



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

May 18, 2021

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Marin County Board of Supervisors
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SUBJECT: Housing and Safety Element Update – Consultant Agreement; and related budget adjustments

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

Dear Supervisors,

RECOMMENDATION:

1. Review and approve consultant agreement with MIG in the amount of \$1,627,784 for the next Housing and Safety Element updates
2. Approve budget adjustments as detailed in the Fiscal Impact section below.

www.marincounty.org/cda

SUMMARY:

On October 20, 2020 your Board approved a work plan for the Community Development Agency to initiate the next Housing Element to plan for future housing needs for the planning period of 2022-2030. In order to meet deadlines established by the State, the Board of Supervisors will need to adopt the forthcoming Housing Element no later than December 31, 2022 and submit it to the State for review and certification. All cities and counties in the Bay Area are required to submit a Housing Element subject to this deadline. Under the State Planning and Zoning Code as revised by SB 379 (2015), the Safety Element is to be reviewed and updated to address climate adaptation and resiliency strategies upon the next revision of the Local Hazard Mitigation Plan or before January 1, 2022.

Based on the complexity of the new housing and safety legislation and current workload of staff in responding to the COVID-19 pandemic, the consultant agreement would provide expertise needed to draft housing and safety elements that would include strategies for maximizing public outreach while ensuring a timely submission of the Housing Element for certification by the State.

The MIG team has deep experience and knowledge of Marin County. MIG are partnering with Veronica Tam Associates (VTA), one of the preeminent experts on Housing Elements, to leverage statewide knowledge and experience necessary to address the County's needs. Their work will also be supported by the technical expertise needed to address transportation, economic, civil engineering, sea level rise and wildland fire safety issues. Structuring the Housing Element and Safety Elements as a coordinated effort is beneficial. It will reduce "outreach fatigue," and it will allow stakeholders to recognize the relationship between both plans and demonstrate how, once enacted, they will not function as disconnected elements.

BACKGROUND

Housing Element: Marin County, like other communities in California, is initiating a planning process under State law to identify how to meet our housing needs at all income levels. This process involves updating the County's Housing Element, which is a required component of the Countywide Plan (the County's general plan). The California Department of Housing and Community Development (HCD) dictates that among the seven mandatory elements of a general plan, one element must address local housing needs. According to State housing element legislation, all local governments must adopt land use plans and regulations that provide opportunities for, and do not unduly constrain, housing development. Because housing availability is a critical issue with statewide implications, and most housing decisions occur at the local level, State law requires housing elements to be updated on a regular cycle (the timeframe for the next Housing Element is 2022-2030). The State also mandates that housing elements, unlike other elements of the general plan, be reviewed and certified by the State. The State has previously certified six Marin County Housing Elements dating back to 1970.

Regional Housing Need Allocation: Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the number of housing units, by affordability level, that each jurisdiction must accommodate in the Housing Element of its General Plan (Government Code §65584). The Association of Bay Area Governments (ABAG), working through its Housing Methodology Committee (HMC), distributes a share of the region's housing need (also referred to as the Regional Housing Needs Determination, or RHND) to each city, town and county.

Marin County's RHNA is expected to increase significantly, from 185 units for the current Housing Element cycle to 3,510 units recommended for the upcoming cycle, by approximately 1,900%. Please see the information update provided to the Board on January 26, 2021.

Safety Element: SB 379 amended California's Planning and Zoning Law in 2015 to require all counties and cities to review and update their General Plan Safety Elements to ensure that they provide for the safety of their communities and plan for adaptation to climate change. The required review and update consists of three parts:

- A vulnerability assessment that identifies the risks climate change poses to the local jurisdiction and the geographic areas at risk from climate change.
- A set of adaptation and resilience goals, policies, and objectives based on the information specified in the vulnerability assessment.
- Feasible implementation measures designed to carry out the goals, policies, and objectives identified in the adaptation objectives.

Marin County has already made substantial progress to meeting these requirements through the investment in C-SMART, Bay WAVE, the Community Wildfire Protection Plan and other planning work. However additional work is required to update or develop goals, policies and objectives and implementation measures to carry them out. The Safety Element update will also address other legislative mandates to address fire risk, emergency evacuation, and flooding. Additionally, the simultaneous and coordinated development of the Safety Element and CEQA evaluations will ensure the resilience of development identified in the Housing Element.

Environmental Review: The agreement between the County and MIG includes work required to complete a program environmental impact report (EIR) for the proposed Housing and Safety Element. Program EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. Program EIRs look broadly at the implications of a wide range of actions and afford the following advantages:

- Provide a more comprehensive consideration of effects and alternatives than would be feasible and practical in an EIR on an individual project,
- Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
- Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with probable future environmental issues and cumulative impacts, and
- Frame and customize the environmental analysis to prepare for CEQA streamlining of future, individual project proposals.

Environmental Justice: The Housing and Safety Element updates will also address state requirements to consider environmental justice. Low-income communities and communities of color often bear a disproportionate burden of pollution and associated health risks. Environmental justice seeks to correct this inequity by reducing the pollution experienced by these communities and ensuring their input is considered in decisions that affect them. "Environmental justice" is defined in California law as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Cal. Gov. Code, § 65040.12, subd. (e).) Senate Bill 1000 (2016) requires environmental justice to be addressed in local government planning.

Public Outreach: Extensive public outreach is both a critical component of Housing and Safety Element legislation, and an important goal for the County. Engaging people of color, lower income and special needs community members is especially important since they are most at risk of being affected by the current housing crisis and have historically not been engaged in planning processes in the County. It is crucially important that the community is aware of the environmental hazards and risks that could affect their lives and livelihoods, and how those risks could grow and change in the future with climate change. Even more important is that they understand what can be done to manage and mitigate those risks, both on an individual and community basis, and how the update of the Safety Element can serve that need.

MIG has an innovative and comprehensive approach to community engagement. With their expertise, Staff is seeking to improve outreach efforts to involve all members of the community throughout the update process. To accomplish this, the MIG team will improve the access to, and quality of information provided to the public with a focus on empirical data through surveys and focus groups. In addition, MIG will draw on staff from its Equity Studio to support the community engagement efforts to ensure that diversity and inclusion are prominent in the approach and strategies. MIG will also seek to tap into established groups and meetings to intentionally reach specific groups and avoid redundant outreach meetings.

Timeline: The Housing Element update for the planning period of 2022-2030 is due to the State by January 2023. Changes in housing element legislation now include incentives for counties and cities to adopt a housing element on or prior to this deadline. The Safety Element is due upon the next revision of the Local Hazard Mitigation Plan or before January 1, 2022. To meet these deadlines and combine it with broad public outreach and required environmental review, staff is proposing the schedule as outlined in the Work Program presented to the Board of Supervisors on October 6, 2020.

EQUITY IMPACT: Under Assembly Bill 686, the Housing Element is required to include an assessment of fair housing to address barriers to fair housing choice and identify sites and programs that provide housing opportunity for lower income families and individuals near high quality schools, employment opportunities and public transportation. As a precursor to incorporating a fair housing assessment into the Housing Element, the County recently conducted an Analysis of Impediments to Fair Housing Choice (AI) which examined barriers to fair housing. The AI reflects both a federal prerequisite for state and local governments receiving block grants for housing and community development projects as well as Marin's commitment to the promotion of fair housing choice, and to affirmatively further fair housing.

VTA is currently working with HCD to develop a template for AB686 elements that would meet the expectations for Housing Element deliverables. VTA and MIG will utilize the data and conclusions from the County's AI and apply their expertise of the AB686 element so that the Housing Element is informed by this work in aspects that include Site Analysis and Goals and Policies. The County benefits from having this subconsultant on the team as they have a deep understanding of AB686 and how HCD will review this new component of the County's Housing Element.

Additionally, in 2016 Senate Bill 1000 was passed which requires jurisdictions with disadvantaged¹ communities to incorporate environmental justice policies into their General Plans. This update, or revision (if the local government already has environmental justice goals, policies, and objectives) must happen upon the adoption or next revision of two or more elements concurrently beginning in 2018. All jurisdictions are now required to identify lower-income communities that are disproportionately affected by pollution and other environmental justice issues. Once these communities have been identified, jurisdictions are now required to create goals, policies, and objectives to address environmental justice related issues. Staff will lead this effort and will coordinate closely with MIG staff.

¹ Mapping of disadvantaged communities in the State of California are being finalized and will be available this summer. Staff will evaluate applicability further once these maps are published.

FISCAL/STAFFING IMPACT: The Community Development Agency is requesting approval of the contract with MIG for \$1,627,784 to complete the Housing and Safety of the Countywide plan. Your Board has previously approved \$250,000 toward this effort, and we are recommending an expenditure increase of \$1,077,784 to fully fund the required updates. As shown below, grant funding totaling \$344,990 and prior year fund balance (900608) of \$82,779 will partially offset the increased cost. Of this amount, the \$300,000 LEAP grant was previously approved as a stand alone item on June 16, 2020 and will be transferred to the Housing Element Project. With your Board's approval, the remaining balance of \$950,015 is available in non-departmental and will be transferred to the miscellaneous project fund.

A summary of the funding resources proposed are outline in the table below:

| Recommended Action (Misc. Projects) | Fund | Project String | FY 2020-21 Budget Adjustment |
|-------------------------------------|------|--|------------------------------|
| Increase | 1010 | Housing Element (40HSGELEM) | \$1,377,784 |
| Decrease | 1010 | Local Early Action Plan Project 40LEAP | (\$300,000) |
| Total Expense Adjustment : | | | \$1,077,784 |

| Recommended Action (Misc. Projects) | Fund | Type | Funding Description | FY 2020-21 Budget Adjustment |
|-------------------------------------|------|---------------------------|--|------------------------------|
| Increase | 1010 | Intergovernmental Revenue | REAP Grant | \$44,990 |
| Increase | 1010 | Intergovernmental Revenue | LEAP Grant | \$300,000 |
| Increase | 1010 | Interfund Transfer | Transfer from General Fund | \$1,032,794 |
| Decrease | 1010 | Intergovernmental Revenue | Local Early Action Plan Project (40LEAP) | (\$300,000) |
| Total Revenue Adjustment: | | | | \$1,077,784 |

| Recommended Action (General Fund) | Fund | Type | Funding Description | FY 2020-21 Budget Adjustment |
|-----------------------------------|------|--|----------------------|------------------------------|
| Decrease | 1000 | Prior Year Available Fund Balance (900608) | 2010 Housing Element | (\$82,779) |
| Decrease | 1000 | Services and Supplies | Non-Departmental | (\$950,015) |
| Increase | 1000 | Interfund Transfer | Non-Departmental | \$1,032,794 |
| Total Expense Adjustment: | | | | \$0 |

REVIEWED BY:

- | | |
|---|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Administrator's Office | <input type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:

Leelee Thomas
Leelee Thomas
Planning Manager


Thomas K. Lai
Director

Munis BUA #433 (2021/11)

Attachment 1: Consultant Agreement with MIG