

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

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October 26, 2023

Guido Persicone, Director
Community Development Department
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Dear Guido Persicone:

RE: City of Marina's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Marina's draft housing element received for review on July 31, 2023, along with revisions received on October 11, 2023. The review was facilitated by a conversation on September 14, 2023, with you, Veronica Tam, Ryan Russell, and Kimiko Lizardi. In addition, the California Department of Housing and Community Development (HCD) considered comments from David Kellogg, 350 Contra Costa, Greenbelt Alliance, CaRLA, Scott O'Neil, Watson Ladd, Marven Normal, Dara Dadachanji, George Grohwin, and LandWatch pursuant to Government Code section 65585, subdivision (c). Pursuant to Government Code section 65585, HCD is reporting the results of its review.

The draft element, with revisions, addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Gov. Code, § 65580 et seq), as follows:

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics ... (Gov. Code, § 65583, subd. (c)(5).)

Patterns and Trends: While the element provides current information regarding familial status, the element must also incorporate and analyze past data on familial status to fully describe the impacts of familial status on fair housing choice and opportunity.

Goals, Priorities, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization, and displacement protection.

2. *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 to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services...(Gov. Code, § 65583, subd. (c)(1).)

Progress in Meeting the Regional Housing Need Allocation (RHNA): The element identifies the Marina Station Specific Plan as a significant strategy to meet the RHNA. Given the reliance on pending developments to accommodate the RHNA, future submittals of the housing element should include up-to-date information on the processing of building permits for Phases 1 and 2 of the Specific Plan. In addition, the element should include a program that commits to monitor the progress of projects toward completion in the planning period, including alternative actions such as rezoning or identification of additional sites if pending projects are not progressing toward completion in the planning period.

Infrastructure: While the element includes Program 8.1 (Collaboration with Water Resource Agencies) to maintain sufficient water resources, the Program should include discrete timelines for implementation throughout the planning period.

In addition, the element acknowledges, and HCD has received comments, regarding the transfer of water outside of the MCWD service district. The element should clarify any impact on identified sites and pipeline projects, and add a program, if necessary, that will commit to frequent monitoring (every other year) and completion of appropriate alternative actions by a specified date.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD.

Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* While the element provides general information on emergency shelters, it must also describe how it complies with the requirements of Assembly Bill 2339 (2022). Among other changes, this amendment to Government Code section 65583, subdivision (a)(4) expands the definition of “emergency shelters”, specifies the type of zoning designations that must be identified to allow emergency shelters as a permitted use without a conditional use or discretionary permit, and demonstrate the appropriateness of sites to accommodate emergency shelters, including analyzing proximity to transportation and services. The element must add a program demonstrating compliance with these requirements.
- *Accessory Dwelling Units (ADUs):* While the element provides information on the zones where ADUs are permitted, there appear to be zones where residential uses are permitted and ADUs are not permitted. Specifically, the C-R, C-1, and C-2 zones allow for residential uses, but do not allow for ADUs; Program 2.1 (Accessory Dwelling Units) does not appear to make any zoning changes. As a result, the element must add or modify programs to amend zoning and comply with State ADU Law.

Programs: Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites, zoning available to encourage a variety of housing types, or potential lack of adequate infrastructure.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels... including... local processing and permit procedures...(Gov. Code, § 65583, subd. (a)(5).)*

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities...(Gov. Code, § 65583, subd. (c)(3).)

Processing and Permit Procedures: The element (p. 1-62) states that with the adoption of the Downtown Vitalization Specific Plan (DVSP), the conditional use

permit (CUP) process will no longer be needed in the DVSP. However, this conclusion does not fully analyze the CUP process as a potential constraint for development outside of the DVSP and for particular housing types, such as Single-Room Occupancy units (SRO). As a result, the element should still analyze the CUP process as a potential constraint, including listing and analyzing approval findings, approval authority, appeal processes and impacts on approval certainty, timing, cost, supply (number of units) and feasibility. Based on the outcomes of a complete analysis, the element should add or modify programs to address constraints, including removing, replacing, or modifying the CUP requirement.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to substantially comply with the above requirements pursuant to Government Code section 65585.

Public participation in the development, adoption, and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the diligent efforts and outstanding dedication your team provided in the preparation of the City's housing element. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Mao Lee, of our staff, at Mao.Lee@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager