

Three Laws that Already Promote Affordable Housing

There are three existing laws which already promote affordable housing in the County of Marin: 1) The "Marin County Inclusionary Requirement" and 2) the "State Density Bonus Law" and 3) the "Second Unit Amnesty Program".

MARIN COUNTY INCLUSIONARY REQUIREMENT

Marin County has an inclusionary requirement for affordable housing. Any development (single family and multifamily projects) of two or more units should provide 20% of that project as affordable to very low income residents. Projects resulting in fractional units shall pay a fee in-lieu of the affordable unit. Marin's inclusionary requirements can be found in Chapter 22.22 of the Marin County Code.

http://municipalcodes.lexisnexis.com/codes/marincounty/_DATA/TITLE22/Chapter_22_22_AFFORDABLE_HOUSI.html#3

STATE DENSITY BONUS LAW

The State also has a Density Bonus which is structured differently than the County's affordable housing requirements. Developers may opt to apply for a State Density Bonus, in which case densities can be increased above the zoned maximum. The trigger for this increase is the depth and quantity of affordable units in the project. Because the State Density Bonus calls for different affordability triggers and rules, staff are in the process of updating Marin's development code to clarify how State Density Bonus matters will be handled in this jurisdiction.

Example of One Affordability Trigger and Rule of the State Density Bonus Law

The state density bonus law allows for 35% more units if 20% of them are affordable. Concessions are given to the developer when density bonuses are given, so relief from certain development standards could be obtained if the density bonus is applied. With a standard density bonus, if 6 units of a 30 unit development were affordable, the developer would be allowed an increased density of 40 units on the site.

****The County has not yet determined how density bonus law will be applied to the Housing Overlay Designation (HOD) sites. This will be addressed in the EIR since density bonus law has changed since the release of the Plan.**