

# HCD Review Draft Housing Element Update 6th Cycle 2023-2031

Marin Countywide Plan  
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# CHAPTER 1: INTRODUCTION

## Housing Element Overview and Purpose

### Overview

Marin County offers varied and attractive residential environments due to its unique combination of natural beauty and proximity to San Francisco. However, many low and moderate income households struggle to afford housing and are impacted by low vacancy rates, escalating housing prices and rents and limited availability of affordable housing options. Lack of affordable housing is consistently ranked as a major issue for residents.

State housing and planning laws require all California cities and counties include in their General Plan a housing element that establishes objectives, policies, and programs in response to community housing conditions and needs. The Housing Element is required to be updated periodically according to the statutory deadline set forth in the Government Code (Section 65580). This Housing Element update for the County of Marin represents the 6<sup>th</sup> update cycle, covering an eight-year planning period from January 31, 2023 through January 31, 2031. This draft Housing Element has been prepared to satisfy this mandate and local needs by evaluating and addressing housing needs in the unincorporated area of Marin County during the planning period.

The 2007 Marin Countywide Plan (the County's general plan), into which this Housing Element will be incorporated, is based on the principal of sustainability, which is defined as aligning our built environment and socioeconomic activities with the natural systems that support life. The Countywide Plan focuses on the principles of a sustainable community: Environment, Economy, and Equity. Consistent with this focus, the primary objective of the Marin County Housing Element is to plan equitably and environmentally sustainable communities by supplying housing affordable to the full range of our diverse community and workforce. The approach of this Housing Element is to focus on the following areas:

#### **Goal 1: Use Land Efficiently**

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

#### **Goal 2: Meet Housing Needs through a Variety of Housing Choices**

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, designs and affordability levels.

#### **Goal 3: Ensure Leadership and Institutional Capacity**

Build and maintain local government institutional capacity and monitor accomplishments to respond to housing needs effectively over time.

**Goal 4: Combat Housing Discrimination, Eliminate Racial Bias, Undo Historic Patterns of Segregation**

Lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all local workers and current and future residents of Marin.

**Purpose**

The purpose of the Housing Element is to offer an adequate supply of decent, safe, and affordable housing for the unincorporated County residents, special needs populations, and workforce. The Housing Element assesses housing needs for all income groups and lays out a plan of actions to meeting these needs. Housing affordability in Marin County and in the Bay Area as a whole has become increasingly important as climate change issues are addressed. The built environment and commute patterns are major contributors to greenhouse gas emissions. The overall goal of the Housing Element is to present goals, objectives, policies, and actions to facilitate housing for existing and future needs.

The Housing Element is divided into five chapters:

**Chapter 1: Introduction** contains introductory material and an overview of State law requirements for housing elements

**Chapter 2: Housing Needs Analysis** contains an analysis of housing needs

**Chapter 3: Housing Constraints** contains a detailed analysis of governmental and non-governmental constraints to housing development

**Chapter 4: Housing Resources** summarizes the County resources in addressing housing needs, especially capacity for residential development

**Chapter 5: Housing Plan** contains housing goals and objectives, policies, and implementation programs.

In addition, several appendices provide technical details that supplement the information contained in the Housing Element:

Appendix A: Community Outreach provides a summary of the extensive community outreach efforts conducted

Appendix B: Review of the 2015 Housing Element

Appendix C: Sites Inventory

Appendix D: Affirmatively Furthering Fair Housing



## Housing Element Law

### Overview

Enacted in 1969, State housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development.

Unlike the other State-mandated general plan elements, the housing element is subject to detailed statutory requirements regarding its content, and is subject to mandatory review by the California Department of Housing and Community Development (HCD). The housing element must also be updated every eight years, unlike other general plan elements. According to State law, the statutory due date to update the housing element for the 2023-2031 planning period is January 31, 2023.

State law requires that the housing element contain the following information:

- An analysis of population and employment trends and documentation of projections and a quantification of the existing and projected housing needs for all income levels, including extremely low income households.
- An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.
- An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period.
- The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit.
- An analysis of potential and actual governmental and non-governmental constraints upon the maintenance, improvement, or development of housing for all income levels.
- An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and experiencing homelessness.
- An analysis of opportunities for energy conservation.
- An analysis of existing assisted housing developments that are eligible to change

from low-income housing uses during the next 10 years.

- A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.

The housing element establishes an action plan that details the actions, or programs, that will implement the goals and policies. For each program, the action plan must identify the agency responsible and the timeframe for implementation. The County's housing objectives and primary areas of housing need are outlined in the four main goals of this Housing Element.

### **Preparation of the Housing Element Update**

The housing element must identify community involvement and decision-making processes and techniques that constitute affirmative steps for obtaining input from all socioeconomic segments of the community, especially low income persons, as well as those historically excluded from decision making and households with special needs. A summary of the community outreach process and outcomes is provided in Appendix A of this Housing Element. Key findings include:

#### Housing Supply

- Increased need for affordable units and housing types beside single unit homes.
- Difficulties in finding and retaining housing, particularly for members of populations protected under fair housing laws<sup>1</sup>.
- Prospect of leaving the County, for both renters and homeowners, to find housing that is affordable and meets household needs.

#### Infrastructure

- Limited infrastructure capacity to support more housing development.
- Insufficient clean water and septic infrastructure.
- Insufficient evacuation capacity and ingress/egress for emergency vehicles.
- Insufficient infrastructure for pedestrians and bicyclists.

In response to these comments, this Housing Element introduces programs to expand and preserve the County's affordable housing inventory, to create a diverse range of housing choices, and to mitigate infrastructure constraints.

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<sup>1</sup> California fair housing laws prohibit discrimination *because of* race, color, national origin, religion, sex, familial status, disability/medical conditions, source of income, sexual orientation, marital status, age, immigration status, arbitrary characteristics and gender identity and expression.

## Relationship of the Housing Element to Other Countywide Plan Elements

The Countywide Plan serves as the constitution for land use in the unincorporated portions of Marin County. This long-range planning document describes goals, policies, and programs to guide land use decision-making. State law requires a community's general plan to be internally consistent. This means that the housing element, although subject to special requirements and a different schedule of updates, must function as an integral part of the overall general plan, with consistency between it and the other general plan elements. Once the general plan is adopted, all development-related decisions in unincorporated areas must be consistent with the plan. If a development proposal is not consistent with the plan, the proposal must be revised or the plan itself must be amended. To maintain internal consistency, any proposed amendments to other elements of the general plan and to the development code are reviewed for consistency with the housing element in advance of adoption by the Board of Supervisors. If a proposed amendment is not consistent with the Housing Element, then the proposed amendment is revised or expanded as needed to maintain consistency.

The updated Countywide Plan is structured around the goal of building sustainable communities. Each of the three other elements in the Plan addresses sustainability: the Natural Systems and Agriculture Element, the Built Environment Element, and the Socioeconomic Element. The Marin Countywide Plan Update Guiding Principles related to housing are excerpted below.

- Supply housing affordable to the full range of our workforce and diverse community. We will provide and maintain well designed, energy efficient, diverse housing close to job centers, shopping, and transportation links. We will pursue innovative opportunities to finance senior, workforce, and special needs housing, promote infill development, and reuse and redevelop underutilized sites.
- Provide efficient and effective transportation. We will expand our public transportation systems to better connect jobs, housing, schools, shopping, and recreational facilities. We will provide affordable and convenient transportation alternatives that reduce our dependence on single occupancy vehicles, conserve resources, improve air quality, and reduce traffic congestion.
- Foster businesses that create economic, environmental, and social benefits. We will retain, expand, and attract a diversity of businesses that meet the needs of our residents and strengthen our economic base. We will partner with local employers to address transportation and housing needs.

There are over 20 community areas in the unincorporated area, all of which have adopted community or special area plans. These plans further detail the policies of the Countywide Plan as they pertain to specific areas. Policies contained in the community and special area plans, including those related to housing, must be consistent with those



in the Countywide Plan, and, by extension, its Housing Element. The following is a list of community and special area plans and the date of their last adopted/amended plan.

Black Point (2016)	Paradise Drive (1999)
Bolinas (1978)	Paradise Ranch Estates Restoration Plan (1981)
Bolinas Gridded Mesa (1984)	Point Reyes Station (2001)
Dillon Beach (1989)	Point San Quentin Village (1985)
East Shore (Tomales Bay) (1997)	Richardson Bay (1984)
Green Point (2016)	San Geronimo Valley (1997)
Indian Valley (2003)	Santa Venetia (2017)
Inverness Ridge (1983)	Strawberry (1973) (1982)
Kentfield/Greenbrae (1987)	Stinson Beach (1985)
Kent Woodlands (1995)	Tamalpais (1992)
Marin City (1992)	Tomales (1997)
Muir Beach (1972)	

Many of these existing plans contains goals, policies, and programs that are not consistent with the Countywide Plan (CWP). When inconsistencies exist, the CWP prevails. Concurrent with the Housing Element update, the CWP Land Use and Safety Elements are also being amended to designate additional areas for residential development and to address new State law requirements. In the future, as other elements of the CWP are being updated, the County will review the Housing Element for internal consistency.

### **Public Participation**

The County implemented a comprehensive public participation program to obtain input from all socioeconomic segments of the unincorporated County, with a focus on including people of color and special needs populations. A detailed summary of the public participation program and outcomes is provided in Appendix A. In direct response to public input received during the development of the Draft Housing Element, these new programs have been included in the 2023-2031 Housing Element (see

Section 5: Housing Plan):

- Program 5: SB 9 Mapping Tool
- Program 7: Religious and Institutional Facility Housing Overlay
- Program 17: Housing for Seniors
- Program 18: Short-Term Rentals
- Program 31: Tenant Protection Strategies
- Program 33: Community Engagement

The Draft Housing Element has been available for public review since June 2, 2022. On June 14, 2022, a joint session was conducted with the Board of Supervisors and Planning Commission to review the Draft Housing Element and to receive public input.

During the 30-day public review of the Draft Housing Element, the County received comments from residents, property owners, and the following agencies and organizations with an interest in housing:

- Age Forward
- Canal Alliance
- Community Action Marin
- Community Land Trust of West Marin (CLAM)
- Early Care and Education
- Fair Housing Advocates of Northern California
- Habitat for Humanity Greater San Francisco
- Housing Crisis Action
- Legal Aid of Marin
- Marin Conservation League
- Marin Organizing Committee
- North Marin Community Services

A detailed summary of public comments received during the 30-day review of the Draft Housing Element is available on the County's website. Below is a brief summary of comments received and the County's responses.

**Table H-1.1: Summary of Comments and Responses**

Comment Theme	Responses
Concerns relating to the Regional Housing Needs Assessment (RHNA).	<p>RHNA is a State mandate and the County must comply with State law by planning for the full RHNA.</p> <p>Program 33: Community Engagement has been expanded to include a component to educate the public about the need for and benefits of additional housing.</p>
Concerns relating to environmental and infrastructure constraints such as fire hazards, traffic, schools, recreation, and septic and water use.	<p>Development of the sites inventory for RHNA took into consideration potential environmental and infrastructure constraints. As part of the EIR being prepared for the Housing and Safety Elements, the County will address these issues and identify mitigation measures as appropriate.</p> <p>The Housing Element also includes programs to address water and sewer capacity (see Program 11: Water Availability and Program 12: Septic for Multi-Unit Housing).</p>
Additional housing opportunities, especially affordable housing at locations along transit corridors. Stronger emphasis should be placed on extremely low income households, and housing appropriate for families with children.	<p>Development of the sites inventory took into consideration declining retail uses and access to transit. The Housing Element also proposes a number of programs to enhance housing affordability:</p> <ul style="list-style-type: none"> <li>▪ Program 15: Housing for Farmworkers and Hospitality Workers</li> <li>▪ Program 16: Project Homekey</li> <li>▪ Program 17: Housing for Seniors</li> <li>▪ Program 24: Inclusionary Housing</li> <li>▪ Program 25: Incentives for Affordable Housing</li> <li>▪ Program 26: Below Market Rate (BMR) Homeownership Program</li> <li>▪ Program 27: Community Land Trust</li> <li>▪ Program 28: Affordable Housing Funding Sources</li> </ul> <p>Most programs that benefit lower income households include extremely low income households. Program 25: Incentives for Affordable Housing has been revised to encourage housing with child care facilities. Several programs also aim to assist seniors to age in place or age in community. These included:</p> <ul style="list-style-type: none"> <li>▪ Program 13: Reasonable Accommodation</li> <li>▪ Program 14: Universal Design and Visitability</li> <li>▪ Program 17: Housing for Seniors</li> </ul>



**Table H-1.1: Summary of Comments and Responses**

Comment Theme	Responses
	<ul style="list-style-type: none"> <li>Program 21: Rehabilitation Assistance</li> </ul>
Facilitate the development of housing for the education workforce.	Program 7: Religious and Institutional Facility Housing Overlay address housing on school and hospital properties.
Specific property owners commented on the intention to continue the existing uses.	The County acknowledges the need to adjust the sites inventory to reflect comments on specific sites and to provide supplemental information requested, as feasible. This adjustment will be conducted during the HCD review of the Draft Housing Element and will be available for public review as soon as the revisions are completed.
Strengthen the efforts to enhance affordability by reducing risk and costs of development; using land efficiently; upzoning additional properties; expanding scope of by-right approval; and removing discriminatory language in zoning and land use policies, etc.	<p>All these efforts are included in the Draft Housing Element. Specific programs include:</p> <ul style="list-style-type: none"> <li>Program 1: Adequate Sites for RHNA and Monitoring of No Net Loss</li> <li>Program 2: By Right Approval</li> <li>Program 4: Accessory Dwelling Units</li> <li>Program 5: SB 9 Mapping Tool</li> <li>Program 6: Efficient Use of Multi-Unit Land</li> <li>Program 7: Religious and Institutional Facility Housing Overlay</li> <li>Program 32: Comprehensive Review of Zoning and Planning Policies</li> </ul> <p>Program 6: Efficient Use of Multi-Unit Land has been revised to specify the rounding up to the whole number in calculating density.</p>
Accessory Dwelling Units represent an important source for affordable housing. Pre-approved plans can save pre-development costs for homeowners. In affluent communities, ADUs are often not occupied as housing units.	<p>Program 4: Accessory Dwelling Units has been revised to include an action to develop pre-approved plans.</p> <p>Program 4: Accessory Dwelling Units and Program 19: Vacant Home Tax have been revised to include actions related to encouraging the use of ADUs as housing units.</p>
Affordable homeownership offers unique intergenerational and community benefits and helps bridge the growing racial wealth gap. The County should set a meaningful	Program 25: Incentives for Affordable Housing, which works hand-in-hand with Program 28: Affordable Housing Funding Sources, has been revised to a goal of 300 affordable units to lower income households.

**Table H-1.1: Summary of Comments and Responses**

Comment Theme	Responses
target for affordable homeownership opportunities.	Program 26: Below Market Rate (BMR) Homeownership has been revised to include a component to pursue additional funding to assist with homeownership.
Tenant protection policies should be strengthened, and fair housing related actions should be moved up in timeline.	Program 31: Tenant Protection Strategies has been expanded to include specific actions to the extent feasible. Timeline for Program 32: Comprehensive Review of Zoning and Planning Policies has been moved up. Program 33: Community Engagement has been expanded to include a regional collaboration component.
Expand SB 9 to the coastal zone.	Program 5: SB 9 Mapping Tool has been expanded to assess the feasibility of applying SB 9 within the coastal zone. The timing for the program has also been moved up.