RESOLUTION NO. 21/2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA AMENDING THE TOWN OF CORTE MADERA GENERAL PLAN
BY ADOPTING THE TOWN OF CORTE MADERA 2015-2023 HOUSING
ELEMENT

WHEREAS, the current Town of Corte Madera Housing Element was adopted in April
of 2011; and

WHEREAS, the State of California requires Bay Area communities to update their
housing elements to cover the years 2015 to 2023; and

WHEREAS, in March of 2014 the Town Council of the Town of Corte Madera directed
staff to begin work on drafting the update to the Housing Element, 2015-2023 (“Project”)
and approved a work plan, including public outreach efforts; and

WHEREAS, in accordance with Section 65583(c)(8) of the California Government
Code, over a ten month period, beginning in June 2014, the Town, through the efforts of
the Planning Department, Planning Commission and Town Council, facilitated public
participation in the process of preparing a new Housing Element. The participation
program obtained public input to define major issues and to draft and critique policies
and implementing programs, and informed decision makers of public opinion and
proposed planning approaches; and

WHEREAS, public meetings related to the Housing Element were noticed on the
Town’s website, sent via email to subscribers of the Town’s Housing Element update
email group list and the Town’s e-notification system, sent via mail to affordable housing
advocates and providers, advertised in the locally published newspapers, and posted on
the Corte Madera Community Center reader board; and

WHEREAS, on June 30, 2014, and July 24, 2014, community workshops were held to
provide information about the Housing Element update process and solicit public
comment on housing policies and priorities; and

WHEREAS, the Planning Commission and the Town Council each conducted public
meetings in January and February 2015, respectively, to familiarize the public with the
contents of the draft Housing Element; and

WHEREAS, on February 17, 2015, the Town Council directed changes to the draft
Housing Element and authorized staff to submit the draft Housing Element to the
California Department of Housing and Community Development (HCD) for first phase
review, which the staff did on February 20, 2015; and
WHEREAS, on March 20, 2015, the Planning Department received comments from HCD on the draft Housing Element via conference call; and

WHEREAS, on March 30, 2015, the Planning Department resubmitted the draft Housing Element, incorporating responses to HCD comments; and

WHEREAS, on April 2, 2015, the Planning Department received a letter from HCD, dated April 2, 2015, stating that the draft Housing Element will comply with State Housing Element law once adopted and submitted to HCD in accordance with Section 65585(g) of the California Government Code; and

WHEREAS, Planning Department staff has evaluated the adequacy of the previously prepared and adopted Environmental Evaluation for the 2011 Housing Element to determine whether the Project is within the scope of the Program EIR for the 2009 General Plan, certified by the Town Council on April 21, 2009; and

WHEREAS, a public notice describing the Planning Commission's public hearing on the environmental recommendation pursuant to CEQA Guidelines Section 15162 and 15168, and its recommendation to Town Council on the Project was sent to all individuals and groups, via email, that have requested to receive information about the Project, to all individuals and groups that have registered on the Town's website to receive Planning Commission notices and/or general community news and information, to all local non-profit groups and organization that develop and/or advocate for housing for lower income individuals and families, was posted in accordance with Corte Madera Municipal Code Section 1.08.010, and was published in the Marin Independent Journal, a newspaper of local circulation, on April 17, 2015; and

WHEREAS, on April 28, 2015, the Planning Commission did conduct a public hearing on the Project, including its environmental recommendation, and did consider all oral and written testimony submitted to the Town regarding the same prior to making a recommendation to the Town Council regarding the Project; and

WHEREAS, by Resolution No. 15-004, the Planning Commission did consider and unanimously recommend that the Town Council find that the Project, and the policies and programs contained therein is within the scope of the FEIR and that no new environmental document is required pursuant to CEQA Guidelines Section 15168 and 15162; and

WHEREAS, by same Resolution No. 15-004, the Planning Commission did consider and recommend the Town Council adopt an amendment to the Town of Corte Madera General Plan to incorporate the Project; and

WHEREAS, a public notice describing the Town Council's public hearing on the environmental determination pursuant to CEQA Guidelines Section 15168 and 15162, and its pending action on the Housing Element was sent to all affected agencies, and all individuals and groups, via email, that have requested to receive information about the
Housing Element update, to all individuals and groups that have registered on the Town’s website to receive Planning Commission notices and/or general community news and information, to all local non-profit groups and organization that develop and/or advocate for housing for lower income individuals and families, was posted in accordance with Corte Madera Municipal Code Section 1.08.010, and was published in the Marin Independent Journal, a newspaper of local circulation, on May 8, 2015; and

WHEREAS, the Town Council did conduct a public hearing on May 19, 2015, on the Project, including the environmental determination, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its actions on the environmental determination pursuant to CEQA Guidelines Section 15162, and the Project; and

WHEREAS, on April 28, 2015, the Planning Commission held a duly-noticed public hearing on the Project, including the staff recommendation that adoption of the Project is within the scope of the Program EIR for the 2009 General Plan, certified by the Town Council on April 21, 2009, pursuant to CEQA Guidelines Sections 15168 and 15162; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find and resolve as follows:

SECTION 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. Record

The Record of Proceedings ("Record") upon which the Town Council bases its action includes, but is not limited to: (1) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (2) the environmental evaluation prepared for the Town of Corte Madera Housing Element, 2007-2014, (3) the Town of Corte Madera Housing Element, 2007-2014, (4) the Project, (5) the staff reports, Town files and records and other documents, prepared for and/or submitted to the Town relating to the Project, (6) the recommendation of the Planning Commission, (7) the evidence, facts, findings and other determinations set forth in this resolution, (8) the 2009 Town of Corte Madera General Plan and the Corte Madera Municipal Code, (9) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Project, 2015-2023, (10) all other matters of common knowledge to the Town Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town of Corte Madera and its surrounding areas.

The location and custodian of the records is the Town of Corte Madera Planning Department, 300 Tamalpais Drive, Corte Madera, California, 94925.
SECTION 3. Housing Element Findings

Based on the facts, analysis and findings in Attachment A, attached hereto and incorporated herein by reference, the Town Council finds that the Project is consistent with Government code Sections 65580 through 65589.8 and is internally consistent with other elements of the General Plan.

SECTION 4. Housing Element Adoption

Based on the foregoing, the Town Council of the Town of Corte Madera hereby adopts the Project as the Housing Element of the Corte Madera General Plan, attached hereto as Attachment B, and repeals the 2007-2014 Housing Element, adopted in April 2011.

* * * * * * * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 19th day of May, 2015, by the following vote, to wit:

AYES: Councilmembers: Condon, Bailey, Furst, Lappert, Ravasio

NOES: Councilmembers: 

ABSENT: Councilmembers:

[Signature]
Carla Condon, Mayor

[Signature]
Rebecca Vaughn, Town Clerk
ATTACHMENT A

HOUSING ELEMENT FINDINGS

Statement of Facts and Findings Relating to the Adoption of the Updated Housing Element

California Government Code section 65580 et seq requires that each city and county in California include a Housing Element as part of its General Plan. Government Code Section 65583 requires among other things, that the Housing Element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement and development of housing. The Housing Element is to identify adequate sites for housing, including rental housing, and must make adequate provision for the existing and projected needs of all economic segments of the community.

The Facts and Findings set forth below do not repeat the full discussions of information contained in the documents comprising the Record of Proceedings for the Housing Element. Instead, the Facts provide a brief summary of the information, along with a reference to the portions of the Housing Element that describe the pertinent information. The Findings in turn reference the specific requirements of the Government Code.

(1) Housing Needs Assessment

(A) Findings Regarding Existing Needs

Government Code Section 65583(a)(1 & 2): these sections require that the Housing Element include an analysis of population and employment trends and household characteristics.

Finding: Based on the Record, the Town Council finds that the draft Housing Element does include an analysis of population and employment trends, documentation of projections, quantification of existing and projected housing needs for all income levels, including extremely low- and very low-income households and the Town’s share of the regional housing need equal to the Town’s allocation of very low-income households pursuant to section 65584, and household characteristics as well as other required data and analyses in substantial compliance with Government Code Sections 65583 (a)(1 & 2):

Facts in support of finding: the Housing Needs Analysis in the draft Housing Element (pg. 9 to 48) includes, but is not limited to an analysis of population and employment trends, documentation of projections, quantification of existing and projected housing needs for all income levels, including extremely low- and very low-income households and the Town’s share of the regional housing need equal to the
Town's allocation of very low-income households pursuant to section 65584, including housing costs compared to the ability to pay.

(B) Findings Regarding Land Inventory.

Government Code Section 65583(a)(3): this section requires that the Housing Element include an inventory of land suitable for residential development and an analysis of the relationship of zoning and public facilities and services to these sites.

Finding: Based on the Record, the Town Council finds that the 2015-2023 Housing Element does include an inventory of land suitable for residential development and an analysis of the relationship of zoning, public facilities and services to these sites in substantial compliance with Government Code Section 65583(a)(3).

Facts in support of finding: Table 47, Available Land Inventory (pg. 51-52), analyzes vacant properties in the community with regard to suitability for residential development, including infrastructure availability. The sites with the greatest potential for residential development are analyzed in depth, including zoning and public facilities, on pages 54 through 62 of the draft Housing Element.

(C) Findings Regarding Emergency Shelters.

Government Code Section 65583(a)(4)(A -D): this section requires that the Housing Element identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary approval. The identified zone(s) must include sufficient capacity to accommodate at least one year-round emergency shelter. The local government must provide such a zone if it is not otherwise available. The Housing Element must also demonstrate that existing or proposed permit processing and standards are objective and the same as those that apply to other types of development in the district.

Finding: Based on the Record, the Town Council finds that the draft Housing Element identifies a zoning district where emergency shelters will be allowed as a permitted use without a conditional use permit or other discretionary approval, and that the regulations for the zone apply the same standards to emergency shelters as are required for other types of development, including standards listed in Government Code Section 65583(A)(4)(A) (i-viii) in substantial compliance with Government Code Section 65583(a)(3).

Facts in support of finding: The Town Council adopted a zoning ordinance amendment on January 20, 2015 (Ordinance No. 946) identifying the P/SP zoning district as allowing emergency shelters by right without the requirement for a conditional use permit or other discretionary approvals. This amendment applies the standards allowed by Government Code Section 65583(A)(4)(A) (i-viii) to emergency shelters in the P/SP district, and does not add any other standards to the P/SP district that would not otherwise apply to any type of development in the P/SP zoning district. The draft Housing Element
includes an analysis of emergency shelters on pg. 68-69.

(D) Findings Regarding Governmental Constraints.

Government Code Section 65583(a)(5): this section requires that the Housing Element include an analysis of potential and actual governmental constraints upon the maintenance, improvement or development of housing for all income levels and for persons with disabilities. The analysis must also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its fair share of the regional housing need and from meeting the need for housing for persons with disabilities, transitional housing, supportive housing, and emergency shelters. Transitional and supportive housing shall be considered a residential use of property subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Finding: Based on the Record, the Town Council finds that the draft Housing Element does include an analysis of special needs in substantial compliance with Government Code Sections 65583(a)(5).

Facts in support of finding: the Housing Element identifies potential governmental constraints to the development of housing on pages 72 through 92. The analysis includes, but is not limited to, an assessment of the Town of Corte Madera’s zoning ordinance, second unit regulations, the Building Code and required dedications and fees. This analysis also includes an in-depth assessment of the development review process including processing times, application costs and dedication fees.

(E) Findings Regarding Nongovernmental Constraints.

Government Code Section 65583(a)(6): this section requires that the Housing Element include an analysis of potential and actual nongovernmental constraints upon the maintenance, improvement or development of housing for all income levels.

Finding: Based on the Record, the Town Council finds that the draft Housing Element does include an analysis of nongovernmental constraints in substantial compliance with Government Code Sections 65583(a)(6).

Facts in support of finding: the Housing Element identifies potential nongovernmental constraints to the development of housing on pages 93 through 95. The analysis includes but is not limited to, an analysis of land costs, construction costs, and financing.

(F) Findings Regarding Special Needs.

Government Code Section 65583(a)(7): this section requires that the Housing Element include an analysis of any special needs such as those of the handicapped, elderly, large families, families with female heads of household, farmworkers, persons in
need of emergency shelter, and others.

Finding: Based on the Record, the Town Council finds that the draft Housing Element does include an analysis of special needs in substantial compliance with Government Code Section 65583(a)(7).

Facts in support of finding: the Housing Needs Analysis in the draft Housing Element (pg. 9 to 48) includes an analysis of Special Needs (pg. 32 to 44) including but not limited to the needs of seniors, large families, people living with physical and mental disabilities, farm workers, families with female heads of households, persons in need of emergency shelter, and others.

(G) Findings Regarding Energy Conservation Opportunities.

Government Code Section 65583(a)(8): this section requires that the Housing Element include programs to promote energy conservation in residential development.

Finding: Based on the Record, the Town Council finds that the draft Housing Element includes programs to analyze the opportunities for energy conservation in residential development in substantial compliance with Government Code Section 65583(a)(8).

Facts in support of finding: Housing Element includes the following policy and implementation program to promote energy conservation in residential development:

H-1.12. Energy Assistance Programs. The Town will publicize and create opportunities for using energy assistance programs, especially for moderate- and lower-income households.

H-1.12.a Energy Assistance Programs. Develop and implement measures to publicize the use of energy assistance programs for moderate- and lower-income households. Programs include but are not limited to:

a. PG&E conservation rebates. PG&E offers a wide range of rebates for energy efficient equipment and appliances, including furnaces, duct sealing, whole house fans, air handler systems, swimming pool pumps and motors, water heaters, cool roofs, insulation, room air conditioners, clothes washers, dishwashers, computer monitors, energy-efficient lighting, and recycling of refrigerators, freezers and room air conditioners.

b. PG&E Low-Income Home Energy Assistance Program (LIHEAP) Funded by the federal Department of Health and Human Services, eligible low-income persons, via local governmental and nonprofit organizations, can receive financial assistance to offset the costs of heating and/or cooling dwellings, and/or have their dwellings
weatherized to make them more energy efficient.

c. California Youth Energy Services. This program, administered through the Marin County Energy Watch Partnership, provides free energy assessment and installs free energy and water-saving equipment.

d. Rehabilitation Loans. The Marin Housing Authority provides low-interest residential rehabilitation loans to very-low income homeowners to make basic repairs correct substandard hazards, and eliminate health and safety issues. Funds can also be used to include energy efficiency improvements.

(II) Findings Regarding Housing At-Risk.

Government Code Section 65583(a)(9)(A-D): this section requires that the Housing Element include an analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next ten years.

Finding: Based on the Record, the Town Council finds that the draft Housing Element does include an analysis of at-risk housing in substantial compliance with Government Code Sections 65583(a)(9)(A-D).

Facts in support of finding: the Housing Needs Analysis in the draft Housing Element (pg. 9 to 48) includes an analysis of At-Risk Housing (pg. 32) (including, but not limited to, a listing of each development by project name and address). The analysis finds that there are no assisted housing developments at risk of conversions from low-income housing during the next 10 years.

(2) Quantified Objectives

(A) Findings Regarding Quantified Objectives.

Government Code Section 65583(B)(1&2): this section requires that the Housing Element include a statement of the community’s goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing. The quantified objectives are to establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved.

Finding: Based on the Record, the Town Council finds that the draft Housing Element includes a statement of the community’s goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing in substantial compliance with Government Code Section 65583(B).

Facts in support of finding: The draft Housing Element includes quantified
objectives (pg. 96-97), including the maximum number of housing units by income category, including extremely low-income that can be constructed, rehabilitated, and conserved. The draft Housing Element also includes goals, policies, and implementation programs (pg. 97 to 124). Each of the implementation programs has a quantified product.

(3) **Housing Programs**

(A) **Findings Regarding Identification of Adequate Sites.**

Government Code Section 65583(c)(1): this section requires that the Housing Element include a program which sets forth a eight-year schedule of actions to implement the policies and the goals and objectives for the Housing Element including actions to make sites available with sufficient appropriate zoning and development standards and with services and facilities to accommodate that portion of the Town’s fair share of the regional housing need for each income level that could not be accommodated on sites identified in the land inventory without rezoning.

**Finding:** Based on the Record, the Town Council finds that the draft Housing Element does include a program which sets forth an eight-year schedule of actions to implement the policies and achieve the goals and objectives of the Housing Element including actions to make sites available with sufficient capacity and appropriate zoning and development standards and with services and facilities to accommodate that portion of the Town’s fair share of the regional housing need for each income level that could not be accommodated on sites identified in the land inventory without rezoning in substantial compliance with Government Code Sections 65583(c) (1).

**Facts in support of finding:** the Housing Element assesses the available land and the Town’s ability to meet the fair share housing needs. The Housing Element identifies three High Potential Housing Sites: 1) Wornum Drive Extension, 2) the Robin Drive property, and 3) the 1421 Casa Buena Drive property. In addition, the Housing Element notes the affordability of second units and their expected contribution to the Town’s fair share housing needs. The Housing Element establishes programs to promote the development of sufficient housing to reach or exceed the Town’s regional fair share housing need. The number of affordable and market rate units expected from these programs are shown on page 65 of the draft Housing Element.

(B) **Findings Regarding Development of Low- and Moderate-Income Housing.**

Government Code Section 65583(c)(2): this section requires that the Housing Element set forth an eight-year schedule of actions to assist in the development of extremely low-, very low-, low- and moderate-income housing.

**Finding:** Based on the Record, the Town Council finds that the draft Housing Element does include an eight-year schedule of actions to assist in the development of low- and moderate-income housing in substantial compliance with Government Code
Section 65583(c)(2).

Facts in support of finding: the Housing Element includes, but is not limited to, the following programs to assist in the provision housing affordable to extremely low-, very low-, low- and moderate-income households.

H-1.11. Rental Assistance Programs. The Town will continue to publicize and create opportunities for using available rental assistance programs, such as the project-based and tenant-based Section 8 certificate programs, in coordination with the Marin Housing Authority (MHA). The Town will also continue to support the use of Marin Community Foundation funds for affordable housing and continue to participate in the Rebate for Marin Renters program administered through MHA.

H-1.11.a Rental Assistance Programs. Develop and implement measures to make full use of available rental assistance programs.

H-2.1.a: Provide a variety of housing types and affordability. Strive to promote a mix of housing types, densities, affordability levels, and designs. Promote innovative housing approaches by working with developers to explore “non-traditional” methods to finance, design, and construct different types of housing to meet local needs.

H-2.2 Affordable Housing Priorities. The Town will design and implement its programs to assist in the development of adequate housing to reflect the proportions of its unmet Regional Housing Needs Allocation. In prioritizing implementation resources, such as expenditures from the Affordable Housing Fund, the priorities, in descending order, shall extremely low-, very low-, low-, and moderate-income housing needs.

H-2.4 Employee Housing. The Town will work with employers developing larger projects (20+ employees) to promote local housing opportunities for their employees and will encourage employers to find ways to provide housing assistance as part of their employee package. Developers of major projects in mixed-use areas will be encouraged to consider and propose housing, if feasible.

H-2.4.a Employee Housing. As part of the development review process for larger projects, General Plan land use designations, the base zoning district and/or overlay zoning, offer flexible development standards as an incentive to provide on-site employee housing.

(C) Findings Regarding Mitigation of Governmental Constraints
Government Code Section 65583(c)(3): this section requires that the Housing Element address and, where appropriate and legally possible, remove Governmental constraints to the maintenance, improvement, and development of housing for all income levels and persons with disabilities.

Finding: Based on the Record, the Town Council finds that the draft Housing Element does remove governmental constraints to the maintenance, improvement, and development of housing for all income levels and persons with disabilities in substantial compliance with Government Code Sections 65583(c)(3).

Facts in support of finding: On January 20, 2015 the Town Council adopted zoning ordinance amendments related to transitional and supportive housing, emergency shelters, and reasonable accommodations for individuals with disabilities (Ordinances 945-947) that removed governmental constraints identified in the 2011 Housing Element. In addition, the Housing Element, 2015-2023, includes the following implementation programs that will reduce governmental constraints to the development.

H-1.4.a Housing types. Adopt the following revisions to the Zoning Ordinance to facilitate the development of a full range of housing types and thereby offer a variety of housing choices:

a. Factory-built housing and mobile homes. Add “factory-built housing” and “mobile homes” to the definition section of the Zoning Ordinance. Amend the Zoning Ordinance to designate factory-built housing as allowed an use in all residential zoning districts subject to the same development standards as all other housing types in these zones, consistent with State law. Establish standards and procedures for mobile homes.

b. Single room occupancy (SRO) housing. Add “single room occupancy housing” to the definitions section of the Zoning Ordinance as an allowed use in multifamily zoning districts. Amend the Zoning Ordinance to allow SRO housing as a conditionally permitted use in the C-1, C-2, and C-3 zoning districts.

H-1.5. Special Needs Housing. The Town will remove barriers and actively promote development and rehabilitation of housing to meet special needs, including the needs of seniors, people living with disabilities, the homeless, people with HIV/AIDS and other illnesses, people in need of mental health care, single parent families, large families, and other persons identified as having special housing needs.

(D) Findings Regarding Conserving And Improving the Existing Affordable Housing Stock.

Government Code Section 65583(c)(4): this section requires that the Housing
Element include programs to conserve and improve the condition of the existing affordable housing stock.

**Finding:** Based on the Record, the Town Council finds that the draft Housing Element includes programs to conserve and improve the condition of the existing affordable housing stock in substantial compliance with Government Code Section 65583(c)(4).

**Facts in support of finding:** Housing Element policies and programs to conserve and improve the condition of the existing affordable housing stock include, but are not limited to, the following:

**H-2.8** Retention and Expansion of Multi-Family Sites at Medium and Higher Density. The Town will protect and strive to expand the supply and availability of multi-family infill housing sites for affordable and workforce housing, will make the most efficient use of these sites in meeting local housing needs, and will strive to make sites competitive for subsidies. Pursuant to Government Code Section 65863, the Town will not re-designate or rezone residential land identified for multi-family housing in the Available Land Inventory (Table 47) to lower densities without identifying sufficient additional sites with an equal or greater residential density or making written findings as identified in Government Code Section 65863.

**H-2.8.a:** General Plan Amendments. Preserve those areas designated for medium- and high-density residential development by discouraging General Plan amendments and rezoning actions that would reduce planned residential densities on High Potential Housing Sites identified in the Available Land Inventory for multi-family development (Table 47). General Plan amendments and rezoning actions that would reduce residential densities may only be approved subject to findings that such actions would not be detrimental to overall Town housing goals, or where the loss of potential housing is mitigated through a corollary action of the application.

**H-2.11** Long-Term Housing Affordability Controls. The Town will apply resale controls and rent and income restrictions to ensure that affordable housing provided through incentives and as a condition of development approval remains affordable over time to the income group for which it is intended. Inclusionary units shall be deed-restricted to maintain affordability on resale to the maximum extent possible.

**H-2.11.a** Affordability controls. Require deed restrictions to maintain affordability as a condition of approval for affordable housing units.
H-2.11.b Affordability management. Continue to implement the agreement with the Marin Housing Authority (MHA), or other qualified entity, for management of the affordable housing stock in order to ensure permanent affordability, and implement resale and rental regulations for low and moderate-income units and assure that these units remain at an affordable price level.

H-2.17 Legalization of Existing Second Dwelling Units. Consider an amnesty program for second units built without permits that will provide a period for owners to make them legal.

H-3.4 Preservation of Residential Units. The Town will seek to preserve the existing quantity of housing and will discourage the demolition of residential units that reduce the Town’s affordable housing stock or adversely affect the Town’s ability to meet its total housing requirements at all household income levels.

H-3.4a Review and, as necessary, revise the Zoning Ordinance to regulate the demolition of multifamily rental housing in order to conserve the existing multifamily rental housing stock.

H-3.5 Condominium Conversions. Except for limited equity cooperatives and other innovative housing proposals which are affordable to lower income households, the Town will conserve its existing multiple family rental housing by prohibiting conversions of rental developments to condominium ownership unless the effective vacancy rate for available rental units is more than 5%.

H-3.6 Protection of Existing Affordable Housing. The Town will strive to ensure that affordable housing provided through government subsidy programs, incentives and deed restrictions remains affordable over time, and intervene when possible to help preserve such housing.

H-3.6.a: “At Risk” units. Continue to fund the Marin Housing Authority’s program, or other qualified entity’s program, to monitor at risk affordable units. Continue to work with the Marin Housing Authority, or other qualified entity, to identify assisted properties at risk of conversion to market rates and work with the property owners and/or other parties to ensure that they are conserved as part of the Town’s affordable housing stock.

(E) Findings Regarding Equal Housing Opportunity.

Government Code Section 65583(c)(5): this section requires that the Housing Element include programs to promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, or color.
Finding: Based on the Record, the Town Council finds that the draft Housing Element includes programs to promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, family status, disability or color in substantial compliance with Government Code Sections 65583(c)(5).

Facts in support of finding: Housing Element policies and programs to promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, family status, disability or color include, but are not limited to, the following:

H-1 Promote housing opportunity. Assist in developing housing opportunities for all types and sizes of households and for all economic segments of the community.

H-1.1 Diversity of Population. Consistent with the community's housing goals, it is the desire of the Town to maintain a diversity of age, social, and economic backgrounds among residents throughout Corte Madera by matching housing size, types, tenure, and affordability to household needs. Housing opportunities for families with children should not be limited because necessary facilities are not provided on site.

H-1.2 Equal Housing Opportunity. To the extent possible, the Town will ensure that individuals and families seeking housing in Corte Madera are not discriminated against on the basis of race, color, religion, marital status, disability, age, sex, family status (due to the presence of children), national origin, or other arbitrary factors, consistent with the Fair Housing Act.

H-1.2.a Anti-Discrimination Ordinance. The Town will continue to enforce its Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs. The Town will also require non-discrimination clauses in affordable housing agreements for deed-restricted units.

H-1.2.b Respond to Complaints. The Planning Director is the designated Equal Opportunity Coordinator in Corte Madera with responsibility to investigate and deal appropriately with complaints. The Town will refer discrimination complaints to the appropriate legal service, county, or state agency, or Fair Housing of Marin. If mediation fails and enforcement is necessary, refer tenants to the State Department of Fair Employment and Housing or HUD, depending on the nature of the complaint. Publicize this program in coordination with Marin Fair Housing.

(F) Findings Regarding Preserving At-risk Assisted Projects.
Government Code Section 65583(c)(6): this section requires that the Housing Element include programs to preserve for lower income households assisted housing development.

**Finding:** Based on the Record, the Town Council finds that the draft Housing Element includes programs to preserve for lower income households assisted housing development in substantial compliance with Government Code Sections 65583(c)(6).

**Facts in support of finding:** Housing Element policies and programs to preserve housing for lower income households in assisted housing developments include, but are not limited to, the following:

- **H-3.6** Protection of Existing Affordable Housing. The Town will strive to ensure that affordable housing provided through government subsidy programs, incentives and deed restrictions remains affordable over time, and intervene when possible to help preserve such housing.

- **H-3.6.a:** “At Risk” units. Continue to fund the Marin Housing Authority’s program, or other qualified entity’s program, to monitor at risk affordable units. Continue to work with the Marin Housing Authority, or other qualified entity, to identify assisted properties at risk of conversion to market rates and work with the property owners and/or other parties to ensure that they are conserved as part of the Town’s affordable housing stock.

**G) Findings Regarding Responsible Individuals and Agencies.**

Government Code Section 65583(c)(7): this section requires that the Housing Element include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

**Finding:** Based on the Record, the Town Council finds that the draft Housing Element identifies the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals in substantial compliance with Government Code Sections 65583(c)(7).

**Facts in support of finding:** Each implementation program in the draft Housing Element identifies the agencies and officials responsible for program implementation. The following policy and implementation program require the Town to annually monitor the Housing element, which will include reviewing the Housing Element to assure consistency with the other elements in the General Plan.

- **H-4.7** Housing Element Monitoring, Evaluation and Revisions. The Town will establish a regular monitoring and update process to assess housing
needs and achievements, and to provide a process for modifying policies, programs and resource allocations as needed in response changing conditions.

H-4.7.a Housing Element review. Provide opportunities for public input and discussion, in conjunction with State requirements for a written review by April 1 of each year. (Per Government Code Section 65400). Based on the review, establish annual work priorities for staff, Planning Commission and Town Council.

(II) Findings Regarding Citizen Participation.

Government Code Section 65583(c)(8): this section requires that the local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, 2015-2023, and the program the local government intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element shall describe this effort.

Finding: Based on the Record, the Town Council finds that the Town has made a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and that the program the describes this effort in substantial compliance with Government Code Sections 65583(c)(8).

Facts in support of finding: The Introduction (p. 5-6) and Appendix A (p. 125) of the Housing Element documents the public participation that was achieved in the development and adoption of the Housing Element, including, but not limited to the following:

The Housing Element establishes policies and programs to encourage ongoing public participation in housing programs, including but not limited to, the following:

H-4 Expand participation, coordination, and monitoring. Encourage and enhance intergovernmental, public, and private cooperation to achieve an adequate supply of housing for all residents of the community and to develop funding for fund supporting programs.

H-4.1 Local Government Leadership. Affordable housing is an important Town priority. The Town will take a proactive leadership role in working with community groups, other jurisdictions and agencies, non-profit housing sponsors, and the building and real estate industry in following through on identified Housing Element implementation actions in a timely manner.

H-4.1.a Community outreach. Prepare information and conduct outreach on housing issues. Coordinate with local businesses, housing advocacy groups, neighborhood groups, and the Chamber of Commerce in building
public understanding and support for workforce and special needs housing.

H-4.2 Community Participation in Housing and Land Use Plans. The Town will undertake effective and informed public participation from all economic segments and special needs groups in the community in the formulation and review of housing and land use issues.

H-4.2.a Neighborhood Meeting Procedures. Adopt Neighborhood Meeting Procedures that will encourage developers to have neighborhood meetings with residents early on as part of major development application process. Continue to require developers of major projects to have neighborhood meetings with residents early in the process to undertake problem solving and facilitate more informed, faster, and constructive development review.

(4) Adequate Sites.

(A) Findings Regarding Inventory of Land Suitable for residential Development.

Government Code Section 65583.2(a)(1 -4): this section requires that the Town’s inventory of land suitable for residential development shall be used to identify sites that are sufficient to provide for the jurisdiction’s share or the regional housing need for all income levels. The inventory is to include vacant sites zoned for residential use, vacant sites zoned for non-residential use that allow residential development, residentially zoned sites that are capable of being developed at a higher density, sites that are zoned for nonresidential use that can be rezoned and redeveloped for residential use.

Finding: Based on the Record, the Town Council finds that the Town’s inventory of land suitable for residential development includes vacant sites zoned for residential use, vacant sites zoned for non-residential use that allow residential development, residentially zoned sites that are capable of being developed at a higher density, sites that are zoned for nonresidential use that can be rezoned and redeveloped for residential use in substantial compliance with Government Code Sections 65583.2(a)(1 -4).

Facts in support of finding: Table 47 (p. 51-52), Available Land Inventory, analyzes vacant properties in the community including vacant sites zoned for residential use, vacant sites zoned for non-residential use that allow residential development, residentially zoned sites that are capable of being developed at a higher density, sites that are zoned for nonresidential use that can be rezoned and redeveloped for residential use.

(B) Findings Regarding Inventory of Land Suitable for residential Development.

Government Code Section 65583.2(b)(1 -7): this section requires that the Town’s inventory of land suitable for residential development shall include a listing of properties by parcel number, the size of each property listed, a general description of any
environmental constraints, a general description of utility availability, sites identified as available for housing for above moderate-income households in areas not served by public sewer systems, and a map that shows the location of the sites included in the inventory.

Finding: Based on the Record, the Town Council finds that the Town’s inventory of land suitable for residential development includes include a listing of properties by parcel number, the size of each property listed, a general description of any environmental constraints, a general description of utility availability, and a map that shows the location of the sites included in the inventory. The inventory does not include sites identified as available for housing for above moderate-income households in areas not served by public sewer systems because there are no properties in the Town’s planning area that are not served by public sewer systems.

Facts in support of finding: Table 47 (p. 51-52), Available Land Inventory, includes a listing of properties by parcel number, the size of each property listed, a general description of any environmental constraints, a general description of utility availability, and a map that shows the location of the sites included in the inventory in substantial compliance with Government Code Section 65583.2(b)(1 -7).

(C) Findings Regarding Inventory of Land Suitable for residential Development.

Government Code Section 65583.2(c)(1 -3): this section requires that the Housing Element determine whether each site in the inventory can accommodate some portion of the jurisdictions share of the regional housing need by income level during the planning period. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, emergency shelters, and transitional housing. The analysis must demonstrate how the number of units determined for the various sites will be accommodated, including how the jurisdiction’s share of the regional housing need for lower income households will be accommodated.

Finding: Based on the Record, the Town Council finds that the draft Housing Element, 2015-2023, analyzes each site in the available land inventory to determine whether the inventory can accommodate the Town’s fair share of the regional housing need, including the need for housing for lower income households. The analysis assesses whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, emergency shelters, and transitional housing and demonstrates how the specified units will be accommodated on each site. The draft Housing Element includes an assessment of properties zoned at 20 units per acre, or a greater density.

Facts in support of finding: Each site suitable for housing is listed in Table 47, the Available Land Inventory. The sites are analyzed on pages 54 through 62 to determine the capacity to support housing. The capacity of the inventory to support the Town’s fair share of the regional housing need is assessed on pages 62 through 65. The extent to
which the inventory can provide for a variety of housing types, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, emergency shelters, and transitional housing, is analyzed on pages 65 through 69. The analysis demonstrates that the Town has sufficient property zoned to support Corte Madera’s fair share of the regional need for housing affordable to lower income households. These analyses are in substantial compliance with Government Code Section 65583.2(c)(1-3).

(5) **Review the California Department of Housing and Community Development**

(A) **Findings Regarding Review the California Department of Housing and Community Development**

Government Code Section 65585 (a – g): this section requires that local jurisdictions to consider the guideline developed by the California Department of Housing and Community Development and to submit the draft Housing Element to the Department for review and comment. This section also requires the jurisdictions to submit the adopted Housing Element to the Department for further review and comment.

Finding: Based on the Record, the Town Council finds the Town did submit the draft housing Element to the Department, and the Town did consider the Department’s comments and revised the draft Housing Element to incorporate the Department’s recommendations.

Facts in support of finding: the Town did submit the draft housing element to the Department on February 20, 2015 and received comments from the Department via conference call on March 20, 2015. Planning Department staff considered the Department’s recommendations and revised the draft Housing Element, 2015-2023, to incorporate the Department’s recommendations. On March 30, 2015 the Town submitted the revised draft Housing Element, 2015-2023, to the Department. On April 2, 2015 the Department responded to the Town’s submittal with a written determination that the draft housing element would be compliance with housing element law if adopted by the Town.

**Internal Consistency with Other Elements of the Town of Corte Madera General Plan**

Government Code section 65300.5 requires that all the elements of the General Plan comprise an integrated, internally consistent and compatible statement of policies.

Finding: Based on the Record, the Town Council of the Town of Corte Madera finds that the policies and programs identified in the Town of Corte Madera’s draft Housing Element, 2015-2023, comprise an integrated, internally consistent and compatible statement of policies.
Facts in support of finding: The policies and programs contained in the draft Housing Element, 2015-2023 are included on pages 96-124. Policies and programs that are related to policies and programs in other elements of the General Plan, and which are consistent with those elements, include, but are not limited to, the following:

H-2.6 High Potential Housing Opportunity Areas. Given the diminishing availability of developable land, the Town has identified housing opportunity areas and sites where a special effort will be made to provide workforce and special needs affordable housing. The Town will evaluate all appropriate incentives to facilitate development at High Potential Housing Opportunity Sites and will take specific actions to promote the development of affordable housing units on these sites (identified in the Implementing Programs).

This policy is internally consistent with the Land Use Element of the General Plan which provides land use designations for housing opportunity areas and sites with appropriate allowable densities.

H-2.9.b Mixed Use Development. The Town will support mixed-use projects including residential components, such as live-work combinations or ground-floor retail with upper story residential use. Such projects will be encouraged over standard single-use development proposals where the underlying zoning allows mixed-use developments. Encourage opportunities for live/work developments where housing can be provided for workers on-site or caretaker or other types of housing can be provided in appropriate locations.

This program is internally consistent with implementation program CIR-1.8.b of the Circulation Element of the General Plan which is intended to facilitate employment opportunities that minimize the need for automobile trips, such as live/work, home occupations, and mixed-use development strategies.

H-3.1.a Adopt Residential Design Guidelines. Adopt and apply Residential Design Guidelines, applicable throughout the Town, with focused design approaches for specific residential neighborhoods, including Mariner Cove and Christmas Tree Hill. The Guidelines shall include sections focused on architecture, size and scale of structures, building materials and colors, landscaping, grading, views and similar development subjects.

This program is identical to Implementation Program CD-2.1.a of the Community Design Element of the General Plan

H-3.7.c. Development in Flood Zones. Provide up-to-date information affecting housing development located in Special Flood Hazard Areas (SFHA) as identified by the Federal Emergency Management Agency (FEMA). Assist property owners to understand FEMA compliance requirements for housing located in
flood zones.

This program is internally consistent with programs F-1.3 and F-3.2 of the Flood and Flood Plain Management Element of the General Plan which call for updating the Town’s Flood Insurance Rate Maps and providing a Guidance Manual for the Town for application with new development or redevelopment.