

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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March 20, 2015

Matthew H. Hymel, County Administrator
County of Marin
County Administrator's Office
3501 Civic Center Drive, Suite 325
San Rafael, CA 94903

Dear Mr. Hymel:

RE: Marin County's 5th Cycle (2015-2023) Adopted Housing Element

Thank you for submitting the housing element Marin County adopted December 9, 2014 that was received for review on December 22, 2015. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review. The Department considered comments from Mr. Dave Coury, pursuant to GC Section 65585(c).

The Department finds the adopted housing element in compliance with State housing element law (Article 10.6 of the Government Code). The adopted element reflects several substantial changes from the draft element reviewed on October 15, 2014 that warrants comments.

First, several programs now state the County will "consider" certain actions. The Department encourages the County to commit to completing all program actions, particularly actions the County states it will consider regarding the following programs: 1.d: ministerial review, 1.e: second units, 1.f: parking requirements, 1.i: permit process streamlining and 1.l: height limits. The Department appreciates the County's recognition of the importance regarding the public participation process and evaluation of potential actions, particularly zoning amendments. Specifying commitments associated with programs, schedules of actions, and timelines required by GC Section 65583(c) help achieve implementation and required beneficial impacts toward meeting the County's housing needs.

Second, the adopted element reflects significant alterations made to the identified sites in the draft element that were previously relied upon to accommodate the regional housing need for lower income households. Several sites have been removed and/or directed to be downzoned. While the element continues to identify sufficient sites, demonstration of adequate sites is tenuous and exacerbated due to dependency on limited sites (e.g., Marinwood, Saint Vincent) as each site has unique circumstances such as lengthy entitlement processes.

The changes described above to particular programs and sites were determined to minimally comply with State housing law. The County should closely monitor its site inventory and program implementation actions in meeting these requirements:

- *No Net Loss Law (GC Section 65863)*: Throughout the planning period, the local government must maintain adequate sites at appropriate densities to accommodate its regional housing need, including for lower-income households. In addition, no local government action shall reduce, or require or permit the reduction of, the residential density of a parcel to, or allow development of any parcel at, a "lower residential density" for any parcel identified in the site inventory unless the local government makes written findings. Written findings must support that the reduction is consistent with the adopted General Plan and the remaining sites identified in the element are adequate to accommodate the jurisdiction's share of the regional housing need. As defined by statute, "lower residential density" refers to allowing fewer units on the site than were projected within the sites inventory of the housing element.
- *Annual Reports*: To comply with the Annual Progress Report (APR) required by GC Section 65400, the local government must monitor and report on the status of Housing Element programs. If programs are not effective regarding goals, objectives, and beneficial impacts, such as encouraging development affordable to lower-income households, alternative strategies should be pursued which might warrant amending the element.

Please note, the County of Marin now meets specific requirements for several State and Regional funding programs designed to reward local governments for compliance with State housing element law. For example, the Housing Related Parks Program includes housing element compliance as a threshold requirement. Please see the Department's website for specific information about these and other State funding programs at http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hecompl011708.pdf.

The Department wishes Marin County success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code Section 65400. If the Department can provide assistance in implementing the housing element, please contact Mr. Paul McDougall, Housing Policy Manager, at (916) 263-7420.

Sincerely,



Glen A. Campora
Assistant Deputy Director