

RESOLUTION NO. 2023-73

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
REGARDING THE DRAFT SIXTH CYCLE HOUSING ELEMENT**

WHEREAS, the City of Marina (City) desires to complete the Sixth Cycle Housing Element, and

WHEREAS, completion of the Sixth Cycle Housing Element will ensure the City's Regional Housing Needs Allocation (RHNA) obligations as identified by the California Department of Housing and Community Development (State HCD) and the Association of Monterey Bay Area Governments (AMBAG) are met by December 2023, and

WHEREAS, on June 22, 2023, at a duly noticed public hearing Planning Commission recommended the City Council review the draft document, and forward to State HCD; and

WHEREAS, this draft document is exempt from the California Environmental Quality Act (CEQA) as it will not have a foreseeable impact on the environment pursuant to section 15031 of the CEQA Guidelines;

WHEREAS, an Initial Study-Mitigated Negative Declaration will be prepared for the Final Housing Element;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY RESOLVE AS FOLLOWS:

1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.
2. Recommend staff incorporate by reference appropriate comments received from the Commission into the draft Housing Element; and
3. Recommend that the City Council review the draft Housing Element and direct staff to forward onto the California Department of Housing and Community Development.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 5th of July 2022 by the following vote:

AYES, COUNCIL MEMBERS: Visscher, McCarthy, Biala, Medina Dirksen

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: Delgado

ABSTAIN, COUNCIL MEMBERS

Cristina Medina Dirksen, Mayor Pro Tem

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

FINDINGS

Staff finds that this project is:

Consistent with the General Plan

- 1) General Plan Policy 2.28 states-Under California law, each community also has the responsibility to provide housing affordable to all income groups. The California Department of Housing and Community Development assigns a share of what it projects to be the statewide housing need to each region in the state. In the Monterey Bay area, AMBAG then allocates the region's statewide share to local jurisdictions through its Regional Housing Needs Plan. These housing targets are subsequently incorporated into the jurisdictions' general plans through updates of their housing elements. Through implementation of its Housing Element policies and programs, Marina will continue to enhance the local supply of affordable housing and meet the housing needs of special-needs populations.

Evidence: By providing for units at the very low, low, moderate and above moderate-income levels the City of Marina will be implementing the Regional Housing Needs Allocation RHNA plan as provided for by the Association of Monterey Bay Area Governments (AMBAG).

- 2) General Plan Policy 2.31 (1)(a)- In order to promote the social and fiscal well-being of the community, new housing shall be phased and shall provide for the needs of all economic groups, particularly with respect to matching the needs of the City's current and future workforce.

Evidence: The draft Housing Element provides for an eight-year plan to ensure housing is provided for the current and future workforce.

- 3) General Plan Policy 2.31(2)-To ensure that housing continues to be available to households of lower income in Marina, affordable housing shall be provided pursuant to the inclusionary housing requirement of the Housing Element of this plan.

Evidence: The City is currently implementing the Inclusionary Housing Ordinance to mandate housing for households of lower income.

June 30, 2023

Item No. **11a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
July 5, 2023

**REVIEW THE DRAFT SIXTH CYCLE HOUSING ELEMENT AND CONSIDER
ADOPTING RESOLUTION NO. 2023-, RECOMMENDING THAT THE CITY
COUNCIL FORWARD THE DRAFT TO STATE HCD**

RECOMMENDED MOTION:

Staff recommends the following motion to approve the project:

Adopt Resolution No. 2023-, recommending that the City Council review the Draft Sixth Cycle Housing Element and forward it to State HCD to begin a ninety-day review period.

PROJECT TIMELINE

July 19, 2022-the City of Marina City Council approved a contract with Rincon Consulting and Veronica Tam and Associates to kick off the update to the City's Housing Element for the 2023-2031 planning period.

November 9, 2022-Housing Element Workshop #1 occurred with several interested parties. The Housing Element process and timelines were discussed and ways to get involved were shown to the public.

November 10, 2022-a study session with the Planning Commission occurred.

November 2022-January 2023-stakeholder interviews were conducted by Rincon Consulting and city staff to better understand the housing issues facing the City of Marina

March 15, 2023-the second Housing Element Workshop on March 15, 2023, took place. Fair housing regulations and requirements were discussed, as well as an in-depth discussion about the fair housing problems community members have faced in the city in the past few years.

May 2023-city staff met with the Asian Communities of Marina to solicit input on the Housing Element, General Plan and Downtown Specific Plan.

June 2023-the internal draft Housing Element was reviewed by city staff and the document made available to the public on the City website.¹ The Planning Commission provided input and recommended the City Council forward on the document to HCD to begin a 90-day review period.

PURPOSE

The purpose of the Housing Element is to identify and analyze existing and projected housing needs in order to preserve, improve, and develop housing for all economic segments of the

¹ City of Marina Sixth Cycle Housing Element Website: <https://cityofmarina.org/1186/6th-Cycle-Housing-Element-Update>

community. The Housing Element is one of seven required elements of the General Plan. However, it has several unique requirements that set it apart from the other six elements. State law (Government Code Section 65580 (et seq.)) specifies in detail the topics that the Housing Element must address and sets a schedule for regular updates. State law requires each local government to update its Housing Element every eight years.

The Housing Element is also the only element reviewed and certified by the State for compliance with State law. The Department of Housing and Community Development (HCD) is the State department responsible for this certification. The deadline for submission to the California Department of Housing and Community Development is December 15, 2023.² Penalties for non-compliance include legal challenges, ineligibility for many State and regional grants, and, in extreme cases, loss of land use control.

The current draft Housing Element document is not the final adopted/certified document. There will be future public hearings and public comment opportunities. This is a draft that is submitted to HCD for their review. HCD will provide comments on the Marina 2023-2031 Housing Element draft and then the city will initiate a process to adopt. The City will hold public hearings before the Planning Commission and City Council in November and December 2023. The final Housing Element document would then be submitted to HCD for a final 60-day review and certification.

State law requires that a Housing Element be consistent with other General Plan elements. It must provide clear policy direction for making decisions pertaining to zoning, subdivision approval, housing allocations, and capital improvements. State law (California Government Code Sections 65580-65589) mandates that Housing Elements must contain the following:

- An assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs;
- An assessment of fair housing needs;
- An inventory of land suitable for housing;
- An assessment of special housing needs, including the identification of zones where emergency shelters are allowed by-right;
- An assessment of "at-risk" assisted housing developments;
- An evaluation of opportunities for residential energy conservation;
- The identification of quantified objectives; and
- A set of goals, policies and programs that set forth an eight-year schedule of actions that further the goals and objectives of the Housing Element.

The Housing Element must also identify adequate residential sites available for a variety of housing types for all income levels; provide assistance in developing adequate housing to meet the needs of low- and moderate-income households; address governmental constraints on the maintenance, improvement, and development of housing; conserve and improve the condition of the existing stock of affordable housing; and promote housing opportunities for all persons.

HOUSING ELEMENT OUTLINE

Introduction-This is an outline of the purpose, data sources and community participation undertaken to update the housing element.

² Please note there is a 120-day grace period from this date but we are aiming to complete the document by December.

Chapter 1 - Housing Needs and Constraints Assessment-An analysis of the City’s population, household composition, employment base and the characteristics of to identify housing needs. The constraints analysis looks at market, governmental and environmental constraints to the City of Marina meeting its identified housing needs.

Chapter 2 - Housing Resources-An evaluation of the opportunities that will further the development of new housing.

Chapter 3 - Housing Action Plan-A statement of the housing plan to address Marina’s housing needs identified in this document, including goals, policies and programs.

Appendices-this includes a review of past accomplishments, public participation to date, and Fair Housing Assessment

RHNA OVERVIEW

Each jurisdiction in California is required to plan for its fair share of the region’s housing need. This fair share is determined through a process called the Regional Housing Need Allocation (RHNA). HCD identifies the total housing need for each region of the State. Regional Councils of Government, in this case the Association of Monterey Bay Area Governments (AMBAG), is responsible for distributing this need to local governments in the region. Once a local government has received its RHNA, it must revise its Housing Element to show how it plans zone residential land to accommodate its portion of the region’s housing need. The RHNA is one of the primary threshold criteria necessary to achieve HCD support of the Housing Element. Table 2-1 of the Housing Element shows Marina's RHNA for the 2023-2031 Housing Element (6th Cycle) is approximately 685. With recent changes to State law (see SB 166), the Site Inventory component of the Housing Element must identify sites for an additional 20% over our base RHNA for a total of 821.

Table 2-1 Marina Housing Needs for 2023-2031

Income Category (% of Monterey County AMI)	Number of Units	Units plus 20% Buffer	Percent of Total Units
Extremely Low (< 30% of AMI)*	47	56	6.9%
Very Low (30 to 50% of AMI)	47	56	6.9%
Low (51 to 80% of AMI)	62	74	10.1%
Moderate (81% to 120% of AMI)	173	208	25.3%
Above Moderate (> 120% of AMI)	356	427	51.9%
Total	685	821	100%

Table 2-4 of the Housing Element summarizes the Site Inventory analysis in Chapter 2 of the Housing Element. As shown, the City can meet its RHNA requirements without the need of any rezoning, primarily through existing and pending projects in the City.

Table 2-4 Adequacy of Residential Sites Inventory

	Lower Income	Moderate Income	Above Moderate Income	Total
RHNA Allocation plus buffer	186	208	427	821
Planned and Approved Units	277	284	2,022	2,583
ADUs Anticipated	52	26	10	88
Remaining RHNA	0	0	0	0
Affordable Housing Overlay	35	72	425	532
Total Units on Vacant Sites	18	63	329	410
Total Units on Underutilized Sites	17	9	96	122
Total Unit Surplus	178	174	2,030	2,382

AFFIRMING FAIR HOUSING-AB 686

AB 686 requires the City to administer its housing programs and activities in a manner to affirmatively further fair housing and not take any action that is inconsistent with this obligation. The City must take actions to overcome patterns of segregation, address disparities in housing needs and access to opportunity, and foster inclusive communities. The Housing Element must include an assessment of fair housing practices, an examination of the relationship of available sites to areas of high opportunity, and actions to affirmatively further fair housing. This Housing Element includes addressing fair housing and AFFH directly, and objectives to affirmatively further fair housing in programs throughout the Element. Please see Appendix A of the document for further details about this new portion of the Housing Element

GENERAL PLAN ANALYSIS

The proposed project is in compliance with the City of Marina General Plan as detailed in Exhibit A.

PLANNING COMMISSION REVIEW

On June 22, 2023 the Planning Commission reviewed the draft Housing Element. Several comments were made and will be incorporated into the final Housing Element.³ The Commission requested city staff research for possible incorporation into the Final Housing Element two additional programs:

- 1) That city staff will research and conduct a study session with the Commission about more cost-effective ways to build housing in Marina by a variety of methods, including but not limited to: tiny homes and pre-fabricated units.
- 2) That city staff will conduct a study session with the Commission about identifying additional ways to reduce housing barriers for the Veteran community as a way to honor the rich traditional of service in the community. Put in more general terms, what can city staff do to “cut the red tape” to expeditious house Marina Veterans.

RECOMMENDED ACTION

Staff recommends that the City Council review the Draft Housing Element, provide comments to staff on recommended revisions and then forward to HCD for review.

³ Link to the June 22, 2023 Planning Commission Meeting:

<https://videoplayer.telvue.com/player/AWBnUCvxx6cKD1BrvIIZX31orwnnR9JL/media/808267?autostart=true&showtabssearch=true>

EX PARTE COMMUNICATION DISCLOSURES

The review of the draft Housing Element is a legislative act of the City Council and therefore the ex parte disclosures do not apply.

ENVIRONMENTAL DETERMINATION

A Initial Study/Mitigated Negative Declaration will be prepared for the Final Housing Element.

CONCLUSION

City staff are asking for the following action items from the City Council:

1-To review the draft Housing Element and provide input;

2-Adopt a resolution recommending that the City Council review the document and direct City staff to forward it to HCD to begin the 90-day review period.

Timely review and input from the community, Planning Commission and Council is necessary to complete this project by December of 2023.

Respectfully submitted,

Guido F. Persicone, Community Development Director
Community Development Department
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

Exhibits to the Resolution:

A. Findings

B. Draft Housing Element: <https://cityofmarina.org/1186/6th-Cycle-Housing-Element-Update>