

RESOLUTION NO. _____

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS REPEALING THE MARIN COUNTY HOUSING ELEMENT 2015 – 2023, ADOPTING THE 2023 – 2031 MARIN COUNTY HOUSING ELEMENT UPDATE TO THE MARIN COUNTYWIDE PLAN, AND ADOPTING AMENDMENTS TO THE COUNTYWIDE PLAN TO ACHIEVE CONSISTENCY WITH THE HOUSING ELEMENT

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5); and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the County of Marin (the County) adopt a housing element for the eight-year period 2023-2031 to accommodate the regional housing need allocation (“RHNA”) assigned to the County by the Association of Bay Area Governments of 3,569 housing units, comprised of 1,100 units affordable to very-low income households, 634 units affordable to low-income households, 512 units affordable to moderate-income households, and 1,208 units affordable to above moderate-income households; and

WHEREAS, State Housing Element Law further requires the County to achieve consistency between its housing element and the goals and policies of other elements of the 2007 Marin Countywide Plan (“CWP”); and

WHEREAS, the Marin County Community Development Agency has prepared the proposed Housing Element Update to the CWP for the eight-year planning period 2023 through 2031 (the “Housing Element Update”) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the County’s RHNA; and

WHEREAS, to maintain consistency between the other elements of the CWP and the Housing Element Update, CDA has further proposed amendments to the Countywide Plan, including amendments to the Introduction to the CWP, the Natural Systems and Agriculture Element, and the Built Environment Element (including amendments to Section 3.4 Community Development, Section 3.5 Community Design, 3.9 Transportation, and 3.12 Planning Areas); and

WHEREAS, during the course of the Housing and Safety Elements update preparation, including preparation of the environmental impact report, the County notified the Native American tribes traditionally and culturally affiliated with the County and provided a description of the Project, the name of the program points of contact, and the time period for comments as provided for by State law. In doing so, the County satisfied the provisions of both State laws AB 52 and SB 18 and received only one request for consultation from the Federated Indians of Graton Rancheria (FIGR). The County met with FIGR on multiple occasions, and the Tribe’s members provided feedback that they wished to have their Tribal Cultural Resource interests represented more

robustly as part of the ongoing policy and planning objectives, and the County agreed to continue to work with FIGR to collaborate on broad policy and planning initiatives; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element Update requires a diligent effort to include all economic segments of the community and to take actions to affirmatively further fair housing; and

WHEREAS, the County conducted extensive community outreach over fifteen months, beginning in September 2021, as described in detail in Appendix A to the proposed Housing Element Update; and

WHEREAS, in accordance with Government Code Section 65585 (b), on June 1, 2022, the County posted the draft Housing Element Update and requested public comment for a 30-day review period, and on July 19, 2022, after responding to public comments, submitted the draft Housing Element Update to the State Department of Housing and Community Development (“HCD”) for its review; and

WHEREAS, on October 17, 2022 the County received a letter from HCD providing its findings regarding the draft Housing Element Update; and

WHEREAS, on November 14, 2022 the County published a revised draft Housing Element Update responding to HCD’s findings and requested public comment on the draft; and

WHEREAS, on December 7, 2021; March 1, 2022; March 15, 2022; April 12, 2022; June 14, 2022; August 9, 2022; September 27, 2022; October 25, 2022, and November 16, 2022 the Planning Commission and Board of Supervisors held duly and properly noticed joint public meetings to take public testimony and review the proposed Housing Element Update, CWP amendments, and Draft Environmental Impact Report; on December 6, 2022, the Board of Supervisors held a duly and properly notice public meeting to take public testimony and review the proposed Housing Element Update; and on December 12, 2022, the Planning Commission held a duly and properly noticed public meeting to take public testimony and review the proposed Housing Element Update and Countywide Plan amendments; and

WHEREAS, on January 5, 2023, the Marin County Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution and the Final Environmental Impact Report (“Final EIR”) regarding the proposed Housing Element Update, the proposed Safety Element update, proposed conforming CWP amendments, and proposed conforming amendments to Title 22 of the Marin County Code (“Development Code”), reviewed the proposed Housing Element Update, Safety Element Update, proposed CWP amendments, and proposed conforming amendments to the Countywide Plan, and all pertinent maps, documents and exhibits, including HCD’s findings, the County’s response to HCD’s findings, the staff report and all attachments, and oral and written public comments (“Project Documents”);

WHEREAS, after consideration of the Project Documents, the Marin County Planning Commission provided the recommendation that the Marin County Board of Supervisors not adopt the Housing Element as proposed based on concerns around specific sites identified in the Housing Element Site Inventory, proposed revisions to language in the Countywide Plan

addressing application of community plans to development of sites identified in the Site Inventory and proposed revisions relating to the Ridge, Upland, Greenbelt and Baylands corridors, application of the Housing Overlay Designation District and proposed density on the identified sites; and

WHEREAS, on January 24, 2023, the Board of Supervisors conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution and the Final Environmental Impact Report (Final EIR) regarding the proposed Housing Element Update, the proposed Safety Element update, proposed conforming CWP amendments, and proposed conforming amendments to Title 22 of the Marin County Code (“Development Code”), reviewed the proposed Housing Element Update, Safety Element Update, proposed CWP amendments, and proposed conforming amendments to the Countywide Plan, and all pertinent maps, documents and exhibits, including HCD’s findings, the County’s response to HCD’s findings, the staff report and all attachments, and oral and written public comments; and

WHEREAS, the Marin County Board of Supervisors has certified the Final EIR as adequate and complete in compliance with CEQA, the State CEQA Guidelines, and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the Project, which as defined includes the proposed Housing Element Update and CWP amendments.

NOW, THEREFORE, BE IT RESOLVED, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Housing Element Update substantially complies with State Housing Element Law, as provided in Government Code 65580 et seq., and contains all provisions required by State Housing Element Law, as shown in Exhibit A to this resolution, incorporated by this reference.
3. Substantial evidence in the record, as described in detail in Chapter 4 and Appendix C of the Housing Element, and based on seven criteria (developer or property owner interest; vacant sites or minimal improvements; public ownership; existing uses similar to those redeveloped in the past; buildings at least 50 years old; floor area ratio less than 0.4; building to land value 1.54 and under), demonstrates that the existing uses on the non-vacant sites identified in the site inventory to accommodate the County’s lower income RHNA are likely to be discontinued during the planning period and or otherwise do not constitute an impediment to planned residential development on the site during the planning period.
4. As required by Government Code Section 65585(e), the Board of Supervisors has considered the findings made by the Department of Housing and Community Development included in the Department’s letter to the County dated October 17, 2022 consistent with Government Code Section 65585(f), and as described in Exhibit B to this resolution, incorporated by this reference, the Board of Supervisors has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.
5. The Marin County Housing Element 2015-2023 (Section 3.8 of the Built Environment Element of the Countywide Plan) is hereby repealed in its entirety, and the 2023-2031 Marin County

Housing Element, attached hereto as Exhibit C, incorporated by this reference, is adopted as Section 3.8 of the Built Environment Element of the Countywide Plan.

6. The amendments to the Countywide Plan attached hereto as Exhibit D, incorporated by this reference, are hereby adopted, amending the following section of the Countywide Plan, as shown in Exhibit D:
 - a. Introduction to the Countywide Plan.
 - b. Natural Systems and Agriculture Element.
 - c. Built Environment Element (including amendments to Section 3.4 Community Development, Section 3.5 Community Design, 3.9 Transportation, and 3.12 Planning Areas)
7. This Resolution shall become effective upon adoption by the Board of Supervisors.
8. The Community Development Director or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve a finding of substantial conformance with State Housing Element Law.
9. The Community Development Director or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7

Exhibit A: Compliance with Housing Element Statutory Provisions.

Exhibit B: Findings Responding to Letter from Department of Housing and Community Development Dated October 17, 2022.

Exhibit C: 2023 – 2031 Marin County Housing Element

Exhibit D: Countywide Plan Amendments

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 24th day of January 2023 by the following vote:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

PRESIDENT, BOARD OF SUPERVISORS

Attest:

CLERK