



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

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MEMORANDUM

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TO: Planning Commission
FROM: Jillian Zeiger, Senior Planner
Leelee Thomas, Deputy Director
DATE: January 5, 2023
RE: Housing Element: Countywide Plan Amendments and Rezonings

During your Commission's hearing on December 12, 2022, questions and concerns were raised, and direction was provided to Planning Division staff regarding the Countywide Plan Amendments and Rezonings related to the Housing Element. Staff consulted with counsel and worked with our consultants to draft modifications to the proposals as discussed below.

Countywide Plan Amendments

Community Plans: To accommodate the Regional Housing Need Allocation (RHNA) and facilitate housing, particularly for lower income households, staff recommended several amendments to Countywide Plan policies. One of them, was a policy related to community plans which garnered many comments from the community and your Commission. The proposed amendments would clarify that the CWP would govern if there are differences with respect to land use designations, density, and development standards. Staff recommends that these changes The Community Plans would continue to be implemented and would provide guidance when they do not conflict with the CWP.

Based on your feedback, Staff are proposing to amend the language to clarify that this provision only applies to residential and mixed-use projects. Staff recommends that these changes be adopted as modified below.

Implementation tools such as the County Development Code are used to carry out the goals of the Countywide Plan. Some of the policies and programs in the Countywide Plan will require rezoning of individual properties for them to be consistent with the land use designations and the policies in the Plan. Many unincorporated communities are guided by community plans that provide specific direction regarding land use, transportation, community facilities, building design, and environmental quality, as well as issues unique to a particular community. Such issues

may include, but are not limited to: customized building and site design standards to protect key resources; protection of important ridgeline and view corridors; evaluation and refinement of the Ridge and Upland Greenbelt and Baylands Corridor; regulations concerning home size; affordable housing sites; hazards; evacuation routes; flooding; and bicycle and pedestrian circulation. A Community plan is considered part of the Marin Countywide Plan and sets forth goals, objectives, policies, and programs to address specific issues relevant to that particular community. **For residential and mixed-use project, where there are land use designation or development density and floor area ratio differences, the Countywide Plan shall prevail, in the level of specificity between a policy in the Community Plan and a policy in the Countywide Plan, the document with the more specific provision shall prevail. except this policy shall not apply for applications that include Development Agreements.**

Ridge and Upland and Greenbelt (RUG) and Baylands Corridors

Staff previously recommended that we eliminate the requirement to drop density down to the lowest end of the density range for policies throughout the Countywide Plan, however, we had previously left in an exception to the RUG and Baylands, which only had this exception for Housing Element sites.

However, upon further analysis, staff are revising our proposal and recommending the elimination of these requirements altogether, rather than just putting in a carve out. These are an impediment to housing development and eliminating them is consistent with the approach we are taking with the other such policies.

Rezoning

Sites in the Housing Element inventory need to be rezoned to accommodate the units assigned to them and meet the densities needed to encourage and facilitate affordable housing and comply with state law. On some properties only a portion of the site was recommended to be rezoned to accommodate the required number of units at a higher density to reflect the constraints identified and to allow a specific number of units on the site. The proposal was confusing to the public and several property owners raised concerns about feasibility of developing on the areas designated.

Based on your feedback and concerns with development feasibility, staff have amended the proposal to remove this constraint to housing development. These changes are shown in Attachment 3, a clean version is provided for clarity.

Housing Overlay Designation:

The Housing Overlay Designation would be amended to designate a specific number of units to a site, consistent with what has been discussed previously, and would require that a designated number of units must be developed at

densities shown in Attachment 4, for affordable sites that would be 20 or 30 units per acre to allow feasibility and comply with HCD default density standards.

This would provide flexibility for a developer to conduct a detailed site analysis to propose the most feasible area for development while avoiding environmentally sensitive areas and other constraints. The overlay designation would apply to all Housing Element sites. The overlay would override the existing land use designation and zoning ordinance as long as the density designation and total units are achieved in the project. The HOD would not apply to credit sites with active projects under consideration.

The HOD Table in the Countywide Plan and the Development Code shows the number of units as well as density for each site. A layer would be added in the County's geographic information system (GIS) mapping tool to indicate HOD sites. Maps of the HOD sites will be prepared for the Board of Supervisors Hearing on January 24, 2023. Changes to the Countywide Plan are in Attachment 3 and the Development Code in Attachment 4.

To further encourage and facilitate housing on HOD sites, staff propose to add a program to the Housing Element which would develop a ministerial review process for lot line adjustments.

Recommendation

Staff recommends that your Commission review the revised Countywide Plan Amendments and Rezoning, consider public testimony, and approve the attached Resolutions recommending that the Board of Supervisors adopt a Resolution adopting the Housing Element, and Ordinances amending the Countywide Plan Amendments and Rezoning associated with the Housing Element.

Attachments:

1. Draft 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
2. Draft 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
3. Countywide Plan Amendments
4. Development Code Amendments