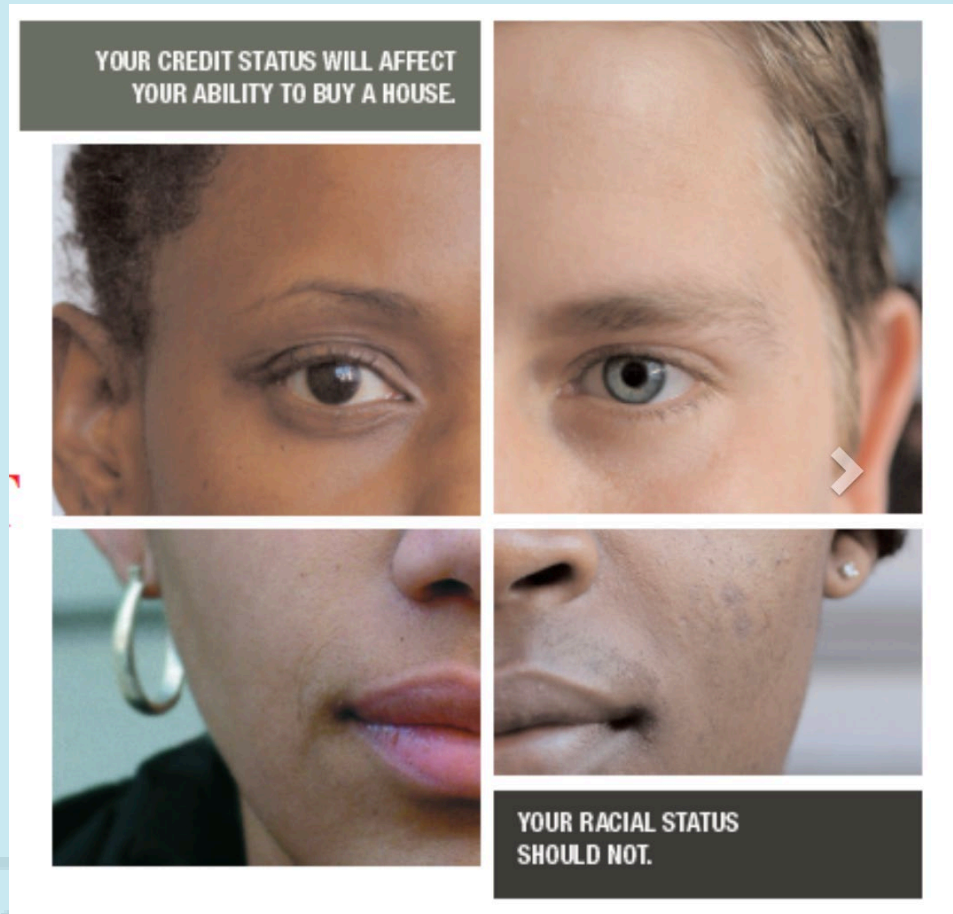
# Barriers to Housing Development

<b>Governmental:</b>	<ul style="list-style-type: none"><li>▪ Limited land designated for residential uses</li><li>▪ Development standards (height, density, parking) limit multi-unit housing</li><li>▪ Lengthy and uncertain process</li></ul>
<b>Market:</b>	<ul style="list-style-type: none"><li>▪ Shortage of construction labor</li><li>▪ High land costs</li></ul>
<b>Environmental:</b>	<ul style="list-style-type: none"><li>▪ High fires</li><li>▪ Sea level rise</li></ul>
<b>Infrastructure and Services:</b>	<ul style="list-style-type: none"><li>▪ Water and sewer capacity</li></ul>





# Affirmatively Furthering Fair Housing (AFFH)



# AFFH

---

- How can we **overcome past patterns** of inequity and segregation?
- How can **we reduce the threat of displacement** for lower income renters?
- How can we **reduce housing barriers** for lower income and special needs households?
- How can we **improve awareness and enforcement** of fair housing laws?
- Are housing sites/ opportunities **equitably distributed** around the city/county?
- How can we conduct **meaningful engagement** and outreach that reaches groups historically excluded?





# AFFH Findings

---

- Housing shortage leads to **displacement** risks
- Tight housing market conducive to **lack of fair housing choices**
- Lack of **affordable housing, and especially in high resource areas**
- **Rent increases** and **fears of eviction** lead to housing insecurity
- Lack of **homeownership** opportunities, particularly for people of color
- **Habitability** and discriminatory practices





# Goals and Implementing Programs



# Programs Aligned with State Law

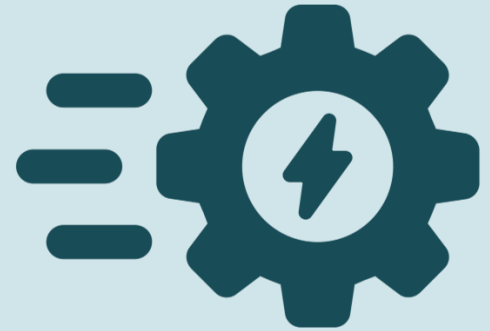
---



By-Right Zoning  
Policy



Incentivize Affordable  
Housing Production



Streamlining  
County  
development  
timelines



# Implementing Program Categories

---

- Increasing Housing Supply  
*Program 7: Religious and Institutional Facility Housing Overlay*
- Supporting Special Needs Housing  
*Program 15: Housing for Farmworkers and Hospitality Workers*
- Preservation of Housing  
*Program 18: Short-Term Rentals*
- Addressing Housing Affordability  
*Program 26: Below Market Rate (BMR) Homeownership Program*
- Affirmatively Furthering Fair Housing (AFFH)  
*Program 31: Tenant Protection Strategies*



# AFFH Meaningful Actions

	<b>Actions</b>
<b>Outreach and Enforcement</b>	<ul style="list-style-type: none"> <li>▪ Expand outreach to housing professionals, housing providers, individual property owners</li> </ul>
<b>Housing Mobility</b>	<ul style="list-style-type: none"> <li>▪ Expand housing choices in high resource areas and increase number of accessible units</li> </ul>
<b>Increase Housing in High Resource Areas</b>	<ul style="list-style-type: none"> <li>▪ Inclusionary housing, and affordable housing in areas of affluence</li> </ul>
<b>Place-Based Strategies for Neighborhood Improvements</b>	<ul style="list-style-type: none"> <li>▪ Amenities and infrastructure in rural areas</li> <li>▪ Septic for multi-unit housing</li> <li>▪ Expand community land trusts</li> </ul>
<b>Tenant Protection and Displacement</b>	<ul style="list-style-type: none"> <li>▪ Develop short-term rental policies</li> <li>▪ Expand tenant protections to prevent displacement</li> </ul>





# Countywide Plan (CWP) Amendments





# Key Adjustments

---

**Elimination** of  
Some Existing  
CWP Policies

Changes to  
Policies for  
**Regional Sites**

Update Policies  
Related to  
**Community  
Plans**

Changes to  
**CWP Land Use**  
Designations for  
Housing Sites



# Elimination of Some Existing CWP Policies

---

- **Eliminate** requirements that **limit development at the lowest end of the density range**, including urbanized areas, Ridge and Upland Greenbelt (RUG) and Baylands Corridors.
- **Does not** eliminate environmental protection standards in the Development Code.



*Annadel Apartments, Santa Rosa  
(24 units/acre)*

# Community Plan Exclusionary Language

*“Discourage any expansion of the areas designated for multi-family housing development.”*

“Maintain and enhance the planning area as a residential community comprised predominantly of single-family homes.”

“Development plan proposals should give the highest priority to incorporating detached single-family homes into the plan.”

**“It is important that the social patterns, personal interactions, sights and sounds that typify single family neighborhoods be maintained and strengthened.”**

“The character of the community as a predominantly single-family residential area should be preserved.”

“On larger subdividable parcels of land, continue the current designation of low and very low-density development.”





# CWP Policies Related to Community Plans

---

- Community Plans set forth goals, objectives, policies, and programs for specific communities. **Some** aspects of Community Plans are **inconsistent with State law** and have the effect of limiting multi-unit housing.
- Staff recommends the following language to address the relationship between community plans and the CWP:

*No provision of the Countywide Plan, including its community plans, may be applied by the County in a manner that conflicts with State law, or the policies and programs contained in the Housing Element and/or the ordinances implementing those policies.*

# Community Plan Guidance

---

Community Plans will continue to provide guidance, including:

- **Single unit home development guidelines - height, placement, screening**
- Natural resource protection
- Circulation – safety, trails, bike/ped, character of roadway improvements, highway and freeway entrances/exits, access and crossings, public transportation
- Road and infrastructure improvement standards
- Lighting
- Short term rentals
- Water – supply, drainage, flooding, water quality
- Historic/cultural resources identified and procedures for restoration and additions established
- Landscaping
- Grading and erosion control



# Housing Overlay Designation and Rezoning

- To meet the RHNA, sites will need to be **rezoned** to accommodate the units assigned to them and meet density requirements under State law.
- Housing Overlay Designation (HOD) approach:
  - **Amend HOD** to designate specific **number of units** and **density** to Housing Element sites.
  - HOD includes **ministerial review**.



*San Clemente Place, Corte Madera  
(30 units per acre)*



# HOD and Existing Zoning

---

- The HOD does **not** **replace existing zoning**, an applicant can use the underlying land use and zoning to develop a parcel. However, they would not receive the incentives of the HOD such as ministerial review.



*Victory Village, Fairfax (27 units per acre)*

# HOD: What is Ministerial Review?

- County Staff will conduct a Housing Compliance Review to evaluate the project for a permit:
  - For compliance with the Form Based Code (FBC).
  - Reviewing plans and various environmental and technical studies, such as biological and geotechnical assessments.
  - Referred to the Department of Public Works and local fire department for their preliminary review.



*Walnut Place, Point Reyes Station  
(17 units per acre)*

# HOD Examples

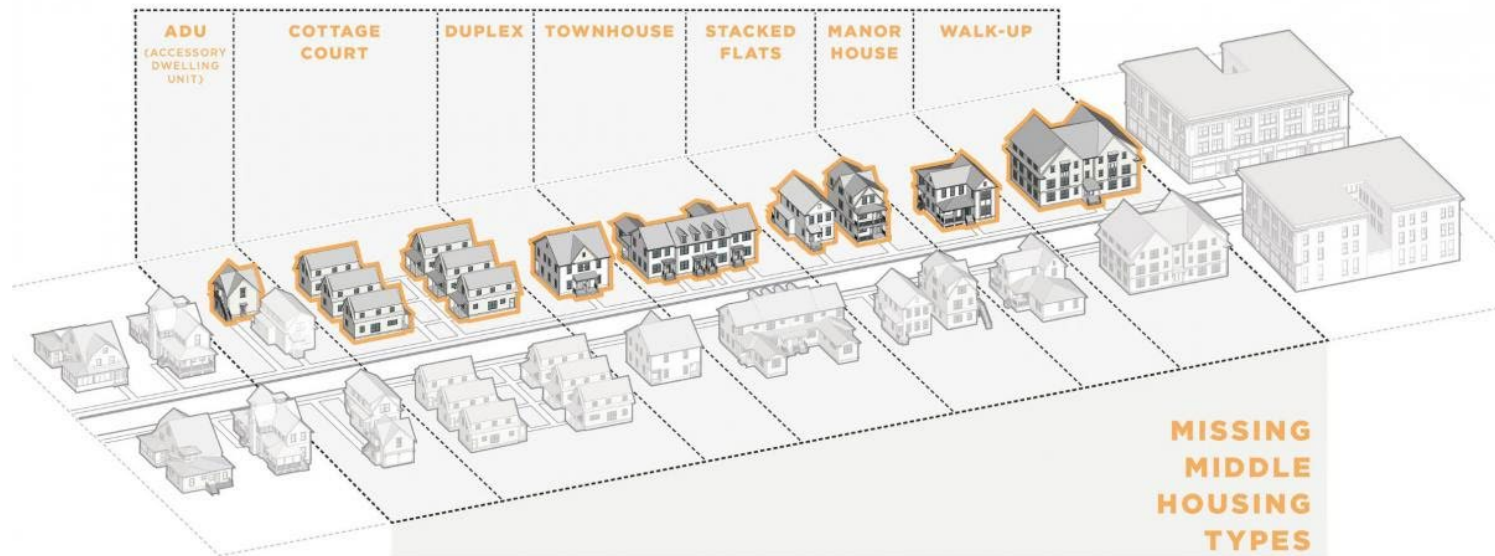
Site Name	Address	Total Units	Underlying Density	HOD Combining District Zoning	Density Designation
Sloat Garden Center	700 Sir Francis Drake Blvd, Kentfield	31	Approximately 6 units	R1:HOD	30 units per acre
Peace Lutheran Church	205 Tennessee Valley Rd, Mill Valley	20	4-7 units per acre	RA-B1:HOD	20 units per acre Limited to 1 acre
Presbyterian Church San Geronimo	6001 Sir Francis Drake Blvd, San Geronimo	15	Approximately 7 units	R1-B2:HOD	13 units per acre Limited to 1.2 acres





# HOD and Missing Middle Housing

- The HOD facilitates the development of Missing Middle Housing.
- Characteristics of missing middle housing:
  - House-scale buildings with multiple units
  - Walkable neighborhoods





# Development Code Amendments





# Development Code Amendments

## Five Main Components:

1. Bayfront Conservation Zone
  - *Amendments related to Sea Level Rise*
2. Senate Bill 35
  - *No substantive changes from interim Ordinance*
3. Senate Bill 9
  - *No substantive changes from interim Ordinances*
4. Form Based Combining District
  - *Implements Form Based Code*
5. Housing Compliance Review
  - *New ministerial permit*



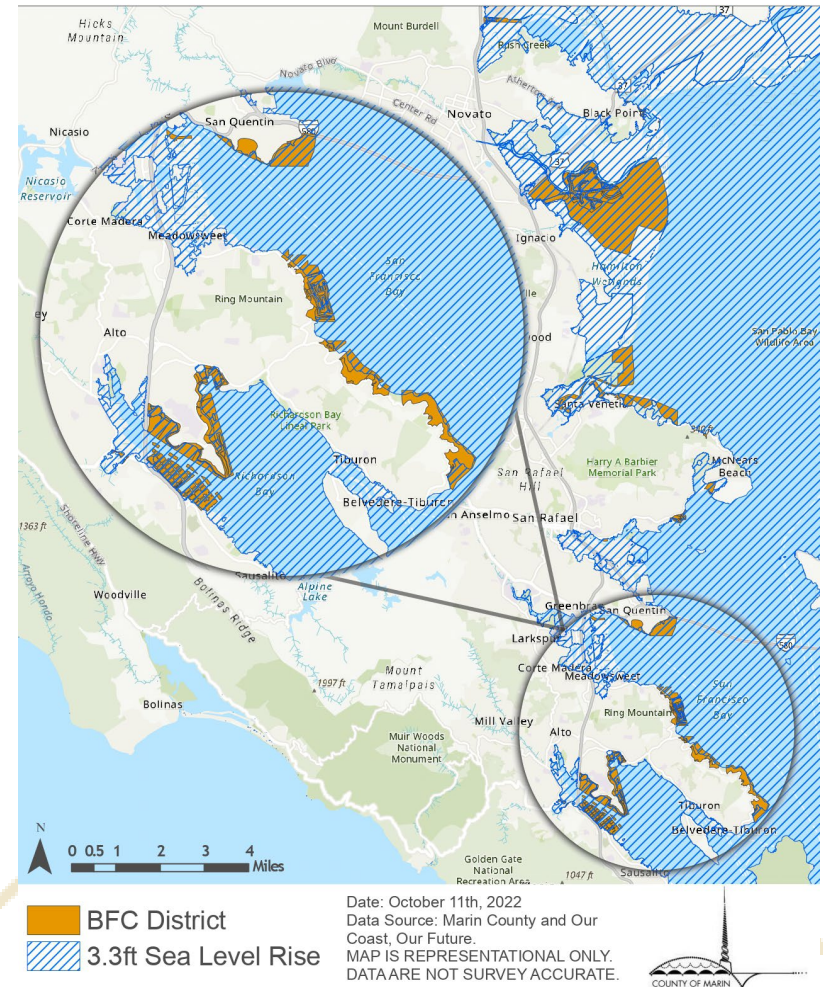
*Rotary Valley Senior Village, Lucas Valley  
(16 units per acre)*



# Bayfront Conservation Zone

- Elevation of the lowest habitable floor of new buildings to be three feet above BFE
- Nature-based measures to be employed where feasible
- Deed restrictions for new development in areas subject to SLR

Bayfront Conservation (BFC) District & Sea Level Rise



# Form Based Code Goals

- Address current and future legislation requirements including SB 35 and by-right housing approvals
- Promote **Missing Middle Housing**



# Development Code Amendments

## FBC Main Components:

1. Transect Zones
2. General Design Standards
3. Building Types
4. Frontage Design
5. Architectural Styles
6. Large Sites
7. Adjustments



*Fireside Apartments, Mill Valley  
(13 units per acre)*





# State Requirements & Summary





# State Requirements

---

- **New HCD Housing Accountability Unit**
- **Losing Access to State Funding:** Ineligibility, or lower priority, for funds such as roads and transportation funds.
- **Attorney General Lawsuit:** Fine ranging from \$10,000 to \$100,000 per month.
- **Other Legal Suits and Attorney Fees:** Litigation from housing rights' organization, developers, and other interested parties.
- **Loss of Permitting Authority:** Courts have authority to take local government residential and nonresidential permit authority to bring the jurisdiction's General Plan and housing element into substantial compliance with State law.



# State Requirements

---

- **Financial Penalties:** Courts can fine jurisdictions up to \$100,000 per month, and if they are not paid, multiplied by a factor of six if continued to be found out of compliance.
- **Streamlined Ministerial Approval Process:** Less rigorous “ministerial” approvals in order to hasten the production of housing.
- **Builders Remedy:** Allows developers of affordable housing projects to bypass the zoning code and general plan of cities that are out of compliance with the Housing Element Law. To qualify, twenty percent of the units in the project must be affordable to lower income households, or 100% affordable to moderate-income households.



# Summary

- Marin County has done a good job conserving open space and prioritizing environmentalism.
- Marin has real housing needs, especially **for people of color**.
- Housing Element **prioritizes housing needs** of Marin County residents and **plans responsible development** for future generations while complying with State law.
- **Meeting State laws is the best way** to ensure that housing that is developed in Marin meets our **local needs**, and consistent with the high-quality, well-designed homes we expect.



*Toussin Senior Housing, Kentfield  
(34 units per acre)*







# Questions and Comments







# Extra Slides



# Recommendation

1. Consider adoption of a Resolution approving the Housing Element, Countywide Plan Amendments as recommended by staff.
2. Consider adoption of Ordinances approving the Development Code Amendments, related to Housing Element and the Form Based Code.



*Centertown Apartments, San Rafael  
(48 units per acre)*

# Thank You

---

- All the community members who provided input and feedback
- Housing Element Stakeholder Group
- Planning Commission
- Airport Land Use Committee
- MIG Team
- Veronica Tam and Associates
- Goldfarb Lipman, Shute Mihaly and County Counsel
- Board of Supervisors
- The *whole* CDA Team
- *Special shout out to Jillian Zeiger, Aline Tanielian, Manny Bereket and **Tom Lai***

