

Housing/Safety Elements Updates

November 2022



Marin County Community Development Agency | www.MarinCounty.org/HousingSafetyElements

Agenda

- What is the Housing Element?
- Comments from the State on Draft
- Countywide Plan (CWP) Amendments
- Housing Development Code Amendments
- What is the Safety Element?
- Safety Development Code Amendments
- Next Steps and Opportunities to Engage
- Q&A



Housing Element



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**



Components 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

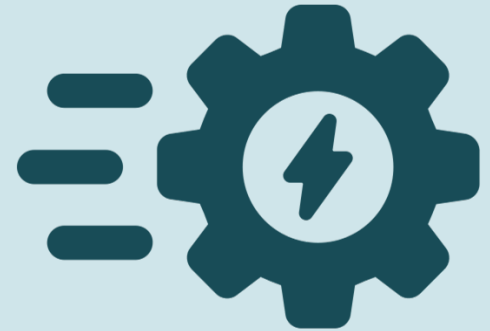
Programs Aligned with State Law



By-Right Zoning
Policy



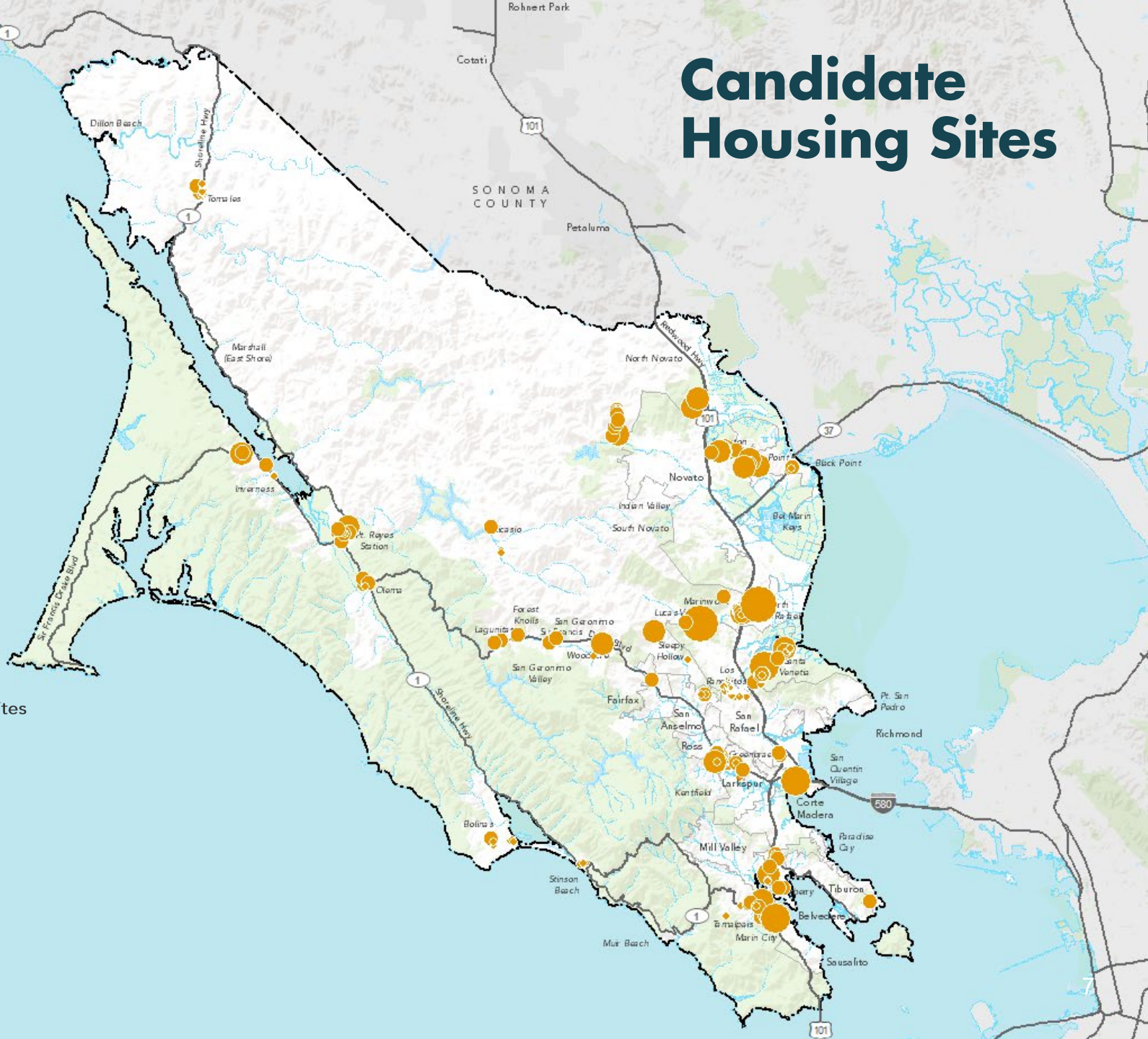
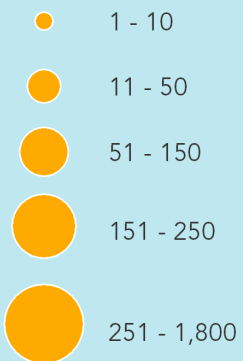
Incentivize Affordable
Housing Production



Streamlining
County
development
timelines

Candidate Housing Sites

Candidate Housing Sites



Consequences of Non-Compliance

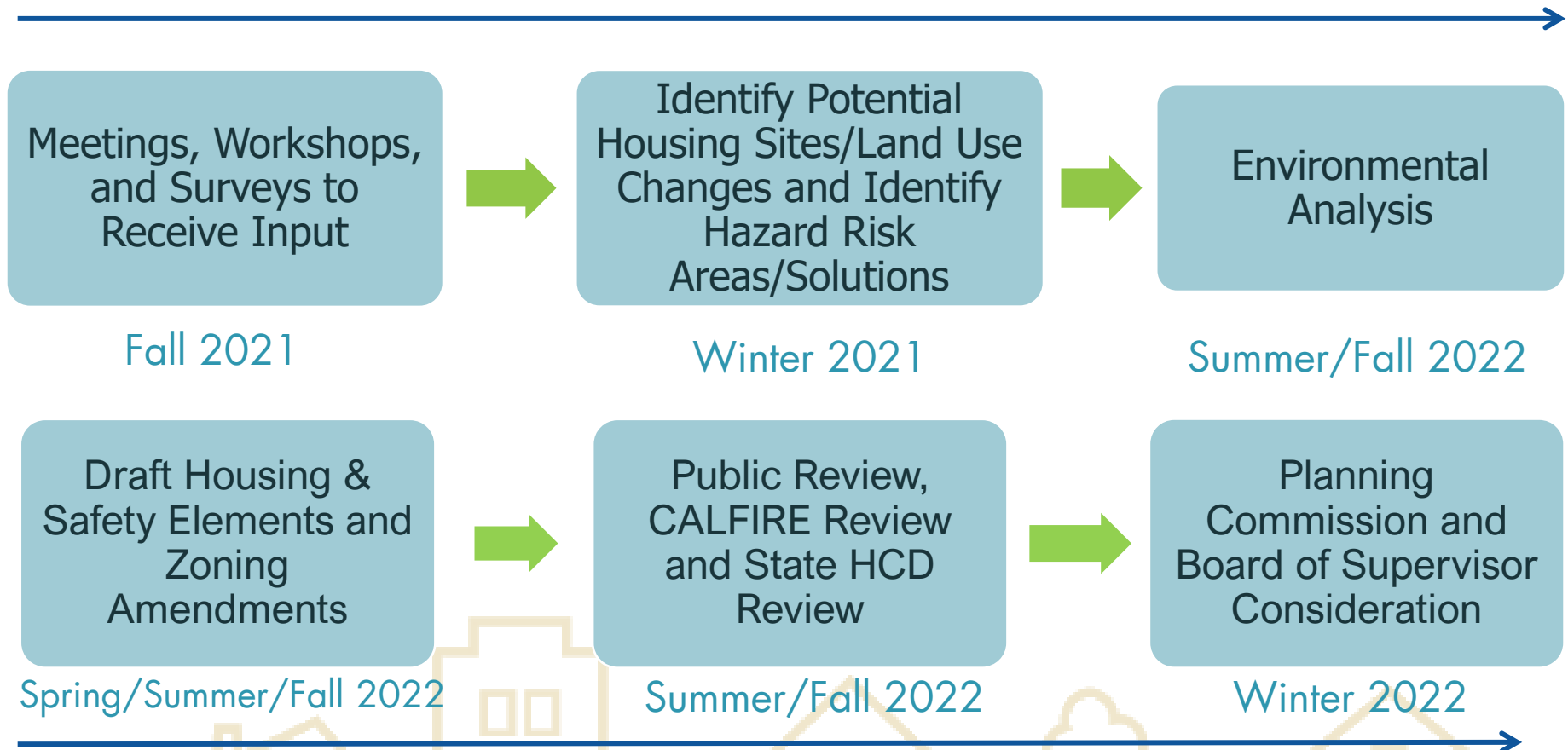
- **New HCD Housing Accountability Unit**
- **Losing access to funding opportunities**, such as roads and transportation funds
- Opening up the possibility of a **lawsuit from the State**, which the State has recently done in Southern California
- A requirement for the jurisdiction to update its Housing Element **every 4 years** rather than 8 years
- Having the responsibility to plan for **more** housing, the current RHNA numbers would be added to the next housing element cycle.

More details here: <https://abag.ca.gov/sites/default/files/documents/2021-10/Consequences-of-Non-Compliance-with-Housing-Laws.pdf>



Timeline

Public Input

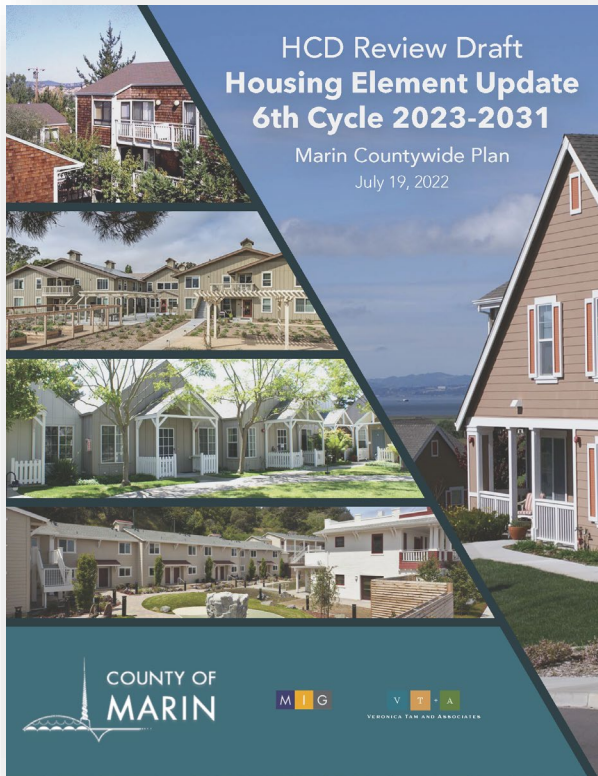


Public Input

HCD Comments



Draft Housing Element



- Draft **released on June 1** for a 30-day public comment period (ended June 30)
- County received over **140 comments** that were incorporated into a subsequent draft. This version was sent to the CA Department of Housing and Community Development (HCD) on July 19 for a 90-day review.
- HCD returned comments to the County on **October 17**.



Bay Area Trends: HCD Letters

**Missing AFFH
Analysis/
Meaningful
Actions**

**Lack of
Outreach/Public
Participation**

**Extensive
Comments on
Sites**

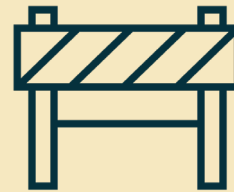
**Lack of
Concrete
Programs**

Main Comment Areas – Marin County

Needs Assessment



Constraints



Resources (Sites)



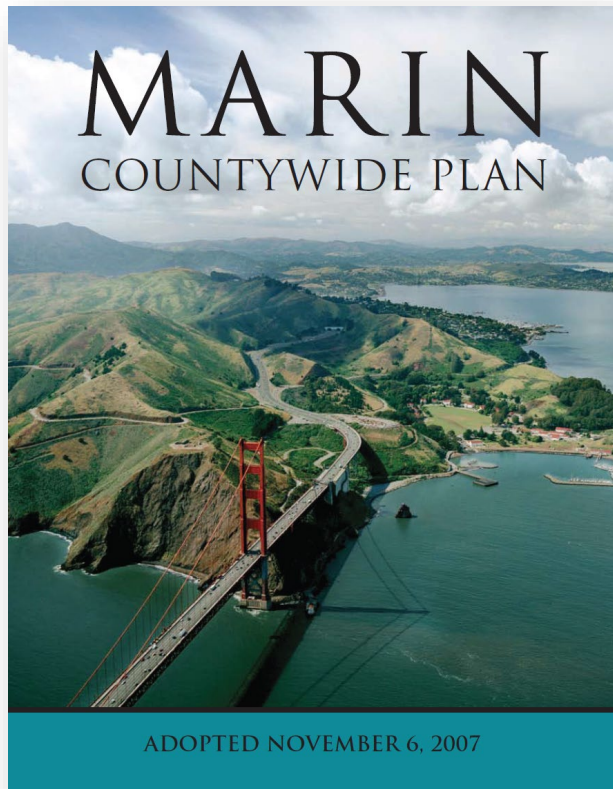
Policies & Programs



CWP and Development Code Amendments

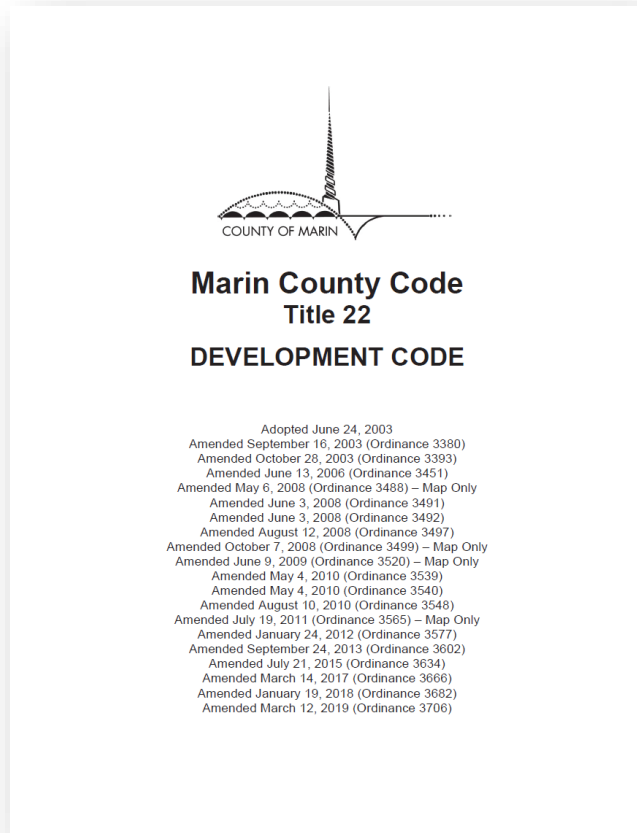


What is the CWP?



- **Creates** the long-term vision for unincorporated Marin
- First adopted in 1974, last updated in 2007
- Organized into 3 main sections:
 1. The Natural Systems and Agriculture Element
→ Safety Element
 2. The Built Environment Element
→ Housing Element
 3. The Socioeconomic Element

What is the Development Code?



- **Implements** the vision of the CWP
- The Development Code is Title 22 of the Marin County Code
- Contains most of the County’s requirements for development and use of private and public land, buildings, and structures
 - Zoning designations
 - Development standards
 - Processing regulations

Why are we making changes to the CWP?

- Ensure Fair Housing
- Reduce barriers to multi-unit development
- Comply with State laws
- Accomplish the RHNA
- Address special needs
- Because of the RHNA obligations, our discussion of CWP amendments will focus on Housing Element driven changes



Elimination of Existing CWP Policies

Remove policies:

1. Limiting development to lowest end of density range

- Consistent with Multi-Family Land Use Policy and Zoning Study
- Examples affected: Baylands Corridor; Septic and Wells; Environmental Resources

2. Limiting development to lowest end of density range in *urbanized areas*

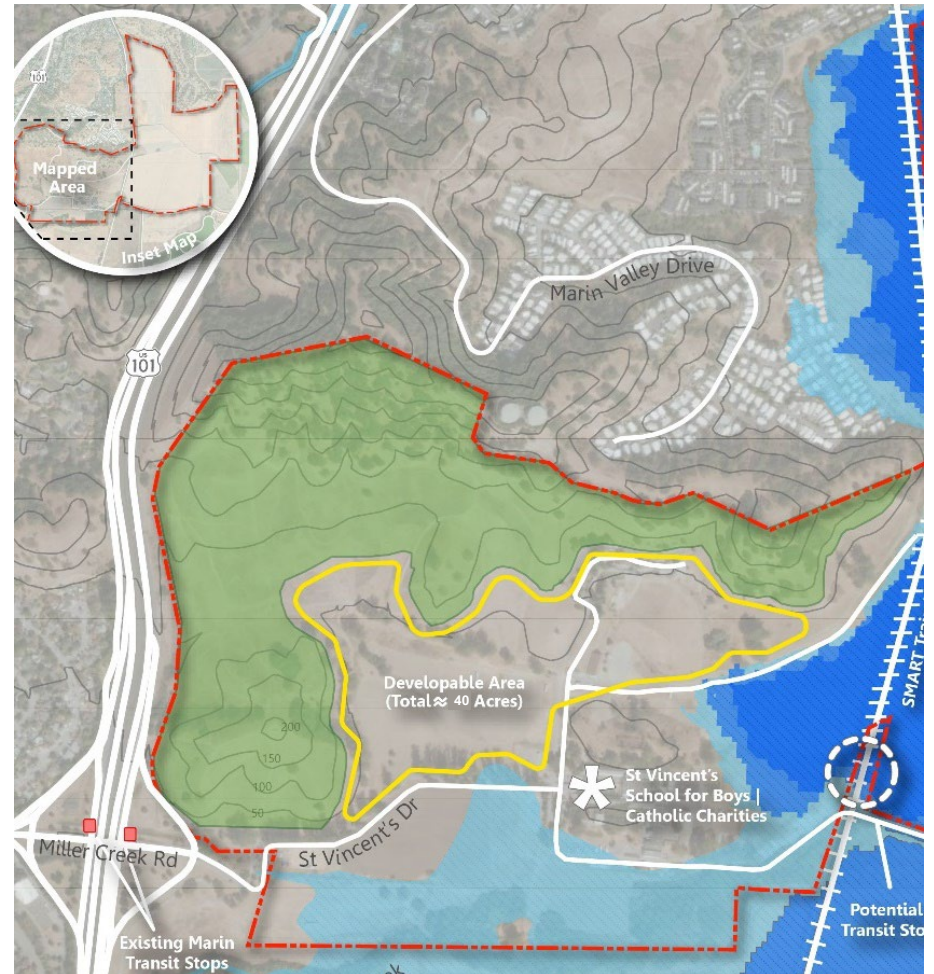
- Eliminate Program CD-6.a *Consider Annexation of Urbanized Areas*
- Eliminate program due to proximity of sites to transportation and other local services



CWP Policies Specific to Regional Sites

St. Vincent's/Silveira Site

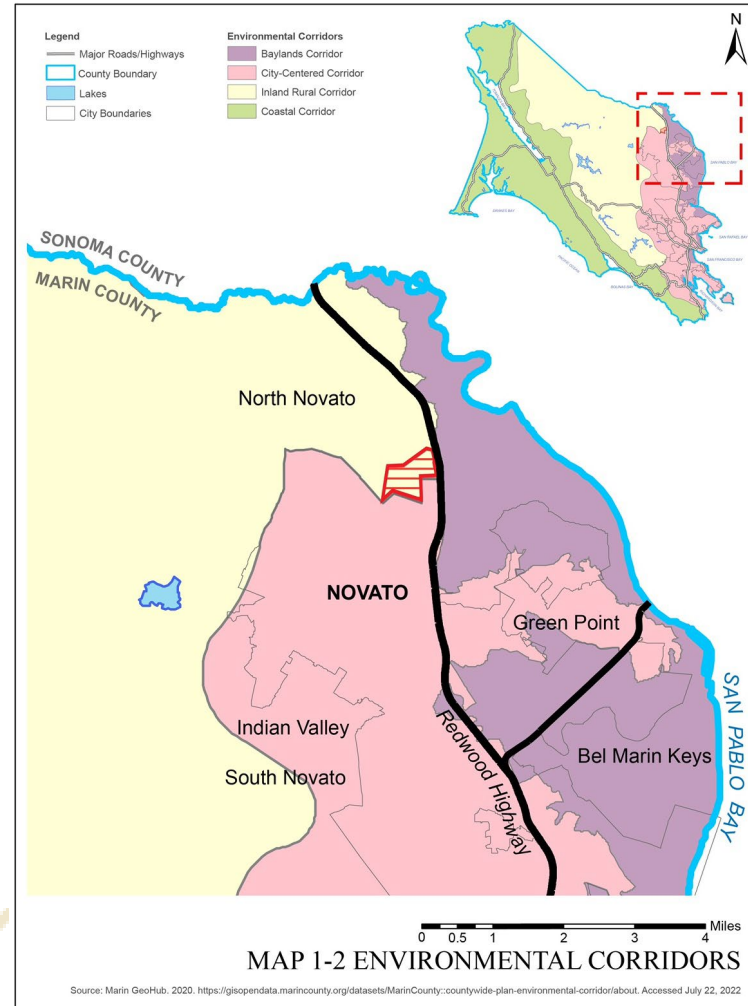
- Focus development on app. 40 acres outside of resources & hazards



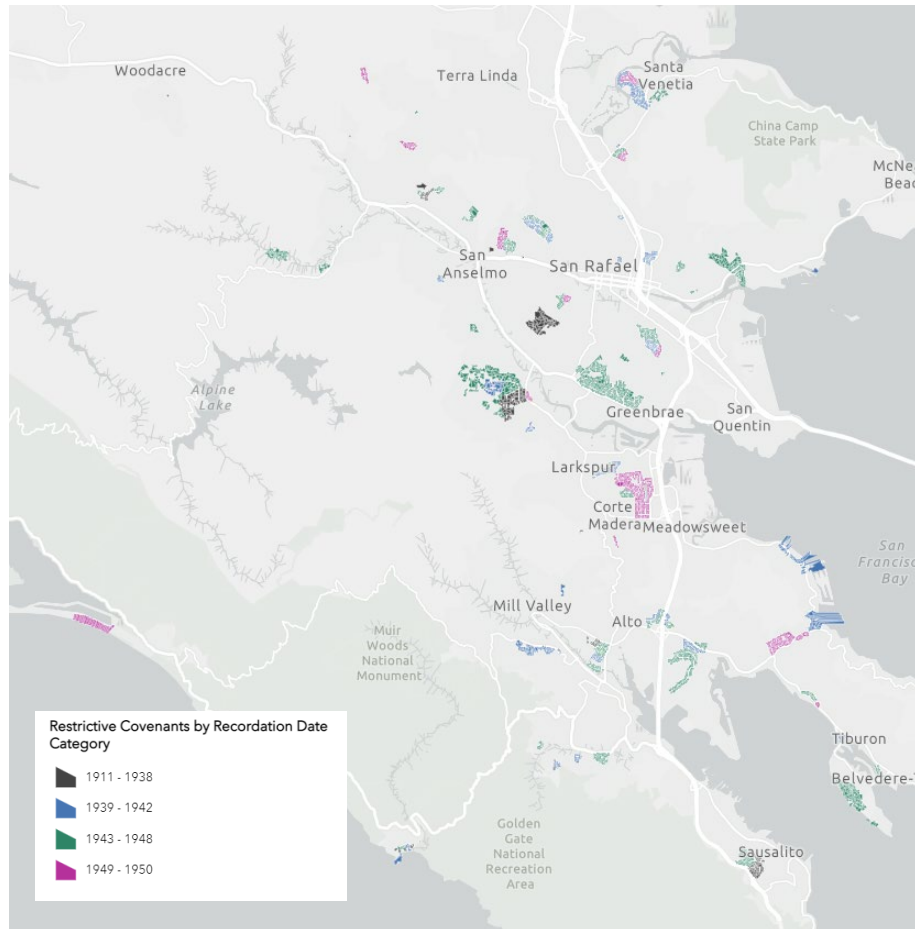
CWP Policies Specific to Regional Sites

Buck Center Site

- Adjust City Center / Inland Rural Corridor boundary to accommodate Buck Center



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.**

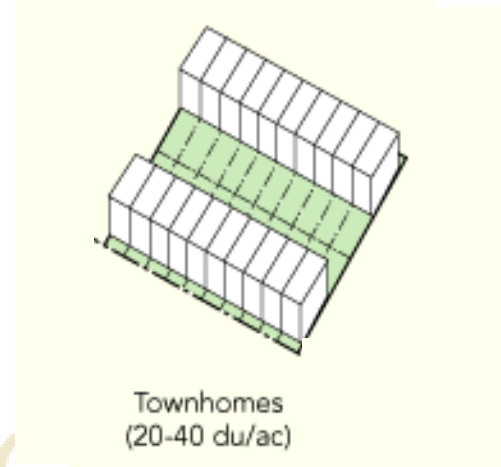
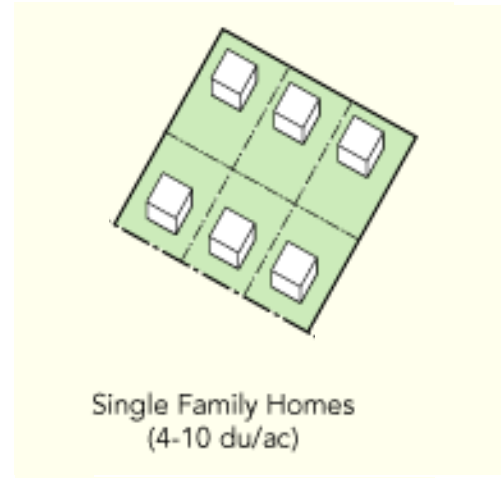


Data and background on AB 1466: <https://data.marincounty.org/stories/s/Assembly-Bill-1466-2021-17pqx-qqpc>

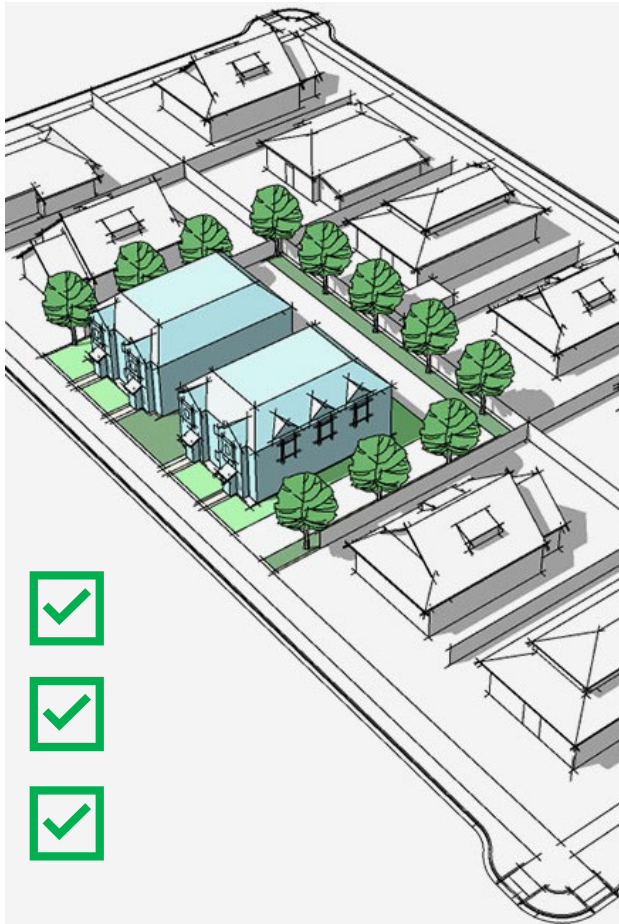
HCD Requirements: Default Density

- **Density:** The number of units in a specified area of land, commonly measured as dwelling units per acre (du/ac).
- **HCD requires “Default Density”**
 - In the County, lower income sites (low and very low income) must be zoned to allow ***at least 20 dwelling units per acre***

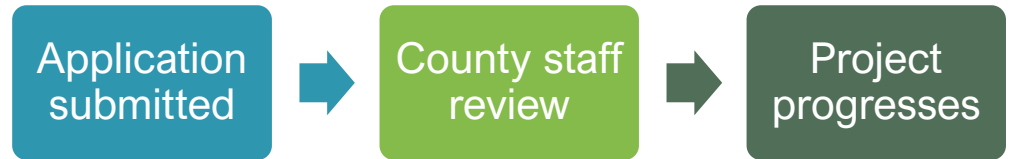
Example: If the default density is 20 units per acre, and the zoning allows for a range, such as between 20 to 30 units per acre, the zoning is considered appropriate to accommodate the RHNA for lower income households



HCD Requirements: “By-Right” for Previously Used Sites

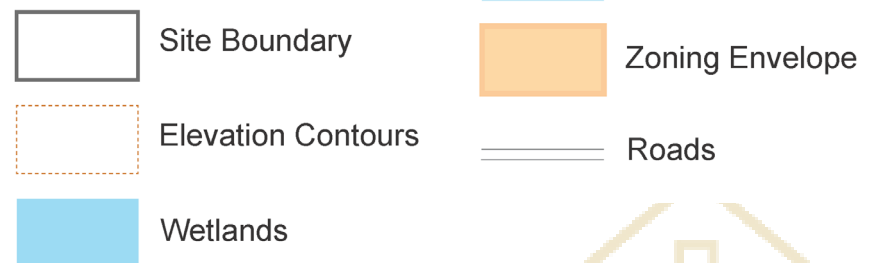
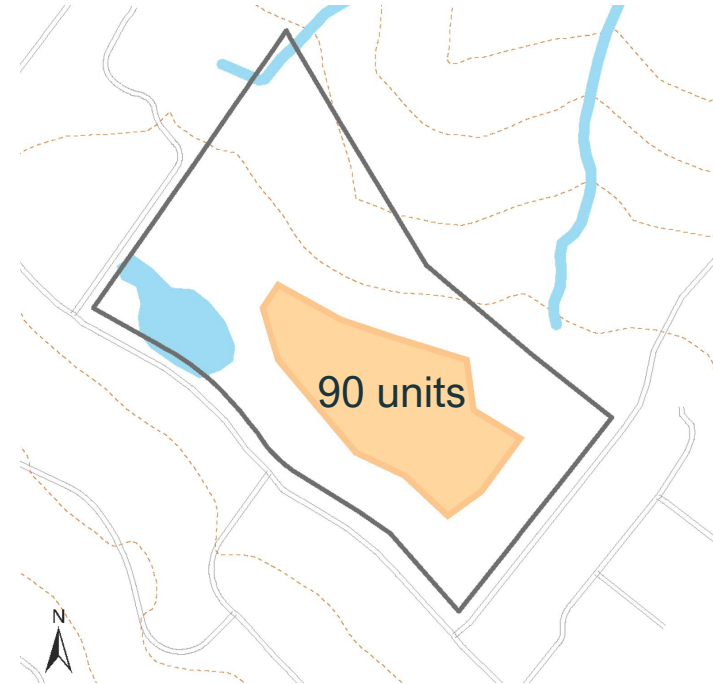


- **“By Right”**: Approvals process is streamlined so that projects that comply with the zoning standards receive their approval without a discretionary review process.



Recommended Rezoning

- Example* 10-acre site
- **Developable Site Area = 4.5 acres**
- **Density Range = 20 – 30 units/acre**
- Units that can be produced:
 - **90 units** allowed on the developable site area (4.5 acres x 20 dwelling units/acre)



**This example is for illustrative purposes only.*

Safety Element



Safety Element Makes Housing Safer

Apply Safety Element Policies to **Safely Develop Housing**



SE Policies will Improve Hazard Safety so Housing can be Developed Safely



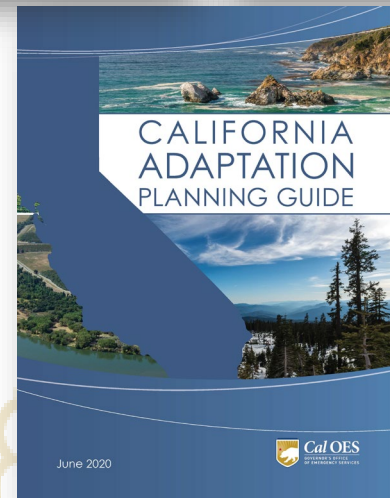
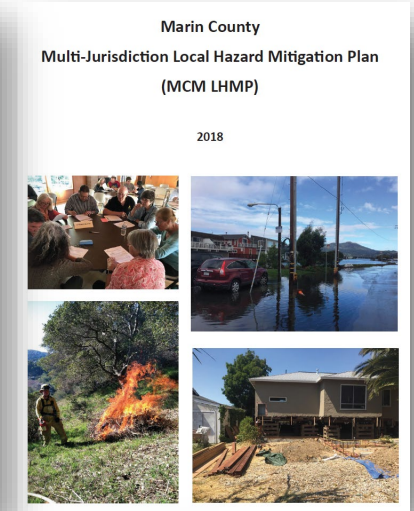
SE Policies Specify Development Requirements so New Housing will be Constructed Safely



SE Policies Plan for all Equitable Protection from Climate Change Hazards

Updating the Safety Element

- Updated every 8 years (with the Housing Element)
- Focus on new requirements for Safety Elements
- Prepared a Vulnerability Assessment
- Draft plan emphasizes equity & needs of vulnerable communities



New Policy Areas

Equity

Wildfire

Disaster Preparedness, Response & Recovery

Resiliency Planning

- Sea Level Rise, Severe Weather, Extreme Heat and Drought

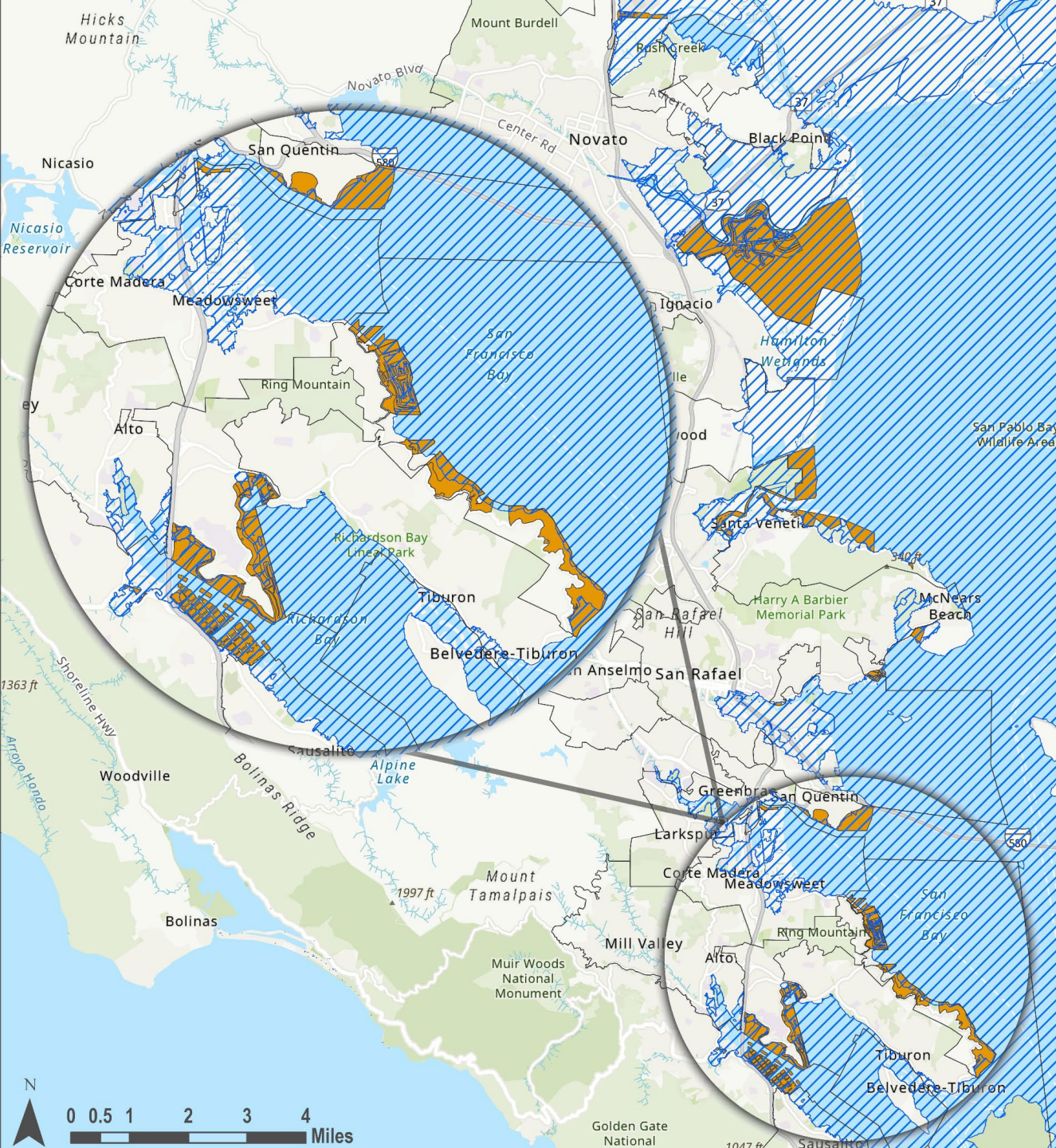


Bayfront Conservation Combining District

Development Code Amendment:

- 1. Combines with other Zoning Designations**
- 2. Purpose: Habitat Protection, Safety, and Views**
- 3. Amendment: Protection of People, Property, and Habitat from Sea Level Rise**





Bayfront Conservation Combining District



Bayfront Conservation Combining District

Amend to include sea level rise planning measures for new, habitable development only



Identify specific sea level rise scenarios to identify an area that will be impacted by sea level rise.



Require siting upland and elevation of habitable buildings



Require that nature-based measures be assessed for shoreline protection projects



Record a document acknowledging the risk and liability of developing in an area subject to SLR

Next Steps



Next Steps

- Address HCD comments in annotated final draft
- Review changes with HCD
- Finalize Sites List at Board Hearing on December 6
- Prepare Public Draft for Adoption (Hearings in January)



Opportunities for Public Input

- DEIR Hearing (BOS/PC) November 16
- First Five: Housing Elements and Beyond November 17
- Site Hearing (BOS) December 6

Community Workshops

- November 1 (West Marin)
- November 3 (North Marin)
- November 8 (Central Marin)
- November 10 (Southern Marin)

*All community workshops at 6-7 pm



Questions and Comments

