

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

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February 16, 2024

Michael Cass, Planning Manager  
Planning Department  
City of Martinez  
525 Henrietta Street  
Martinez, CA 94553

Dear Michael Cass:

**RE: City of Martinez' 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the City of Martinez's (City) housing element adopted December 20, 2023 and received for review on December 21, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The adopted element addresses some statutory requirements described in HCD's September 6, 2023 review; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government does not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City does not adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed. As this year has passed and Program 13 (Adequate Sites For Lower-Income Households) has not been completed, the housing element is out of compliance and will remain out of compliance until all necessary rezonings have been completed. Once the City completes the rezone, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the City housing element compliance.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County 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 County will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and effort the housing element update team provided during the housing element update and review. We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Helen Eldred, of our staff, at [Helen.Eldred@hcd.ca.gov](mailto:Helen.Eldred@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF MARTINEZ

The following changes are necessary to bring the County's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *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).)*

**Realistic Capacity – Likelihood of Residential on Sites with Existing Zoning and Proposed Overlays:** In lieu of providing the required analysis, the element revised Program 13 (Adequate Sites). Specifically, the element was revised to include development incentives to encourage densities and the intended uses in zones that also allow for 100 percent nonresidential uses. However, this does not address HCD's prior review. The element still must include a complete analysis evaluating the likelihood of residential in zones that allow for 100 percent nonresidential uses including proposed overlay zones where the base zoning allows nonresidential. Please see HCD's September 6, 2023 review for additional information.

**Suitability of Nonvacant Sites:** As mentioned on the previous review, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households. As a result, the City must find (as part of an adoption resolution), based on substantial evidence, existing uses are not an impediment to additional residential development in the planning period and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). HCD has reviewed Resolution Number 145-23, which does not appear to meet this statutory requirement. As a result, the City should re-adopt the housing element with the appropriate findings and submit the resolution, including any pertinent documentation, to HCD.

Availability of Infrastructure: The element was revised to include a concluding statement that all sites have either existing or planned infrastructure service (pg. 97). However, the element still retains the original statement that the City's RHNA exceeds the population growth planned by the water district and the City and would require increased supply from what was projected (pg. 96). The element must clearly and consistently indicate whether there is adequate water and sewer supply to accommodate the RHNA. As found in HCD's prior review, based on a complete analysis, the element may need to include additional commitments to providing adequate water capacity during the planning period.

Environmental Constraints: The element did not include any highlighted revisions related to this finding or topic. Please see HCD's September 6, 2023 review for additional information.

Electronic Sites Inventory: Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Zoning for a Variety of Housing Types (*Emergency Shelters*): The element was revised to include Program 11 (Zoning Ordinance Amendments) committing to identify an additional zone to allow emergency shelters ministerially. However, as found in HCD's prior review, the element still must indicate how the City currently permits emergency shelters e.g., whether it is permitted without discretion. Additionally, it must demonstrate the adequacy of the current or proposed zone that allows or will allow emergency shelters without discretion.

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element was revised to included Table 45A, a comparison of development standard from neighboring jurisdictions. Additionally, the element included Program 11 (Zoning Ordinance Amendments) committing to amending heights to 36 feet for zones that permit 30 du/ac. However, as noted in HCD's prior review, the element must address heights (and other standards) in zones that permit up to 43 du/ac. Additionally, the element still has not addressed HCD's prior review regarding lot coverage, minimum unit sizes, etc., Lastly, when comparing development standards from neighboring jurisdictions, the element reviewed zones that permit up to 17 du/ac (pg. 55). HCD's prior review indicated that the element must address zones that allow up to 43

du/ac. The element must be revised to analyze the impact of heights, lot coverage, minimum open space, and minimum unit requirements for impacts on impacts on supply, housing choice, affordability, and ability to achieve maximum densities and include programs to address identified constraints.

## **B. Housing Programs**

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A1, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

2. *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. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings A2 , the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.

3. *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).)*

The element was revised to include three additional programs/actions to address Affirmatively Furthering Fair Housing (AFFH). This includes perusing funding to develop additional units, adopting an inclusionary ordinance, requiring sites to develop near maximum densities, and some commitments on infrastructure improvements in lower

resourced areas. However, these actions including others listed in Table 1 (pg. 27) are not meaningful and significant to address the overcome the fair housing issues and trends identified in the analysis. As noted in HCD's prior review, the City has clear disparities in access to opportunity between the northern, central, and southern portions of the City. The City also has census tracts that are considered RCAA, lower resourced and high segregation and poverty. This warrants significant actions that promote housing mobility and increasing housing choices and affordability on the southern areas of the City and neighborhoods that are generally higher income and higher resourced. In addition, the analysis demonstrated the need for strong place-based strategies that promote community revitalization in the northern and central areas of the City. Please see HCD's September 6, 2023 review for additional information.