

COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

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August 9, 2022

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Marin County Board of Supervisors and
Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Housing Element Update: Proposed Countywide Plan
Amendments and Rezoning

Dear Supervisors and Commissioners,

RECOMMENDATION:

1. Receive public comments and provide feedback to staff on proposed Countywide Plan Amendments and Rezoning Considerations

SUMMARY:

The Community Development Agency is in the process of updating the Housing and Safety Elements, which are integral parts of the Countywide Plan (CWP). The Housing Element update will establish a strategy for meeting housing needs for the 2022-2030 planning period. The Safety Element is being updated to incorporate policies focused on responding to potential adverse impacts associated with climate change, as well as specific new State law requirements related to flood and fire hazards. The Housing Element must be adopted by January 31, 2023.

Changes to the Countywide Plan and proposed rezonings discussed below are necessary for the County to meet the State requirements to reduce barriers to housing development and meet the Regional Housing Need Allocation.

Under State law, 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 opportunities for lower income families and individuals near high quality schools, employment opportunities, and public transportation. State law also requires local governments to identify meaningful goals to address the impacts of systemic issues such as residential segregation, housing cost burden, and unequal educational or employment opportunities to the extent these issues create and/or perpetuate discrimination against protected groups. These requirements will be incorporated into the Housing Element, including the site selection recommendation. Ultimately the Countywide Plan amendments and rezoning will assist in the Housing Element goals of developing more affordable housing.

Today's hearing is an opportunity to receive public comments and to request feedback to staff on the proposed Countywide Plan Amendments and Rezoning considerations.

BACKGROUND:

The California State Legislature has found the availability of housing to be of statewide importance. To ensure that counties and cities recognize their collective responsibility in implementing the statewide housing goals, housing element legislation was originally enacted in 1969, requiring all local governments to prepare and implement housing elements as part of their general plans. State legislation enacted in 1980 required councils of governments (the Association of Bay Area Governments (ABAG) for Bay Area counties) to determine the existing and projected housing needs at all income levels for each city and county in the region, which is then to be addressed in each local jurisdiction's housing element. This process became the Regional Housing Need Allocation (RHNA), which determines the fair share of housing need for each county, city and town in California. The RHNA for the unincorporated area of Marin County is 3,569 units, with 1,734 affordable to lower income households, 512 for moderate income households, and 1,323 above moderate income households.

Every eight years, all California jurisdictions are required to revise and update their individual Housing Elements consistent with State law. Marin County is updating its Housing Element along the same timetable as other Bay Area jurisdictions.

The Housing Element identifies and analyzes existing and projected housing needs and constraints in order to create goals, policies, and programs for the development, preservation and improvement of housing. The Housing Element plans for new housing across all income levels to meet the RHNA and the local housing needs of the community. As part of the plan, the site inventory identifies sites in the unincorporated County where new housing may be built. Sites in the inventory must be zoned appropriately to allow for affordable housing development, according to state law. If a local government does not meet the housing element requirements, they face the possibility of litigation, which could result in the loss of land use discretion, housing grant ineligibility, and other penalties.

Four concepts from housing element legislation informed the development of the proposed Countywide Plan amendments and rezonings: Default Density, Reusing Sites from Previous Housing Elements, No Net Loss, and Buffer.

1. Default Density

To be considered viable for the purpose of supporting housing affordable to lower-income households (including low, very low, and extremely low income households), the property must be zoned to support at least 20 dwelling units per acre ("default density")¹. The County may want to consider higher densities

¹ SB 106 extended the sunset date on a 2014 law that recognizes Marin as a suburban county for the purposes of developing affordable housing and establishes the default density at 20 units per acre; the law will sunset in 2028 but no change will be needed in the housing element or zoning until the next housing element is due in 2031.

to accommodate the unincorporated area's increased RHNA for lower income households, encourage affordable housing, and ensure an efficient use of the limited available sites.

"At least" means the density range allowed under zoning has to allow the default density. For example, if a jurisdiction has a default density of 20 units per acre and the zoning allows for a range of 20 to 30 units per acre, the zoning is considered appropriate to accommodate the RHNA for lower income households.

2. Reusing Sites from Previous Housing Elements

In order to include sites used in previous housing element cycles (that were not developed) to meet the current RHNA, the County must take additional actions to ensure and demonstrate viability of those sites. These sites include vacant sites identified during two consecutive prior RHNA cycles and non-vacant sites identified during a prior cycle. These sites must allow "by-right" approvals if they are identified as suitable for lower income housing in the new housing element. "By-right" approval means that if a project provides at least 20 percent affordable units and requires no subdivision, the project is exempt from review under the California Environmental Quality Act, and only design review based on objective standards² may be required.

3. No Net Loss

This law requires adequate sites to be available at all times throughout the RHNA planning period to meet the County's remaining unmet housing needs for each income category. The County must add additional sites to its inventory if land use decisions or proposed development results in a shortfall of sufficient sites to accommodate its remaining housing need for each income category. In particular, the County may be required to identify additional sites according to the No Net Loss Law if the County approves a project at a different income level or lower density than shown in the sites inventory. Lower density means fewer units than the capacity assumed in the site inventory.

4. Site Inventory Buffer

To ensure that sufficient capacity exists in the Housing Element to meet the RHNA throughout the planning period, HCD recommends the County create a buffer in the housing element inventory of at least 15 to 30 percent more units than required, especially for the lower income RHNA. The County can add additional sites to meet the buffer or can also create a buffer by using a minimum density to ensure sites develop consistent with the number of units in the site inventory.

DISCUSSION:

In order to achieve the RHNA assigned to the unincorporated County, changes must be made to the Countywide Plan. In addition, some sites in the Housing Element inventory need to be rezoned to accommodate the units assigned to them and meet the densities needed to encourage and facilitate affordable housing.

Countywide Plan Amendments

Many goals, policies, and implementation programs in the CWP aim to limit

development to the lowest end of the permitted range in certain areas, including in areas of environmental sensitivity, and limited water and sewer resources. These include policies to protect streams, Ridge and Upland Greenbelt Areas, wetlands, riparian areas and the Baylands. Limiting development to the lowest end of the permitted range is also encouraged in the CWP for locales beyond the current municipal and community water service areas that rely on individual groundwater wells, surface water, or small spring-based systems. While these concerns are fully recognized, limiting development to only the lowest end of the permitted range constrains new housing, including the potential for affordable housing projects to be permitted at a higher density.

The Countywide Plan amendments currently proposed fall into the following four categories and are summarized below: exceptions to existing CWP policies, eliminating existing policies, policies specific to certain sites, and policies related to Community Plans. More detailed descriptions of the specific policies and proposed changes are included in Attachment 1.

1. Exceptions to existing CWP policies

There are existing CWP policies that only allow development to occur at the lowest end of the density range, including in the Ridge and Upland Greenbelt, Baylands Corridor, areas with sensitive habitat, and areas without water or sewer connections (Policy CD-1.3, Program Cd-5.e). While affordable housing may be exempt from these requirements, proposed changes would clarify that on housing element sites, affordable housing developments are not limited to the lowest end of the density range. These proposed changes would clarify that these policies apply to all sites in order to better facilitate affordable housing development at densities other than the lowest end of the applicable density range.

2. Eliminating existing CWP policies

The proposed CWP amendments would eliminate one policy: *Consider Annexation of Urbanized Area (Program CD-6.a)*. The stated intent of the policy is to encourage annexation of lands proposed for intensified development by calculating density at the lowest end of the CWP designation range, thereby allowing less-intensive development than would be permitted by the neighboring city or town. While this policy currently allows housing affordable to very low- or low-income residents to be developed above the lowest end of the density range, staff is proposing to eliminate this policy entirely, as these areas are all located in typically urbanized areas with access to transportation and other local services, and therefore may prove to be less constrained than other unincorporated areas.

3. Policies specific to regional sites

Amendments to the CWP to accommodate increased densities on the regional sites identified in the draft sites list, including St. Vincent's/Silveira and the Buck Center sites, are needed if the sites are identified for housing in the RHNA. The Buck Center site change would also necessitate an adjustment of the City Centered Corridor boundary into the Inland Rural Corridor to include all or a

portion of the Buck property. St. Vincent's would require changes to the Natural Systems Goals and Policies and the St. Vincent's and Silveira Land Use Policy Map.

4. Policies related to community plans

Although the County's 21 community plans are considered part of the CWP, where there are differences in the level of specificity between a policy in a community plan and a policy in the CWP, the document with the more specific provision prevails. Some policies in community plans contain standards that are inconsistent with state law including standards for development density, floor area ratio, setback, and building height. The proposed change would clarify that the CWP would govern if there are differences with respect to the afore-mentioned standards.

Rezoning

In order to identify the sites and establish the number of units necessary to accommodate the County's share of the regional housing need for lower-income households, the Housing Element must include an analysis that shows how the proposed zoning district and allowable density will encourage and facilitate the development of housing for lower-income households. The County must factor site constraints and feasibility based on the history of development patterns in identifying the number of units of lower income housing for each RHNA site. For example, if a 10-acre site is zoned to allow development at the default density of 20 units per acre, but 4 acres of this site are very steep and 1.5 acres are impacted by flooding, only 4.5 acres can be used in determining the potential number of units that can be assigned to this site. Although a site would be zoned to a maximum density of 20 units per acre, or 200 units,² the RHNA sites list would only be allowed to show that the site could accommodate 90 units of lower income housing. This may create confusion for the public and does not preclude an applicant from proposing a market-rate development that only provides the required 20% of the units for inclusionary housing.

Staff initially studied two alternative rezoning options for affordable housing sites in the RHNA inventory, ultimately combining aspects of both of them in order to create a solution that would be acceptable by the California Department of Housing and Community Development (HCD), be compliant with state law, and facilitate affordable housing development, while managing site constraints.

Rezoning to Default Density

The first option studied was a rezoning a number of the affordable housing sites to a minimum of 20 units an acre, the county's default density. This alternative would rezone the RHNA sites that accommodate lower income units to a minimum density of 20 units per acre, consistent with the County's default density to demonstrate feasibility for affordable housing under State law³. For example, on a

² 20 units an acre x 10 acres = 200 units,

³ The densities of sites identified in the inventory must be sufficient to encourage and facilitate the development of housing affordable to lower-income households (Section

10-acre site, this zoning would allow 200 units (although this would be unlikely to be achieved due to site constraints). Additionally, a developer could apply for a density bonus, and this site may be eligible for 300 to 360 units or more⁴. While this alternative is simple and clear for the community and developers to understand and complies with HCD requirements, it does not provide incentives for affordable housing, and creates uncertainty by possibly allowing for more housing units on sites than contemplated in the sites list.

Affordable Housing Overlay

The second option considered was to utilize the County's existing Affordable Housing Overlay (AH) zone. The AH would leave the underlying zoning in place for market rate development and apply an overlay that would allow only affordable housing at higher densities. HCD guidelines state that the affordability requirements in an overlay zone must include sufficient incentives and available subsidies to make development feasible and more profitable than developing at the underlying zoning. A requirement with 100 percent affordability could be a constraint to using the overlay depending on the level of subsidy needed per unit and the availability of funding. To attempt to demonstrate feasibility for affordable housing, the County would need to show there is sufficient funding available (e.g. through the County's Affordable Housing Trust Fund) to subsidize a higher percentage of affordable housing. This alternative, if implemented alone, would not comply with HCD guidelines, therefore staff identified a recommended alternative approach.

Recommended Alternative

The recommended alternative blends elements of the options discussed above, while remaining in compliance with state law. Under this approach, the County would meet its requirements for rezoning by:

- providing zoning to accommodate a specified number of units per site as referenced in the Housing Element sites list;
- rezoning defined portions of sites to a higher density; and
- allowing streamlined review of affordable housing that meet specified requirements.

This recommended alternative approach would apply to all sites identified for lower income units and would incentivize construction of affordable housing for specified projects that may qualify for ministerial review, including a streamlined process for subdivision, if needed.

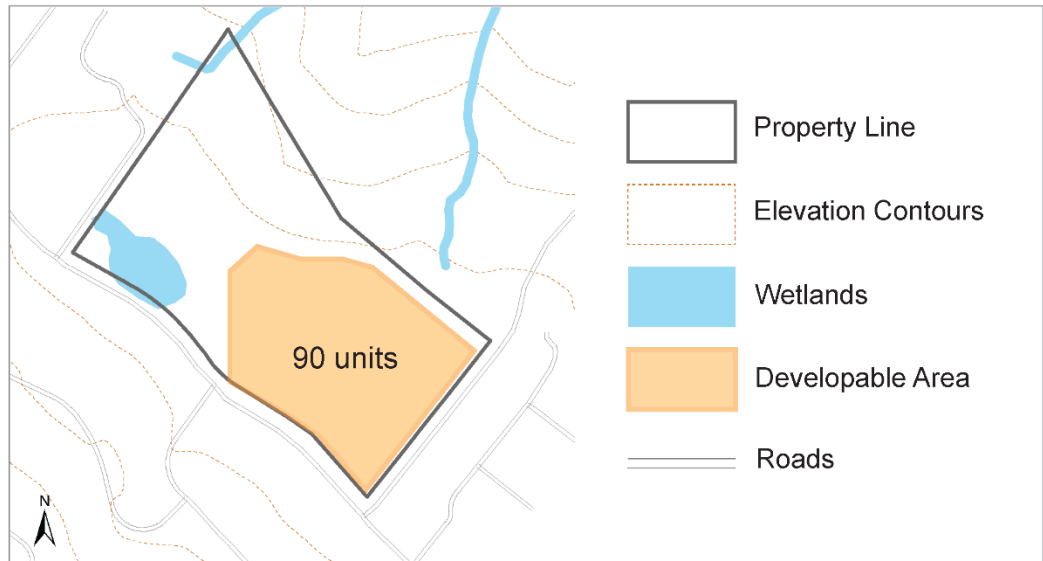
A map or other visual will illustrate the boundaries of the portion of the site that is designated for affordable housing in the Development Code. The Development Code amendments include a procedure to change the site boundary, if needed, but the size of the area identified for increased density will not change.

65583.2(c)(3)(A) &(B). "Default densities" identified in this section are deemed appropriate under state law to accommodate housing for lower income households.

⁴ A project with 15% very low income units is entitled to a 50% density bonus; a 100% affordable project is entitled to an 80% density bonus, or unlimited density if the site is within one-half mile of a major transit stop.

This recommended option would apply to all sites that have affordable units, including specific zoning for regional sites (St. Vincent’s and Buck Center) to accommodate affordable and above moderate units on the same group of parcels. In the example 10-acre site, an affordable housing project could develop on a 4.5-acre zone at 20 units an acre. Figure 1 below illustrates this approach.

Figure 1: Example* of Recommended Rezoning Option



**This diagram is for illustrative purposes only.*

Density range and buffer

Within the recommended approach there are two density options under consideration, a higher density range and a lower density range. While both options are compliant with State law, selection of the lower density range option may require the County to find alternative sites to ensure that the County maintains a sufficient Site Inventory Buffer. To illustrate: a 4.5-acre area with a unit count of 90 could have a higher density range of 20-30 units per acre, yielding 90-135 units. A lower density range at 10-20 units per acre would yield 45-90 units. Both options could yield the assigned units in the site list (90), however they differ in the impact on the buffer. In the lower density range scenario, it is possible to have a project that yields less than the number of units assigned, therefore, an increased buffer would be needed to accommodate the potential loss and ensure RHNA units are developed over the eight-year cycle. Table 1 illustrates both scenarios. When staff return with proposed rezonings, it will include a recommended density range for each site.

Table 1: Example of Buffer Scenarios

	Smaller Buffer	Larger Buffer
Site Size	4.5 acres	4.5 acres
Density Range	20-30 units/acre	10-20 units/acre
Unit Yield	90-135	45-90
Buffer Status	No additional buffer needed	Additional buffer needed

TIMELINE AND NEXT STEPS:

An Environmental Impact Report (EIR) is being prepared to evaluate the impacts from the sites and proposed Housing Element policies and programs on the full scope of environmental resource topics covered under the California Environmental Quality Act (CEQA), including, but not limited to: biological and cultural resources, hazards, hydrology and water quality, public services, recreation, transportation, tribal cultural resources, and wildfire hazards. A final decision will not be made on sites until after the Final EIR has been considered and certified by the Board of Supervisors. The public draft EIR will be available for a 45-day review and comment period in September. This Draft EIR review period will also include a joint Board of Supervisors and Planning Commission public hearing to receive comments on the adequacy of the Draft EIR. There have been delays in the environmental review process that have impacted the overall schedule. The delays will postpone consideration of the Final EIR, Countywide Plan (Housing Element), Development Code amendments, and rezonings to January 2023. An updated schedule is provided in Attachment 2.

More information related to the Housing and Safety Element updates, including the Final Housing Element, will be presented at future workshops and at meetings of the Board of Supervisors and the Planning Commission.

EQUITY IMPACT:

The County believes in equitable communities, where all community members have access to healthy affordable housing. Evidence shows that access to stable, affordable housing in communities of opportunity has broad, positive impacts. It can lead to better health and education outcomes and higher lifetime earnings, especially for children. Under state law, 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. State law also requires local governments to identify meaningful goals to address the impacts of systemic issues such as residential segregation, housing cost burden, and unequal educational or employment opportunities to the extent these issues create and/or perpetuate discrimination against protected groups.

These requirements will be incorporated into the Housing Element, including the site selection recommendation. Ultimately the Countywide Plan and rezoning will assist in the Housing Element’s goals of developing more affordable housing.

FISCAL/STAFFING IMPACT:

There is no general fund impact; funding to complete the Housing and Safety Elements is available in CDA’s budget.

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:

Jillian Nameth Zeiger

Jillian Zeiger
Senior Planner

Leelee Thomas
Deputy Director

ATTACHMENTS:

1. Draft Countywide Plan Amendments
2. Updated Schedule

Note: Attachments 1 and 2 to be provided in the Agenda Update Memorandum.

Marin Countywide Plan
DRAFT Proposed Text Amendments
August 8, 2022
Exhibit 1
Additions in bold, deletions in ~~strickethrough~~

CWP Policies	Proposed Changes/Notes
2. The Natural Systems and Agricultural Element	
Goal BIO-5: Baylands Conservation (p. 83)	
Baylands Corridor (p. 83 – second full paragraph on the page)	Within the Baylands Corridor, potential residential density and commercial floor area ratios shall be calculated at the lowest end of the applicable ranges. This provision does not apply to small parcels (2 acres or less in size) that were legally created prior to January 1, 2007. Within PD-AERA designation, the density and floor area ratios shall be as specified for those areas. Section 22.14.060 of the Development Code should be updated to reflect these policies.
3. The Built Environment	
3.4 Community Development (CD)	
Background (page 249, paragraph below “Map 1.2, Environmental Corridors, depicts the four major county corridors.”)	“The Plan’s land use pattern reflects existing development potential shifted, to a degree, from environmentally constrained sites to more appropriate locations. Sites with environmental constraints or lacking public water or sewer systems have had development potential reduced to the lowest end of the density range for the applicable designation. These adjustments to development potential are reflected in corresponding increases in development potential in the City-Centered Corridor at locations closest to jobs and transit that are better suited to accommodate the development.”
Policy CD-1.3 (potential impacts in sensitive areas)	“Reduce Potential Impacts. Calculate potential residential densities and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, on sites within the Ridge and Upland Greenbelt or

	<p>Baylands Corridor, or on sites lacking public water or sewer systems. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water or sewer services, as long as the development complies with the California Environmental Quality Act and is consistent with all other applicable policies in the Countywide Plan, including, but not limited to, those governing environmental protection."</p>
<p>Program CD-1.c</p>	<p>"Reduce Potential Impacts. Amend the Development Code to calculate potential residential density and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, on sites within the Ridge and Upland Greenbelt or the Baylands Corridor, or on sites lacking public water or sewer systems. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water or sewer services, as long as the development complies with the California Environmental Quality Act and all other applicable policies in the Countywide Plan, including, but not limited to, those governing environmental protection."</p>
<p>Policy CD 2.3 Establish a Housing Overlay Designation p. 3.4-10</p>	<p>This policy to be removed entirely and replaced by a Housing Element Overlay as described in NEW Policy (CD-2.3?) below.</p> <p>Removal of the Policy CD-2.3 (HOD) will also result in removal of the following:</p> <ul style="list-style-type: none"> – Program CD-2.d (Implementation of the Housing Overlay Designation Program - p. 3.4-14) – Maps 3-2a and 3-2b (Housing Overlay Designation – following p. 3.4-14) – Program CD-2.l (Analyze Additional HOD Sites During the Housing Element Update – p. 3.4-17) – Program CD-2.m (Evaluate Affordability Rates of the HOD – p. 3.4-17) – Definition of the Housing Overlay Designation in the Glossary (p. 5-39) – Remove miscellaneous references to the HOD throughout the CWP

<p>NEW Policy (CD-2.3?) Housing Element Overlay</p>	<p>The Housing Element Overlay (HE) is established to identify housing development that may be allowed by right to help meet the Marin County RHNA. The HE Overlay applies to opportunity sites identified in the Housing Element. As shown in Table ## and on Maps #-# through #-#, the HE Overlay identifies residential development scenarios that are allowed by right on specific sites. The HE Overlay identifies development density, affordability levels, and objective standards that will govern project review. Projects that are consistent with the HE Overlay may develop “by right”.</p> <p>Development proposals on sites governed by the HE Overlay that do not comply with the identified standards or process requirement will be subject to standard County review processes and requirements and may not be allowed by right.</p> <p><u>NOTE:</u> This concept will be presented at the August 9, 2022 workshop.</p>
<p>Program CD-5.e Limit Density for Areas Without Water or Sewer Connections</p>	<p>“Limit Density for Areas Without Water or Sewer Connections. Calculate density at the lowest end of the Countywide Plan density range for new development proposed in areas without public water or sewer service. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water or sewer services, as long as the development complies with the California Environmental Quality Act and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.”</p>
<p>Program CD-6.a Consider Annexation of Urbanized Areas (urban service areas)</p>	<p>“Encourage annexation of lands proposed for intensified development in urban service areas or within established urban growth boundaries by calculating density at the lowest end of the Countywide Plan designation range, thereby allowing less intensive development than permitted by the neighboring city or</p>

	<p>town (unless limited to housing affordable to very low or low income residents, or specified in an adopted specific, community, or master plan).</p>
<p>Policy CD-8.6 Establish Residential Land Use Categories</p>	<p>Medium to High Density Residential</p> <p>The following medium to high density residential land use categories (from 11 to 45 units per acre) are established within the City-Centered Corridor and in communities or villages in the Inland Rural, Baylands, and Coastal Corridors where multi-family development can be accommodated with easy accessibility to u a full range of urban services and locations near major arterials, transit services, and/or community and regional shopping facilities.</p>
<p>Policy CD- 8.7 Establish Commercial/Mixed Use Land Use Categories and Intensities (Introductory Language)</p>	<p>Establish Commercial/Mixed-Use Land Use Categories and Intensities.</p> <p>Commercial/mixed-use land use categories are established to provide for a mix of retail, office, and industrial uses, as well as mixed-use residential development or exclusively affordable residential development, in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes.</p> <p>For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.</p> <p>The following criteria shall apply to any mixed-use development:</p> <ol style="list-style-type: none"> 1. For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

For parcels 2 acres and less in size, no more than 75% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.
3. Priority shall be given to the retention of existing neighborhood serving commercial uses.
4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses should be considered above the ground floor or located in a manner to provide the continuity of store frontages, while maintaining visual interest and a pedestrian orientation.
5. For projects consisting of low income and very low-income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate-income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.
- ~~6. Residential units on mixed use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update. The 100 unit cap includes any applicable density bonus and such units are not subject to the FAR exceptions listed in #5 above due to the~~

	<p>area's highly constrained (week and weekend) traffic conditions, flooding, and other hazards.</p> <p>Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code.</p>
<p>Policy CD- 8.7 Establish Commercial/Mixed Use Land Use Categories and Intensities (General Commercial/Mixed Use)</p>	<p>General Commercial/Mixed Use. The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses, including retail and service businesses, professional offices, and restaurants, in conjunction with mixed- use residential development. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide floor area ratio (FAR) standards for this designation.</p> <p>For sites identified as opportunity sites in the Housing Element as necessary to meet the Regional Housing Needs Allocation (RHNA), allowed intensity is expressed both as maximum FAR and maximum density (number of dwelling units per acre). Projects on these sites are permitted to have both commercial development at the permitted FAR and residential development at the permitted density. The permitted density is expressed on the Land Use Policy Maps as GC – XX (maximum density). The maximum density in the General Commercial category is 45 dwelling units/acre.</p> <p>For other properties, residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable traffic levels of</p>

	<p>service—but not to an amount sufficient to cause an LOS standard to be exceeded. (Refer to CD 2.3 for projects located within the Housing Overlay Designation.)</p> <p>Consistent Zoning: C P C1-H H-1 RMP-.1 to RMP-30 AH RMPC – 20 to RMPC. - 45</p>
<p>Policy CD- 8.7 Establish Commercial/Mixed Use Land Use Categories and Intensities (Neighborhood Commercial/Mixed Use)</p>	<p>Neighborhood Commercial/Mixed Use. The Neighborhood Commercial/Mixed Use land use category is established to encourage smaller-scale retail and neighborhood- serving office and service uses in conjunction with residential development oriented toward pedestrians and located in close proximity to residential neighborhoods. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide for floor area ratio (FAR) standards for this designation.</p> <p>For sites identified as opportunity sites in the Housing Element as necessary to meet the Regional Housing Needs Allocation (RHNA), allowed intensity is expressed both as maximum FAR and maximum density (number of dwelling units per acre). Projects on these sites are permitted to have both commercial development at the permitted FAR and residential development at the permitted density. The permitted density is expressed on the Land Use Policy Maps as NC – XX (maximum density). The maximum density in the Neighborhood Commercial category is 30 dwelling units/acre.</p> <p>For other properties, residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. For projects consisting of low and</p>

	<p>very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.</p> <p>(Refer to CD-2.3 for projects located within the Housing Overlay Designation.)</p> <p>Consistent Zoning: VCR RMPC- 20 to RMPC-30 VCR:B2 AH</p>
<p>Policies Specific to Certain Sites</p>	
<p>St. Vincent’s and Silveira</p>	
<p>p. 3.12-6</p>	<p><i>Natural Systems Goals and Policies</i></p> <p>There are a number of protected resource areas on the St. Vincent’s and Silveira lands, which include: tidelands; diked baylands, of which a portion are owned by the Las Gallinas Valley Sanitary District and used for wastewater ponds and irrigation; Miller Creek and its riparian corridor; lands within the 100-year floodplain; and hills leading up to Pacheco Ridge at the northern boundary of the site.</p> <p>On the St. Vincent property, there are approximately 60 acres of land that largely avoid the hazards and resources addressed in the below Goals and Policies (refer to the “Development Area” shown on the St. Vincent’s and Silveira Land Use Policy Map below). To support residential development that will help meet Marin County’s housing needs, Goals SV-1 through SV-7 (and related policies) do not apply to housing development located within the “Development Area” and related infrastructure and similar improvements that may occur outside the development area.</p>

<p>SV-2.2 Require Master Plan P. 3.12-9</p>	<p>SV-2.2 Require Master Plan. Require a master plan for new uses or a large reuse project based on an environmental review, unless exempt from discretionary review based on either state law or compliance with the HE Overlay. Minor expansion of existing uses and minor compatible new uses may be allowed without a master plan, provided they do not increase the development intensity of either property. Any proposal for development in the St. Vincent’s and Silveira area should respect the land, honor the legacy of the human settlements from the Miwok to the St. Vincent’s School for Boys to the Silveira family, limit the amount of traffic to and from the site, and be planned for long-term sustainability.</p>
<p>SV-2.4 Cluster Development. p. 3.12-10</p>	<p>New non-agricultural development (e.g., building footprints, roads, and parking) on either the St. Vincent’s property will be restricted to the approximately 60-acre portion identified for reuse/development on the St. Vincent’s and Silveira Land Use Policy Map. New non-agricultural development on the Silveira property shall be restricted to up to 5% of the land area of each property, or as determined through a site-specific analysis of agricultural and environmental constraints and resources, observing habitat protection policies including, but not limited to, streamside conservation, ridge and upland greenbelt, wetlands, tidelands, and community separation. Existing development shall not be counted toward the 5% restrictions on for the land area for each property.</p> <p>In addition, development (e.g., educational/social service) on the St. Vincent’s property should be clustered around the H complex, with the Chapel and the H complex buildings retained as the community center as determined by a master plan process.</p>
<p>SV-2.5 Establish Land Use Categories. p. 3.12-10</p>	<p>The St. Vincent’s and Silveira properties are assigned the MF-4 (11-30 units per acre) or the Planned Designation — Agricultural and Environmental Resource Area land use category. Potential uses include agriculture and related uses,</p>

	<p>residential development, education and tourism, places of worship, institutional uses, and small-scale hospitality uses, as described more fully in SV-2.3.</p> <p>In addition to existing uses, a total of up to 680 dwelling units may be allowed on the St. Vincent's property. The number of units on the Silveira property's shall not exceed the property's share of the 221 dwelling units established in the 2007 CWP in addition to existing development 221 dwelling units for the combined St. Vincent's and Silveira sites may be allowed consisting of up to 121 market rate dwelling units plus up to 100 additional dwelling units for very low and/or low income households. Dwelling units shall be allocated proportionally to the respective St. Vincent's and Silveira areas, based on the total acreage of the St. Vincent's and Silveira sites as determined by the County at the time of the first application for development of more than four units or their equivalent.</p> <p>Within these standards, the master plan approval process will determine the specific development suitable for these properties, taking into consideration environmental constraints and the community benefits associated with providing a higher ratio of housing affordable to low and very low income persons and smaller residential unit sizes. Pursuant to the PD-Agricultural and Environmental Resource Area land use category, nonresidential uses, assisted senior housing, or other senior care facilities may be permitted in lieu of some dwelling units, provided that the impacts of the senior care and other nonresidential development on peak hour traffic do not exceed those projected for all residential development being replaced plus existing baseline trips.</p> <p>Projects that either: 1) comply with State housing laws that exempt the project from discretionary review, or 2) are consistent with the development density, standards and development process established for sites identified in the Housing Element (HE Overlay) as necessary to meet the regional housing need (RHNA) are not subject to the Master Plan or Specific Plan review.</p>
<p>St. Vincent's and Silveira Land Use Policy Map p. 3.12-11</p>	<p>Update the St. V/Silveira Policy Map to show an approximately 60-acre development area on the St. Vincent properties.</p>

<p>CD-8.8 Establish Planned Designation Land Use Categories. P 3.4-39</p>	<p>The Planned Designation-Agricultural and Environmental Resource Area (PD-Agricultural and Environmental Resource Area), Planned Designation-Transit Village Area (PD-Transit Village Area), and Planned Designation-Reclamation Area (PD-Reclamation Area) land use categories are established. The Planned Designation categories are intended to enable the planning of reuse projects at major opportunity sites in a manner that honors the site’s location and unique natural, historic, aesthetic, and other characteristics, while promoting Countywide Plan policies regarding resource protection, affordable housing, and innovative transit-oriented and energy efficient design. In order to provide a forum for comprehensive, community-based planning, development in a Planned Designation category shall require approval of a specific plan pursuant to Government Code Section 65450 or a master plan pursuant to the County Development Code unless either: 1) State housing laws exempt a project from this planning process, or 2) the proposed project is consistent with the development density, standards and development process established for sites identified in the Housing Element (HE Overlay) as necessary to meet the regional housing need (RHNA).</p> <p><u>PD-Agricultural and Environmental Resource Area</u></p> <p>Land Uses. The PD-Agricultural and Environmental Resource Area land use category is intended for reuse and development of the St. Vincent’s and Silveira area. Potential uses include agriculture and related uses, residential development, education and tourism, places of worship, institutional, and small-scale hospitality uses, as described more fully in SV-2.3.</p> <p>Standards of Building Intensity. Building-intensity standards for the PD-Agricultural and Environmental Resource Area for the St. Vincent’s area are in addition to existing development and established by the Housing Element. Building intensity standards for the Silveira area shall not exceed Silveira’s share of the 221 dwelling units established in the 2007 CWP in addition to</p>
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	existing development. up to 221 dwelling units in addition to existing development, or equivalent amounts of nonresidential development based on impacts on peak-hour traffic.
Buck Center	Amend Map 1-2 to show Buck Center in the City-Centered Corridor from Inland-Rural.
3.5 Community Design (DES)	
NEW Program DES-4.e Protect View of Ridge and Upland Greenbelt Areas	DES-4.e Protect Views of Ridge and Upland Greenbelt Areas. Employ a variety of strategies to protect views of Ridge and Upland Greenbelt areas, including the following: <ul style="list-style-type: none"> • Identifying any unmapped ridgelines of countywide significance, both developed and undeveloped, and adjusting the Ridge and Upland Greenbelt Areas map as appropriate; • Amending the Development Code and County zoning maps to designate a suburban edge on all parcels contiguous to the City-Centered Corridor that abut the Ridge and Upland Greenbelt, and requiring that those parcels develop at rural densities with visually sensitive site design; • Rezoning Ridge and Upland Greenbelt lands to the Planned District category and adjacent buffer areas to a transitional district, thereby subjecting them to County Design Review Requirements that include hillside protection; • Requiring buildings in Ridge and Upland Greenbelt areas to be screened from view by wooded areas, rock outcrops, or topographical features (see DES-3.b); and • Calculating density for Ridge and Upland Greenbelt subdivisions at the lowest end of the General Plan designation range.
3.9 Transportation (TR)	
Program TR-1.e Uphold Vehicle Level of Service Standards	TR-1.e Uphold Vehicle Level of Service Standards. Uphold peak-hour vehicle Level of Service standard LOS D or better for urban and suburban arterials and LOS E or better for freeways and rural expressways27F1.

Only the Congestion Management Program–specified roadway and highway segments operating at a lower LOS than the standard in 1991 are grandfathered and may continue to operate at the lower LOS standard until such time as the roads are improved or the traffic load or demand is reduced or diverted. An improvement plan should be developed for Highway 101 and the grandfathered roadway segments to address existing deficiencies. Unless determined to be infeasible, alternatives that reduce fossil fuels and single occupancy vehicle use should be considered a priority over infrastructure improvements such as road widening.

~~New development shall be restricted to the lowest end of the applicable residential density/commercial floor area ratio range where the LOS standards will be exceeded at any intersection or road segment or worsened on any grandfathered segment. Densities higher than the low end of the applicable residential density/commercial floor area ratio may be considered for the following:~~

- ~~• Development that qualifies as Housing Overlay Projects in accordance with Policy CD 2.3, Establish a Housing Overlay Designation, and Program CD 2.d, Implement the Housing Overlay Designation.~~
- ~~• Mixed use projects developed in accordance with Policy CD 8.7.~~
- ~~• Second units developed pursuant to State law.~~
- ~~• New housing units affordable to very low and low income households.~~

All projects shall be conditioned to include feasible mitigation measures for project related traffic impacts.

Community Plans	
<p>How to Read the Countywide Plan p. 1.4-3</p>	<p>Another overall principle to guide the reading, interpretation, and implementation of the Plan is that none of its provisions will be interpreted by the County in a manner that violates state or federal law. For example, Policy CD-5.2 (“Assign financial responsibility for growth”) requires new development to pay for its fair share of the cost of public facilities. This policy will be implemented subject to applicable legal standards. In reading every provision of the Plan, one should infer that it is limited by the principle, “to the extent legally permitted.”</p> <p>Similarly, no provision of a community plan may be interpreted by the County in a manner that conflicts with the Countywide Plan. There are seventeen community plans containing policies and programs to support implementation of the Countywide Plan. When reading, interpreting, and implementing the community plans, none of their provisions can conflict with the Countywide Plan.</p>
<p>Land Use Categories p. 1.5-3</p>	<p>The Countywide Plan establishes and maps land uses according to the following categories. Additional policy guidance can be obtained from the various local community plans. To the degree that these community plan policy guidance conflicts with the Countywide Plan, the CWP shall govern. The Countywide Plan land use designations supersede Community Plan designations.</p>
<p>p 3.4-3</p>	<p>Implementation tools such as the County Development Code are used to carry out the goals of the Countywide Plan. Some of the policies and programs in the Countywide Plan will require rezoning of individual properties for them to be consistent with the land use designations and the policies in the Plan. Many unincorporated communities are guided by community plans that provide specific direction regarding land use, transportation, community facilities, building design, and environmental quality, as well as issues unique to a</p>

	<p>particular community. Such issues may include, but are not limited to: customized building and site design standards to protect key resources; protection of important ridgeline and view corridors; evaluation and refinement of the Ridge and Upland Greenbelt and Baylands Corridor; regulations concerning home size; affordable housing sites; hazards; evacuation routes; flooding; and bicycle and pedestrian circulation. A Community plan is considered part of the Marin Countywide Plan and sets forth goals, objectives, policies, and programs to address specific issues relevant to that particular community. Where there are development density, floor area ratio, setback, and height differences, the Countywide Plan shall prevail, in the level of specificity between a policy in the Community Plan and a policy in the Countywide Plan, the document with the more specific provision shall prevail. except this policy shall not apply to applications subject to Development Agreements.</p>
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Marin HE SE EIR: BOS PC, Workshop, Outreach, and Meeting Schedule

Last Revised **8/5/2022**

Subject to Change

Blue refers to HE; Amber refers to SE; Green refers to EIR; Gray refers to HE & SE

9/22 Community Workshop #1: Sites

11/15 Community Workshop #2: SE Vulnerability Assessment

12/7 Joint Session #1: Sites

1/11 EIR Scoping

1/20 Community Workshop #3: Sites

2/1 Joint Session #2: SE VA/Key Issues

1/20 – 2/27 Public Engagement: Balancing Act; Office Hours; DRB Mtgs; Community District Board Mtgs

3/1 Joint Session #3: Sites/Preferred Alt #1

3/15 Joint Session #4: Sites/Preferred Alt #2

3/29 Community Workshop #4: HE Key/New Programs

4/5 Community Workshop #5: SE Key/New Programs

4/12 Joint Session #5: HE Policies & Programs/Finalize Recommended Sites

4/19 Joint Session #6: SE Policies & Programs

6/1 – 6/30 Draft HE Public Review – 30 days

6/1 – 6/30 Draft SE Public Review – 30 days

6/14 Joint Session #7: Draft HE and SE Public Comment

7/19 – 10/18 HCD Review – 90 days

8/9 Joint Session #8: CWP Amendments

9/23 – 11/6 Draft EIR Public Review – 45 days

9/27 – Joint Session: Form Based Code and Development Code Amendments related to SB 9 and SB 35

10/18 Joint Session #9: DEIR Public Comment

10/25 Joint Session #10: HCD Comments/Revisions (Including Sites Revisions if Needed)

11/15 BOS Workshop : HE Sites – Final Inventory

12/2 Final EIR Public Release

12/12 PC Workshop: HE, SE, CWP/DC Amendments

1/5/23 PC Hearing (Special meeting): EIR, HE, SE, CWP/DC Amendments Recommendation

1/24/23 BOS Hearing: Certify EIR; Adopt HE, SE, and CWP/DC Amendment

1/31/23 BOS Hearing (back up): Certify EIR; Adopt HE, SE, CWP/Development Code revisions

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