

Housing Element CWP/Zoning Amendments

Continuation of 12/12/22

Marin County Planning Commission

January 5, 2023



Agenda

- Changes Since 12/12/22 Planning Commission Meeting
 - Countywide Plan (CWP) Amendments
 - Housing Overlay Designation (HOD) and Rezonings
- Recommendation
- Next Steps



Countywide Plan (CWP) Amendments



Key Adjustments and Updates Since 12/12



Elimination of Existing CWP Policies

- Eliminate requirements to limit development to the lowest end of the density range, including urbanized areas, Ridge and Upland Greenbelt (RUG) and Baylands Corridors.



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.

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 Approach:
 - **Amend HOD** to designate specific **number of units** and **density** to Housing Element sites.
 - Sites including **affordable units** would be designated at **20 or 30 units per acre** to encourage feasibility and comply with HCD default density standards.
 - Overlay designation would **override** any existing land use designations and zoning ordinance (as long as density designation and total units are achieved).



HOD Examples

Site Name	Address	Total Units	HOD Combining District Zoning	Density Designation	
Nicasio Corp Yard	Nicasio Valley Rd, Nicasio	16	ARP-60:HOD	20 units per acre Limited to 0.8 acres	<i>16 units are designated affordable</i>
Peace Lutheran Church	205 Tennessee Valley Rd, Mill Valley	20	RA-B1:HOD	20 units per acre Limited to 1 acre	<i>20 units are designated affordable</i>
Presbyterian Church San Geronimo	6001 Sir Francis Drake Blvd, San Geronimo	15	R1-B2:HOD	13 units per acre Limited to 1.2 acres	



Corrections – Appendix C

Attachment 1, Exhibit A

Site	In Appendix C				Correction			
	L	M	AM	Total	L	M	AM	Total
St. Vincent	440	0	495	935	440	0	240	680
Buck Center	150	77	22	249	0	0	249	249
Marinwood Plaza	105	0	0	105	115	10	0	125
APN 164-471-64	16	0	0	16	16	0	0	16
APN 164-471-65	0	0	0	0	10	10	0	20
APN 164-471-69	43	0	0	43	43	0	0	43
APN 164-471-70	46	0	0	46	46	0	0	46
Miller Creek (Dixie)	20	0	0	20	0	10	0	10
APN 164-471-71	7	0	0	7	0	4	0	4
APN 164-471-72	13	0	0	13	0	6	0	6



Corrections – HOD Table

Attachment 2, Exhibit A

Site	In HOD Table	Correction
Vacant Blackpoint	16 units/acre; limited to 4 acres	Change: limited to 3.6 acres
6760 Sir Francis Drake	20 units/acre	Change: 11 units/acre; Add: limited to 0.75 acres
St. Sebastian (Kentfield)	10 units/acre	Add: limited to 1.4 acres
College of Marin Parking (2 parcels)	20 units/acre	Add: limited to 3 acres
Marinwood Plaza	30 units/acre	Add: limited to 4 acres
Miller Creek (Dixie) School Site	Included under Marinwood Plaza	Separate parcels 164-471-71, -72; max units 10 (moderate)
Atherton Corridor	Missing parcel 143-101-37	Added with same HOD Combining District Zone (A2-B4:HOD) and density designation (20 units/acre; limited to 0.2 acres) as surrounding parcels
Church of Jesus Christ	30 units/acre	Add: limited to 1.2 acres
Santa Venetia Vacant	2 units/acre	Add: limited to 1 acre
St. Vincent	20 units/acre; limited to 40 acres	Change: limited to 34 acres
Stinson Beach ComCntr Vacant	10 units/acre	Add: limited to 0.5 acres
Strawberry Commercial	30 units/acre	Add: limited to 2 acres



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.
- Builder's Remedy

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



Recommendation

Review the revised CWP amendments and rezonings, consider public testimony, and approve:

- Resolution recommending that the Marin County Board of Supervisors repeal the Marin County Housing Element 2015 – 2023, Adopt the 2023 – 2031 Marin County Housing Element Update to the Marin Countywide Plan, and adopt amendments to the Countywide Plan to achieve consistency with the Housing Element
- Resolution recommending that the Marin County Board of Supervisors adopt an ordinance amending the Marin County Code Title 22, the Development Code, to create Housing Overlay Designation (HOD) Zone and amending the Marin County Zoning Map to implement the 2023-2031 Housing Element



Next Steps



Next Steps

- January 9: Airport Land Use Commission Meeting
 - Review Housing Element Update as it pertains to Gness Field Airport Land Use Plan (ALUP)
- January 24: Board of Supervisors Adoption
 - Final Environmental Impact Report
 - Safety Element Countywide Plan Amendments
 - Form Based Code/Development Code Amendments
 - Housing Element Countywide Plan Amendments/Rezoning
- By January 31: Submittal to HCD

Questions and Comments

