

**MARIN COUNTY PLANNING COMMISSION
RESOLUTION NO. _____
A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT AMENDMENTS TO TITLE 22 OF THE MARIN COUNTY CODE**

The Marin County Planning Commission hereby resolves as follows:

SECTION I: FINDINGS

1. Planning staff is proposing amendments to the Marin County Development Code, which establishes zoning and subdivision regulations in the unincorporated areas of Marin County. The amendments address various topics including: (1) clarifications and corrections; (2) internal consistency with code and policy; and (3) alignment with uniform inclusionary housing and commercial linkage standards. The amendments would apply to the Development Code only.

The proposed 2023 Development Code amendments are listed below by Section, and attached hereto in full as Exhibit A. All amendments are in Marin County Code Title 22.

Article III- Sections:

- 22.020 Applicability
- 22.020 Table 3-4a examples of affordable housing requirements
- 22.020.B Multi-family rental housing
- 22.020.C Multi-family housing with a subdivision map
- 22.020.D Lot creation with proposed dwellings
- 22.020.E Lot creation without proposed dwellings
- 22.020.H Affordable housing regulations
- 22.040 Prohibitions
- 22.050 Exemptions
- 22.060 Waivers
- 22.060.A Residential projects
- 22.060.A.1 Affordable units off-site
- 22.060.A.2 Lots
- 22.060.A.3 In-lieu fee
- 22.060.B Non-Residential Development and Residential Care Facilities
- 22.060.B.1 Affordable units off-site
- 22.060.B.2 Lots
- 22.060.B.3 In-lieu fee
- 22.080.A Property Restriction
- 22.080.C Affordable unit cost.
- 22.080.C Table 3-4b affordable housing income ranges and associated rent levels/sales price requirements
- 22.080.D Location of affordable housing units
- 22.080.E Design and character of affordable housing units
- 22.080.H Requested rental affordable housing
- 22.090 Inclusionary Housing Standards
- 22.090.A Number of inclusionary units/lots required
- 22.090.A Table 3-4c affordable rental housing requirements

- 22.090.A Table 3-4d affordable ownership housing requirements
- 22.090.B In-lieu fee
- 22.100 Non-Residential, Mixed Use, and Residential Care Facility Affordable Housing Standards
- 22.100.A Non-residential development and Residential Care Facilities
- 22.100.A Table 3-4b affordable housing fees for non-residential development and residential care facilities
- 22.100.B Mixed use development
- 22.100.B Table 3-4c number of New Affordable Housing Units Required for New Non-Residential Development.
- 22.110 Post Approval
- 22.110.A Requirements Post approval
- 22.110.B Project review procedures
- 22.120 Affordable Housing Plan Implementation
- 22.120.B Required inclusionary units

Article VIII- Definitions:

- 130.030.A Affordable Housing Impact Fee
- 130.030.A Affordable Ownership Cost
- 130.030.A Affordable Rent
- 130.030.A In-Lieu Fee
- 130.030.A Non-Residential, Mixed Use, and Residential Care Facility Affordable Housing Fees
- 130.030.A Racially Concentrated Area of Affluence
- 130.030.A Regulatory Agreement

While all the sections with substantive amendments are listed above, there may be instances where there are cross-indexing, typographical, and formatting errors and changes that will be addressed in the final draft to be presented to the Board.

2. On August 14, 2023, and August 28, 2023, the Marin County Planning Commission held duly noticed public hearings to take public testimony and consider the code amendments.
3. Pursuant to Public Resources Code Section 2116 and California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15168, no additional environmental review is required since the amendments will not result in any changes to the creation of units beyond that which was previously contemplated and analyzed by the 2007 Countywide Plan or the 2023 Housing Element Update Environmental Impact Report.
4. The Commercial Linkage Fee and Affordable Housing In-Lieu Fee will be paid by future development projects, each of which will be evaluated under CEQA if legally required. The fees will generate funds to defray the costs and to generate the production of affordable housing. The fees do not, however commit the County to any particular project in the future. As such, under CEQA Guidelines section 15378(b)(4), authorization for the fees is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If fee revenue were used for a purpose that would have either such effect, the County would undertake the required CEQA review for that

particular project at the earliest possible opportunity. Even if authorization of the fees was considered a "project" under CEQA, the action is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that authorization of the fees may have a significant effect on the environment.

5. Provided below is a list of those policies and programs in the Countywide Plan that directly or indirectly support the proposed amendments.
 - A. HE Program 8 Development Code Amendments
 - B. HE Program 24: Inclusionary Housing
 - C. HE Program 33: Community Outreach and Regional Collaboration

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt the proposed 2023 amendments to the Development Code, Title 22 of the Marin County Code, attached hereto as Exhibit A.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 28th day of August, 2023 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

Margot Biehle, Chair
MARIN COUNTY PLANNING COMMISSION

Attest:

Sindy Palencia
PLANNING COMMISSION RECORDING SECRETARY

EXHIBIT A

CHAPTER 22.22 – AFFORDABLE HOUSING REGULATIONS

Sections:

- 22.22.010 – Purpose of Chapter
- 22.22.020 – Applicability
- 22.22.030 – Application Filing
- 22.22.040 – Prohibitions
- 22.22.050 – Exemptions
- 22.22.060 – Waivers
- 22.22.080 – General Affordable Housing Standards
- 22.22.090 – Inclusionary Housing Standards—~~Lot Creation~~
- 22.22.100 – Non-Residential and Mixed Use Affordable Housing Standards
- 22.22.110 – Decision
- 22.22.120 – Affordable Housing Post Approval

22.22.010 – Purpose of Chapter

Marin County is experiencing a shortage of homes affordable to the workforce of the county, seniors and individuals with disabilities. The California Legislature has found that the availability of housing is of vital statewide importance and a priority of the highest order, and that local governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

To help attain local and state housing goals, this Chapter requires new developments to contribute to the County's affordable housing stock through the provision of housing units, land dedication, and/or fees. This Chapter provides procedures and requirements applicable to development proposals in the unincorporated areas of Marin County, which are intended to achieve the following goals:

- A. Countywide Plan housing goals.** Enhance the public welfare and ensure that further residential and non-residential development contribute to the attainment of the housing goals of the Countywide Plan by increasing the production of affordable housing, and stimulating funds for development of affordable housing.
- B. Reduce affordable housing shortage.** Reduce the housing shortage for income qualifying households.
- C. Balanced community.** Achieve a balanced community with housing available for households with a range of income levels.
- D. Affordable housing requirements.** Ensure that remaining developable land within the County is utilized in a manner consistent with the County's housing policies and needs. This can be accomplished in part by applying the residential and non-residential affordable housing requirements or fees contained in this Chapter.

22.22.020 – Applicability

The provisions of the Chapter apply to new market rate development that entails the development of new residential floor area, lot creation, multifamily housing, residential care facilities, and the development of new non-residential floor area. Additional applicability standards are enumerated below. Table 3-4a provides examples of housing and fee requirements for different types of development.

**TABLE 3-4a
 EXAMPLES OF AFFORDABLE HOUSING REQUIREMENTS**

Type of development	Requirement	Section
New Residences and residential floor area		
A. Single-family	Affordable Housing Impact fee	Ordinance 3500 (and subsequently amended)
B. Multi-family (rental)	20% of units (in lieu fee for up to 0.5 unit)	22.22.020.B
C. Multi-family (ownership with subdivision map)	20% of units (in lieu fee for up to 0.5 unit)	22.22.090.A
Lot Creation		
D. With proposed dwellings	20% of units (in lieu fee for up to 0.5 unit)	22.22.090.A
E. Lots only	20% of lots (in lieu fee for up to 0.5 unit)	22.22.090.A
Non-residential/ Residential Care Facility		
F. Non-residential/Residential Care only	Jobs/Housing Linkage fee	22.22.100.A
G. Mixed use	Jobs/Housing Linkage fee and/or units	22.22.100.B

- A. Single-family dwellings.** All new single-family dwellings greater than 2,000 square feet, except those located in subdivisions previously subject to an inclusionary requirement, shall pay an Affordable Housing Impact Fee per Ordinance 3500.
- B. Multi-family rental housing.** New multi-family housing developed without a subdivision map and where dwelling units cannot be sold separately shall provide affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~). ~~Increments of a unit shall pay a fee established by the Board of Supervisors and shall be updated annually by the Director to compensate for inflation based on the higher of either the construction cost index published in the Engineering News Record (ENR) or the CPI (Shelter Only). The payment of any applicable fees shall be due prior to issuance of Building Permits.~~
- C. Multi-family housing with a subdivision map.** All new multi-family housing and condominium conversions approved with a subdivision map or with dwelling units that can be sold separately, including multi-family housing, condominiums, townhouses, and stock cooperatives, shall provide affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~).

- D. Lot creation with proposed dwellings.** Any subdivision with a proposed development of one or more dwellings shall provide affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~).
- E. Lot creation without proposed dwellings.** Any subdivision creating one or more new lots shall provide inclusionary lots for the immediate or future development of affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~).
- F. Non-residential developments.** Non-residential development shall pay a Jobs/Housing linkage fee consistent with Section 22.22.100 (Non-Residential and Mixed Use Affordable Housing Standards).
- G. Mixed use developments.** Mixed use developments are subject to both the non-residential and residential affordable housing requirements.
- H. Affordable housing regulations.** The requirements of this Chapter shall be imposed only once on a given development approval. Affordable housing requirements imposed on a development shall be consistent with the affordable housing requirements in effect at the time of each successive Precise Development Plan or Design Review approved in conformance with a governing Master Plan. Subdivisions subject to an inclusionary requirement are also not subject to the Affordable Housing Impact Fee, but may be subject to other applicable inclusionary in-lieu fees.

22.22.030 – Application Filing

An affordable housing plan shall be submitted as part of the first application for any development project, including a housing development project, subject to this Chapter, except single-family dwellings subject to the Affordable Housing Impact Fee, and shall be processed, reviewed, and approved, conditionally approved, or denied concurrently with all other applications required for the project. Any request for a waiver of requirements of this Chapter must be submitted as part of the affordable housing plan.

22.22.040 – Prohibitions

In Marin County, it ~~is~~ shall be unlawful to restrict housing choice on the basis of race, color, disability, religion, sex, familial status, national origin, sexual orientation, marital status, ancestry, age, and source of income.

22.22.050 – Exemptions

The following shall be exempt from the provisions of this Chapter: agricultural development; agricultural worker housing and all related accessory structures; development by special districts and authorities subject to the Marin Local Agency Formation Commission's (LAFCO) authority over boundaries and organization; up to one SB 9 lot/unit; residential Accessory Dwelling Units; and residential projects developed at the targeted income level and percentage cited in the Housing Overlay Designation policies in the Countywide Plan. Affordable housing shall be exempt from Inclusionary Housing Standards; however, if State or Federal Regulations establish a limited term affordability requirement, then the inclusionary standards in this Chapter shall begin to

apply once that term is completed, and shall apply in perpetuity.

22.22.060 – Waivers

The review authority may grant a waiver to the requirements of this Chapter if they determine an alternative affordable housing proposal demonstrates a better means of serving the County in achieving its affordable housing goals than the requirements of Chapter 22.22 (Affordable Housing Regulations).

A. Residential projects. The review authority may approve one or more of the following alternative means of compliance with the requirements of Section 22.22.090 (Inclusionary Housing Standards ~~— Lot Creation~~) or the mixed use residential inclusionary requirements of Section 22.22.100.B (Mixed use development). Any proposed alternative means of compliance must include an analysis of fair housing implications to ensure that any proposed off-site location will promote diversity. Required units or lots must be located in an unincorporated area of the County within the same census tract or in an identified Racially Concentrated Area of Affluence. ~~Required units or lots may also be within the boundaries of a City or Town provided there is an inter-agency agreement with the County which defines the sharing of affordable housing resources and compliance with fair share housing allocations.~~ The options below are listed in order of priority, with the provision of in-lieu fees being the lowest priority. The applicant must demonstrate that each option is infeasible before the County may consider the next option.

1. **Affordable units off-site.** Inclusionary units may be constructed on one or more sites not contiguous with the proposed development. The off-site property shall be located within the same census tract or in an identified Racially Concentrated Area of Affluence with appropriate zoning, ~~character and~~ density, location, size, accessibility to public transportation, and other services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes. The offsite location must include either a greater number of inclusionary units than required on-site or the same number of inclusionary units that are affordable at a lower income level.
2. **Lots.** The applicant may dedicate suitable real property to the County or its designee to develop the required inclusionary units. The property shall be located within the same census tract or in an identified Racially Concentrated Area of Affluence with appropriate zoning, ~~character and~~ density, location, size, accessibility to public transportation, and other services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes. The offsite location must include either a greater number of inclusionary units than required on-site or the same number of inclusionary units that are affordable to a lower income level. ~~Required units may also be constructed within the boundaries of a City or Town provided there is an inter-agency agreement with the County which defines the sharing of affordable housing resources and compliance with fair share housing allocations.~~
3. **In-lieu fee.** The applicant may pay an in-lieu participation fee based on 125% of the requirement of Section 22.22.090 (Inclusionary Housing Standards ~~— Lot Creation~~). The review authority shall apply the lowest preference to the payment of an in-lieu fee for compliance with the requirements of this chapter.

B. Non-Residential Development and Residential Care Facilities. If the review authority finds that an alternative provides a better means of serving the County in achieving its affordable housing goals, one or more of the following alternative means may be approved for compliance with the requirements of this chapter. Any proposed alternative means of compliance must include an analysis of fair housing implications to ensure that any proposed off-site location will promote housing diversity. Required units or lots must be located in an unincorporated area of the County within the same census tract or in an identified Racially Concentrated Area of Affluence. ~~Required units or lots may also be within the boundaries of a City or Town provided there is an inter-agency agreement with the County which defines the sharing of affordable housing resources and compliance with fair share housing allocations.~~ A combination of both income-restricted units and affordable housing fees may be allowed. The options below are listed in order of priority, with the provision of in-lieu fees being the lowest priority. The applicant must demonstrate that each option is infeasible before the County may consider the next option.

1. **Affordable units off-site.** Affordable units may be ~~constructed~~provided off-site on an adjacent property or on one or more sites not contiguous with the proposed development. The off-site property shall be located within the same census tract or in an identified Racially Concentrated Area of Affluence ~~area~~ with appropriate zoning, ~~character and~~ density, location, size, accessibility to public transportation, and other services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes. The offsite location must include either a greater number of inclusionary units than required on-site or the same number of inclusionary units that are affordable to a lower income level.
2. **Lots.** The applicant may dedicate suitable real property to the County or its designee to be developed for affordable housing by the County, or a profit or nonprofit, private or public applicant. The off-site property shall be located in the same census tract or in an identified Racially Concentrated area of Affluence ~~planning area~~, and shall be appropriately sized and zoned for development equivalent to or more than the residential units that are not created on-site. The property shall be offered in a condition that is suitable for development, including appropriate access and services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes.
3. **In-lieu fee.** The applicant may pay an in-lieu participation fee based on 125% of the requirement of Section 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~). The review authority shall apply the lowest preference to the payment of an in-lieu fee for compliance with the requirements of this chapter.

22.22.080 – General Affordable Housing Standards

A. Property Restriction. All affordable housing units shall be restricted by a Regulatory Agreement recorded against the property to place certain rules and regulations on the operation and maintenance of the site and restrict the rental/sale of the housing to Income Qualifying Households at an affordable rental level or sale price.

- B. Eligible occupants.** All affordable housing units shall be sold or rented to Income Qualifying Households, at income levels established pursuant to the applicable affordable housing requirement, as certified by the County or its designee.
- BC. Income restriction.** All affordable housing units shall be income-restricted in perpetuity, unless the review authority reduces the term of the affordability requirement to reflect the maximum term that is permitted by Federal or State financing sources. Once that limited term has expired, the requirements of this Chapter shall begin to apply and shall apply in perpetuity.
- CD. Affordable unit cost.** Units shall be developed using a mix of affordability levels based on Area Median Income, adjusted for household size, as described in Table 3-4b. Required ownership units shall be affordable to households at ~~60~~35 percent of the ~~Area Median Income~~household income, adjusted for household size. Any affordable rental units ~~proposed by an applicant~~ shall be offered at an affordable rent not exceeding 30 percent of the ~~gross income of households~~ income earning at ~~most 50 percent of Area Median Income, adjusted for household size.~~ The housing unit prices shall be established ~~by the County or its designee and shall be based on the number of bedrooms.~~based on applicable income range, the number of bedrooms and consistent with the following:

TABLE 3-4b
AFFORDABLE HOUSING INCOME RANGES AND ASSOCIATED RENT LEVELS/SALES PRICE REQUIREMENTS

<u>Income Category</u>	<u>Income Range</u>	<u>Rent Level</u>	<u>Sales Price Level</u>
<u>Very Low Income</u>	<u>30-50% AMI</u>	<u>50% AMI</u>	<u>n/a</u>
<u>Low Income</u>	<u>50-80% AMI</u>	<u>65% AMI</u>	<u>65% AMI</u>
<u>Moderate Income</u>	<u>80-120% AMI</u>	<u>100% AMI</u>	<u>100% AMI</u>
<u>Above Moderate Middle-Income</u>	<u>120-150% AMI</u>	<u>n/a</u>	<u>135% AMI</u>

See Article VIII for definitions of Affordable Ownership Cost, Affordable Rent and Area Median Income.

- ED. Location of affordable housing units.** All required affordable housing units on-site shall be disbursed throughout the development. This requirement may be modified for cause by the review authority. The review authority may grant a waiver to this requirement if they determine an alternative proposal demonstrates a better means of serving the County in achieving its affordable housing goals.
- EF. Design and character of affordable housing units.** Required affordable housing units shall be dispersed throughout the project, and shall be the same size and contain, on average, the same number of bedrooms as the market rate units in a residential development, and shall be compatible with the exterior design and use of the remaining units in appearance, materials, amenities, and finished quality. Interior appearance, amenities, and finishes shall be of similar design and materials as market rate units. Residential units constructed on behalf of, or funded by a public entity, must comply with the Department of Justice’s *Standards for Accessible Design and other relevant state and federal requirements for accessibility.*

- FG. Lots dedicated to affordable housing.** Any required inclusionary lot shall be offered in a condition that is suitable for development, including appropriate access and services, consistent with sound community planning principles, and shall be devoid of contaminants and other hazardous wastes.
- GH. Use and payment of affordable housing fees.** Affordable housing fees (including Affordable Housing Impact Fees, Rental Housing Impact Fees, Jobs/Housing linkage fees, and In-lieu fees) shall be used by the County or its designee for the purpose of developing and preserving affordable housing for income qualifying households, with preference for use in the unincorporated areas of the county.
- HJ. Requested rental affordable housing.** An applicant may request to provide affordable rental units as an alternative to the provision of ownership units otherwise required by Sections 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~) and 22.22.100 (Non-Residential and Mixed Use Affordable Housing Standards) ~~or as an alternative to the Rental Housing Impact Fee.~~ To ensure compliance with the Costa-Hawkins Act (Chapter 2.7 of Title 5 of Part 4 of Division 3 of the California Civil Code) the County may only approve such a proposal if the applicant agrees in a rent regulatory agreement with the County to limit rents in consideration for a direct financial contribution or a form of assistance specified in Chapter 4.3 commencing with Section 65915 of Division 1 of Title 7 of the Government Code. All affordable rental units proposed by an applicant shall comply with all provisions related to rentals in Section 22.22.080 (General Affordable Housing Standards).
- IJ. Accessory Dwelling Units.** Accessory Dwelling Units and Junior Accessory Dwelling Units cannot be used to satisfy affordable housing requirements.

22.22.090 – Inclusionary Housing Standards –~~Lot Creation~~

This Section addresses the inclusionary housing standards for lot creation with or without proposed dwellings, multifamily development within an existing lot, and the residential portion of mixed use developments. This Section also provides the means to levy in-lieu fees for the construction of affordable housing in cases where the inclusionary requirement includes a decimal fraction of a unit or lot or when a combination of both inclusionary units and an in-lieu fee is required.

- A. Number of inclusionary units/lots required.** ~~20~~Twenty percent of the total number of dwelling units or lots within a subdivision shall be developed as, or dedicated to, affordable housing. Projects with 4 or fewer units/lots ~~Where~~ the inclusionary housing calculation results in a decimal fraction greater than 0.75~~0~~, the fraction shall be rounded up to one additional dwelling unit or lot. Projects with five or more units/lots ~~Where~~ the inclusionary housing calculation results in any decimal fraction ~~less than or equal to 0.50~~, the project applicant shall comply with State Density Bonus Law round up provisions~~pay an in-lieu fee proportional to the decimal fraction.~~

Developers of rental units shall select from the following two options for establishing the number of inclusionary units and affordability levels:

TABLE 3-4c

AFFORDABLE RENTAL HOUSING REQUIRMENTS

<u>Project Size</u>	<u>Option 1 (20% of Total-Set-Aside)</u>	<u>Option 2 (20% of Total-Set-Aside)</u>
<u>10 units or less</u>	<u>10% Very Low-Income Units and 10% In Lieu Fee</u>	<u>15% Low-Income Units and 5% In Lieu Fee</u>
<u>11 to 29 units</u>	<u>10% Very Low-Income Units and 10% Moderate Income Units</u>	<u>15% Low-Income Units and 5% Moderate Income Units</u>
<u>30 or more units</u>	<u>15% Very Low-Income Units; and 5% Moderate Income Units or 5% in Lieu fee</u>	<u>10% Very Low-Income Units, 5% Low Income Units, and 5% Moderate-Income Units</u>

Developers of ownership units shall establish the number of inclusionary units and affordability levels based on the project size:

TABLE 3-4d
AFFORDABLE OWNERSHIP HOUSING REQUIRMENTS

<u>Project Size</u>	<u>Policy (20% of Total Set-Aside)</u>
<u>4 units or less</u>	<u>All Above-Moderate-Middle Income Units</u>
<u>5 to 29 units</u>	<u>5% Low-income Units, 5% Moderate-Income Units, 10% Above-ModerateMiddle Income Units</u>
<u>30 or more units</u>	<u>5% Low-income Units, 10% Moderate-Income Units, 5% Above-ModerateMiddle Income Units</u>

Developers may choose to develop units at lower-income ranges than the above inclusionary policy specifies.

1. Lots developed with a primary residence and a Certificate of Occupancy issued at least five years prior to subdivision approval as of July 13, 2006 shall be deducted from the total number of lots in the proposed subdivision for the purpose of applying the inclusionary requirement.

B. In-lieu fee. A fee ~~may~~ shall be required in addition to inclusionary units or lots in cases where the inclusionary requirement includes a decimal fraction of a unit or lot or when a combination of both inclusionary units and in-lieu fees is required. The current Affordable Housing Fee as established by the County shall be multiplied by the fraction of the inclusionary requirement to determine the applicable fee to be paid.

22.22.100 – Non-Residential, Mixed Use, and Residential Care Facility Affordable Housing Standards

Developments with no residential component are required to pay a Jobs/Housing linkage fee. Mixed use developments proposing residential rental units are required to pay a Jobs/Housing linkage fee for the non-residential component and are subject to the

~~Inclusionary Housing Standards a Rental Housing Impact Fee~~ for the residential component. Mixed use developments proposing residential units which can be sold separately shall comply with the applicable provision of Section 22.22.020.C through E (Applicability). Mixed use development shall also provide new affordable units for the non-residential component consistent with Table 3-4c rather than payment of a Jobs/Housing Linkage Fee. All required affordable housing units shall comply with Section 22.22.080 (General Affordable Housing Standards).

~~A. A.~~ **Non-residential development and Residential Care Facilities.** The Jobs/Housing linkage fees for all non-residential development shall be determined based on the development type and floor area of the development; ~~see Table 3-4b below~~. Alternatively, an applicant for a non-residential development may propose to provide ~~the number of~~ new affordable units ~~required by Table 3-4c~~, based on relevant data from the applicant or information from the County’s relevant housing studies, at the discretion of the Director. All affordable housing units shall comply with Section 22.22.080 (General Affordable Housing Standards).

~~Job/Housing linkage fees are established using per square foot of floor area¹ unless noted otherwise for the following development types:~~

- ~~• Office²/Research and Development~~
- ~~• Retail/Restaurant³~~
- ~~• Hotel /Motel~~
- ~~• Residential Care Facility~~
- ~~• Medical- Extended Care~~

~~Other types of non-residential development will be assessed based on project specific factors including number of employees and the use of the development.~~

TABLE 3-4b
AFFORDABLE HOUSING FEES FOR NON-RESIDENTIAL DEVELOPMENT AND
RESIDENTIAL CARE FACILITIES
(Per square foot of floor area¹ unless noted otherwise)

Development Type	Fee per square foot
Manufacturing/Light Industry/Assembly	\$3.74
Office ² /Research and Development	\$7.19
Warehouse	\$1.94
Hotel/Motel ³	\$1,745 per room
Retail/Restaurant	\$5.40
Residential Care Facility ⁴	\$18.00
Medical- Extended Care ⁴	\$21.00
Other types of non-residential development	Applicant to provide information and statistics on new jobs generated by the use of the development.

¹ For purposes of this Chapter, the floor area excludes all areas permanently allocated for vehicle parking, unless such areas are used for commercial or industrial purposes.

² Office uses include ~~those~~ offices associated with professional, business, ~~and~~ medical, religious and educational services.

³ Accessory uses, such as retail, restaurant, and meeting facilities within a hotel shall be subject to requirements for a retail use.

~~4 This base fee, established in 2016, increases annually pursuant to Board of Supervisors Resolution 2016-122.~~

B. Mixed use development. Mixed use developments are subject to both the non-residential and residential affordable housing requirements. The residential inclusionary requirement shall be calculated consistent with the applicable Section 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~) and the non-residential inclusionary requirement shall be calculated consistent with Section 22.22.100.A (Non-residential development) above, ~~except as described in this section. These requirements shall be combined to produce the total affordable unit and fee requirement.~~

~~**Mixed use development with ownership housing.** Where a mixed use development is proposed and the proposed residences can be sold separately, affordable housing units shall be provided for the non-residential development rather than payment of a linkage fee.~~

~~a. The number of affordable units required for non-residential development shall be established by multiplying the floor area of the development times the development type in Table 3-4c below. Other types of non-residential development shall provide housing for 25% of the income qualifying employee households associated with the new non-residential development.~~

~~b. Where the required unit calculation results in any decimal fraction less than or equal to 0.50, the project applicant shall pay a fee proportional to the decimal fraction in compliance with Table 3-4b. Any decimal fraction greater than 0.50 shall be interpreted as requiring one additional dwelling unit.~~

**TABLE 3-4c
 NUMBER OF NEW AFFORDABLE HOUSING UNITS REQUIRED FOR
 NEW NON-RESIDENTIAL DEVELOPMENT**

Development Type	Number of required Affordable Housing Units per square foot of floor area¹
Manufacturing/Light Industry/Assembly	0.000045
Office ² /Research and Development	0.000085
Warehouse	0.000023
Hotel/Motel ³	0.000020
Retail/Restaurant	0.000058

~~1 Developments are required to provide 25% of the housing need generated by a non-residential development. For purposes of this Chapter, the floor area excludes all areas permanently allocated for residential vehicle parking, unless such areas are used for commercial or industrial purposes.~~

~~2 Office uses include those associated with professional, business, and medical services.~~

~~3 Accessory uses, such as retail, restaurant, and meeting facilities within a hotel shall be subject to requirements for a retail use.~~

~~**Housing Provisions.** Affordable housing units provided under this Section shall comply with the Section 22.22.080 (General Affordable Housing Standards).~~

22.22.110 – Post Approval Decision

A. ~~Requirements Post~~Conditions of approval. ~~Before issuance of construction permits for A~~ny approved~~al~~ project that is subject to the requirements of this Chapter, ~~the applicant shall submit an affordable housing plan for review and approval and subsequently conform to the approved affordable housing plan. shall contain conditions of approval that will ensure compliance with the provisions of this Chapter.~~ The ~~conditions of approv~~ed~~al~~ affordable housing plan shall:

1. Specify the construction of the affordable units and/or the timing of payment of fees. All affordable housing units and other phases of a development shall be constructed prior to, or concurrent with, the construction of the primary project unless the review authority approves a different schedule;
2. Specify the number of units at appropriate price levels, as determined by the review authority;
3. Specify provisions for any incentives granted pursuant to Chapter 22.24 (Affordable Housing Incentives) where applicable;
4. Determine when in-lieu fees shall be paid, including whether payment shall be made prior to recordation of the map or issuance of any building permit.
5. Require a written agreement between the County and the applicant prior to recordation of any final or parcel map or issuance of any building permit which indicates the number, type, location, size, and construction scheduling of all affordable housing units, and the reasonable information that shall be required by the County for the purpose of determining compliance with this Chapter. This agreement shall also specify provisions for income certification and screening of potential purchasers and/or renters of units, and specify resale control mechanisms, including the financing of ongoing administrative and monitoring costs. The applicant shall be responsible for any direct costs associated with the negotiation of this agreement.

B. Project review procedure. Affordable housing plans shall be analyzed by the County Housing Division to ensure that the plan is consistent with the purpose and intent of this Chapter.

22.22.120 – Affordable Housing ~~Post-Approval~~Plan Implementation

A. Administration. The County or its designee shall monitor required affordable housing units.

B. Required inclusionary units: In addition to the standards in Section 22.22.090 (Inclusionary Housing Standards—~~Lot Creation~~) the property owner shall enter into a Regulatory Agreement with the County or its designee ~~review authority shall to~~ ensure that the following standards are applied to required affordable housing units.

1. **Limitation on Resale Price.** In order to maintain the affordability of the housing units constructed in compliance with this Chapter, the County shall impose the following resale condition. The price received by the seller of a resale unit shall be the lowest of the following:

- a. **Median income.** The original price paid by the seller increased by an amount equal to purchase price multiplied by the percentage increase in the median household income for the San Francisco Primary Metropolitan Statistical Area since the date of purchase;
 - b. **Index price.** The original price increased by an amount equal to the original price multiplied by the percentage increase in the Consumer Price Index for the San Francisco Bay Area since the date of purchase; or
 - c. **Fair market value.** The fair market value of the resale unit as determined by an appraiser approved by the County or its designee and paid for by the seller.
2. **Eligible purchasers.** Ownership inclusionary units shall be sold and resold from the date of the original sale only to income qualifying households, as determined to be eligible for inclusionary units by the County or its designee, in compliance with the requirements of this Chapter.
 - a. Every purchaser of an inclusionary housing unit shall certify by a form acceptable to the County or its designee that the unit is being purchased for the purchaser's primary place of residence. The County or its designee shall verify this certification. Failure of the purchaser to maintain eligibility for a homeowner's property tax exemption shall be construed to mean that the inclusionary unit is not the primary place of residence of the purchaser.
 - b. The seller shall not levy or charge any additional fees nor shall any "finders' fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.
 - c. The County or its designee shall advertise the inclusionary units to the general public. Upon notification of the availability of ownership units by the applicant, the County or its designee shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the County or its designee shall hold a lottery to select purchasers from a pool of income-eligible applicants.
3. **Income restrictions.** The owners of any inclusionary unit shall, upon purchase, sign and record appropriate resale and other restrictions, deeds of trust, and other documents as provided by the County or its designee, stating the restrictions imposed in compliance with this Chapter. The recorded documents shall afford the grantor and the County the right to enforce the restrictions. The restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this Chapter.
4. **Notice of resale restrictions.** The County or its designee shall advise all prospective purchasers of the resale restriction applicable to ownership inclusionary units.
5. **Monitoring of Resales.** The County or its designee shall be given the responsibility of monitoring the resale of ownership inclusionary units. The

County or its designee shall have the option to commence purchase of ownership inclusionary units after the owner gives notification of intent to sell or in the event of any default or violation of the income restrictions. Any abuse in the resale provisions shall be referred to the County for appropriate action.

C. Requested affordable housing rental units. In addition to the standards in Section 22.22.080 (General Affordable Housing Standards), the Review Authority shall insure that the following standards are applied to any requested affordable rental units after they are constructed.

1. **Advertising and screening.** The applicant or owner shall agree to advertise available rental housing, screen applicants, and perform annual income certifications for the affordable rental units, or retain a qualified entity to do so. The applicant or owner shall have final discretion in the selection of eligible tenants, provided that the same rental terms and conditions are applied to tenants of income-restricted units as are applied to all other tenants, with the exception of rent levels, household income, and any requirements of government subsidy programs.
2. **Recorded agreements.** For any requested rental units, the owner shall enter into recorded agreements with the County and take appropriate steps necessary to ensure that the required affordable rental units are provided, and that they are rented to income qualifying households. Recorded documentation may include a Marketing Plan, Rent Regulatory Agreement, Compliance Report, Notice of Affordability Restrictions on Transfer of Property, and other documents as may be required by the County to maintain the continued affordability of the affordable units.
3. **Monitoring.** The owner shall be required to provide tenant income qualification reports to the County or its designee for monitoring on an annual or biennial basis.

Adult Entertainment Establishment (land use). This land use consists of any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

Affordable Housing. Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive Housing, and Single Room Occupancy (SRO) consistent with qualifying income requirements.

Affordable Housing Impact Fee. A fee, initially set by the Board of Supervisors, assessed for residential development that is not part of a subdivision. The fee established by the Board of Supervisors shall be adjusted annually by the Director, as necessary based on sufficient evidence and in compliance with applicable law, to compensate for inflation based on either the construction cost index published in the Engineering News Record (ENR) or the CPI (Shelter Only). The payment of any applicable fees shall be due prior to issuance of Certificate of Occupancy.

Affordable Ownership Cost. The cost at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 350 percent of household income60 percent of area median income, adjusted for household size. Inclusionary housing income ranges and associated sales price requirements are:

<u>Income Category</u>	<u>Income Range</u>	<u>Sales Price Level</u>
<u>Very Low Income</u>	<u>30-50% AMI</u>	<u>n/a</u>
<u>Low Income</u>	<u>50-80% AMI</u>	<u>65% AMI</u>
<u>Moderate Income</u>	<u>80-120% AMI</u>	<u>100% AMI</u>
<u>Middle Income</u>	<u>120-150% AMI</u>	<u>135% AMI</u>

2. For affordable housing that qualifies a project for a state density bonus, consistent with Government Code Section 65915, annual housing costs cannot exceed the following:
 - (a) For moderate income households: Housing cost shall not be less than 28 percent of the gross income of the household or exceed the product of 35 percent of 110 percent of area median income, adjusted for household size.

- (b) For low income households: 30 percent of 70 percent of area median income, adjusted for household size.
- (c) For very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Affordable Rent. Annual rent, including utilities and all fees for housing services, which does not exceed the following:

- 1. For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of ~~household income~~50 percent of median area income, adjusted for household size. Inclusionary housing income ranges and associated rent level requirements are:

<u>Income Category</u>	<u>Income Range</u>	<u>Rent Level</u>
<u>Very Low Income</u>	<u>30-50% AMI</u>	<u>50% AMI</u>
<u>Low Income</u>	<u>50-80% AMI</u>	<u>65% AMI</u>
<u>Moderate Income</u>	<u>80-120% AMI</u>	<u>100% AMI</u>
<u>Middle Income</u>	<u>120-150% AMI</u>	<u>n/a</u>

- 2. For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:
 - (a) For low income households: 30 percent of 60 percent of area median income, adjusted for household size.
 - (b) For very low income households: 30 percent of 50 percent of area median income, adjusted for household size.
 - (c) for extremely low income households: 30 percent of 30 percent of area median income, adjusted for household size.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Agency. The Marin County Community Development Agency.

Agriculture (land use). The breeding, raising, pasturing, and grazing of livestock, for the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; and the planting, raising, harvesting and producing of agricultural, aquacultural, horticultural and forestry crops.

Agricultural Accessory Activity (land use). This land use consists of accessory activities customarily incidental to agricultural operations, and which involve agricultural products produced only on-site or elsewhere in Marin County, including:

Corn shelling;

Income Qualifying Household. Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

1. Moderate income, 80 to 120 percent of area median income;
2. Low income, 50 to 80 percent of area median income;
3. Very low income, under 30 to 50 percent of area median income;
4. Extremely low income, 30 percent and less of the area median income.

Income Restricted Housing. Dwelling units with a long-term income restriction which restricts occupancy to households at or below a specific income.

Indoor Recreation Centers (land use). This land use consists of facilities providing indoor amusement/entertainment services for a fee or admission charge, such as:

- Bowling alleys;
- Card rooms;
- Coin-operated amusement arcades;
- Dance halls, clubs and ballrooms;
- Electronic game arcades;
- Ice skating and roller skating rinks;
- Pool and billiard rooms.

Five or more electronic games or coin-operated amusements in any establishment is considered an electronic game arcade as described above. Four or less machines are not considered a land use separate from the primary use of the site.

Infant. An infant is a child less than 12 months of age.

Initial Study. A preliminary analysis to determine whether an Environmental Impact Report (EIR) or a Negative Declaration must be prepared, and to identify any significant environmental effects that are to either be mitigated or further analyzed.

In-Kind Reconstruction. Reconstruction resulting in the same outward appearance and at least equivalent functional utility as the original structure. The location, footprint, and physical dimensions must substantially conform to the original structure to meet this definition.

In-Lieu Fee. A fee paid to the County by developers in-lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland. Inclusionary in-lieu fees, initially set by the Board of Supervisors, are assessed for residential lot creation, multifamily subdivision, and multifamily rental development. The fee established by the Board of Supervisors shall be adjusted annually by the Director, as necessary based on sufficient evidence and in compliance with applicable law, to compensate for inflation based on either the construction cost index published in the

Engineering News Record (ENR) or the CPI (Shelter Only). The payment of any applicable fees shall be due prior to issuance of Certificate of Occupancy.

Institutional Structure, or Use. A publicly-owned structure accommodating a public facility; or a private structure designed and operated as a church, hospital, school, or similar facility.

J. Definitions, "J."

Junior Accessory Dwelling Unit (Land Use). A type of Accessory Dwelling Unit that is no more than 500 square feet in size, has a kitchenette but not a kitchen, is contained entirely within a single family dwelling, and has been certified as a Junior Accessory Dwelling Unit by the Director.

Junk. Materials that characterize junk typically include automotive parts, vehicle body parts, inoperable vehicles, household furniture, appliances, household trash, building materials, scrap wood, scrap metal, and machine parts.

Junk Yard (land use). This land use consists of outdoor storage occupying an area of 200 square feet or more, or the storage of junk in any yard adjoining a street, for collecting and assembling, storing, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. In no case shall the stored junk exceed a height of five feet.

K. Definitions, "K."

Kennels and Animal Boarding (land use). This land use consists of the keeping, boarding or maintaining of six or more household pets at least four months of age or older, except for household pets in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

Kitchen. Kitchens include a stove, oven, refrigerator, sink, counters, and cabinets, and may include a microwave, hot plate, and other appliances.

Kitchenette. An interior area that accommodates a bar sink and small food preparation appliances, such as a toaster, microwave, hotplate, coffee maker, and mini-refrigerator. The bar sink shall not exceed a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters shall not exceed an aggregate length of six feet. Kitchenettes are not considered kitchens.

L. Definitions, "L."

Land Use. The purpose for which land or a building thereon is occupied.

Land Use Permit. Any of the entitlements/approvals described by Article IV (Land Use and Development Permits), including Design Review, Floating Home Adjustment Permits, Use Permits, Temporary Use Permits, Tidelands Permits, Variances, Master Plans, or Precise Development Plans.

Landscaped Area. The entire planting area within a parcel affected by new plantings and supporting irrigation, excluding building footprints, paved driveways, parking areas, decks,

shore island preservation and enhancement, ecotone levees, beach enhancement, and other methods of slowing water movement and increasing filtration.

Nature Preserves (land use). This land use consists of sites with environmental resources intended to be preserved in their natural state.

NAVD (North American Vertical Datum). A vertical elevation control datum used in height measurements.

Negative Declaration. A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

Net Lot Area. The baseline area of a lot used for calculating maximum subdivision potential, and calculated by taking the area of the whole lot and subtracting the following:

1. Any areas seaward of mean high tide.
2. Any areas within a Stream Conservation Area or Wetland Conservation Area.

The resulting area is the net lot area.

No Net Loss of Habitat. Complete replacement of habitat of equivalent acreage, value, and function on the same parcel on which habitat will be displaced by the project, except that offsite mitigation of habitat loss may be allowed under a County approved mitigation program. Complete replacement means replacement with native vegetation at a 2:1 ratio, which is monitored for a period of no less than five years to ensure effective replacement.

Nonconforming Lot. A lot of record that was legally created, but does not conform with this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this Development Code.

Nonconforming Structure. A structure that was legally constructed, but does not conform with this Development Code because amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.

Nonconforming Use. A use of land, and/or within a structure, that was legally established, but does not conform with this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code or the previous Marin County Zoning Ordinance.

Non-Residential, Mixed Use, and Residential Care Facility Affordable Housing Fees. Fees, initially set by the Board of Supervisors, assessed for non-residential, mixed use, and residential care facilities. The fees established by the Board of Supervisors shall be adjusted annually by the Director, as necessary based on sufficient evidence and in compliance with applicable law, to compensate for inflation based on either the construction cost index published in the Engineering News Record (ENR) or the CPI (Shelter Only). The payment of any applicable fees shall be due prior to issuance of Certificate of Occupancy.

Sargent cypress	Cupressus sargentii	6 inches	18 inches
Scouler's willow	S. scouleriana	6 inches	18 inches
Service-berry	Amelanchier alnifolia	10 inches	30 inches
Shining willow	S. lucida ssp. lasiandra	6 inches	18 inches
Silk tassel	Garrya elliptica	10 inches	30 inches
Sitka willow	S sitchensis	6 inches	18 inches
Tanbark oak	Lithocarpus densiflorus	10 inches	30 inches
Valley oak	Q. lobata	6 inches	18 inches
Wax myrtle	Myrica californica	10 inches	30 inches
White alder	Alnus rhombifolia	10 inches	30 inches

Public Right-of-Way. A street that has been accepted or is being maintained by the State, the County, or a city, and provides unrestricted vehicular access to the public.

Public Road. A street or highway owned and maintained by the County, a City, the State, or the Federal government.

Public Safety/Service Facilities (land use). This land use consists of facilities operated by public agencies including fire stations, other fire prevention and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and civic buildings.

Public Utility Facilities (land use). This land use consists of fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- Corporation and maintenance yards;
- Electrical substations and switching stations;
- Natural gas regulating and distribution facilities;
- Public water system wells, treatment plants and storage;
- Telephone switching facilities;
- Wastewater treatment plants, settling ponds and disposal fields.

These uses do not include office or customer service centers (classified in "Offices").

Q. Definitions, "Q."

Quarry. See "Surface Mining."

R. Definitions, "R."

Racially Concentrated Area of Affluence (RCAA). RCAAs, as defined by the California Department of Housing and Community Development (HCD), are “neighborhoods where the population is disproportionately white and affluent.” The location of RCAAs are defined by HCD. The term was developed to express the continuum of segregation in communities.

It represents the opposite of the Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) metric developed by the U.S. Department of Housing and Urban Development.

Recreation, Passive. A type of recreation that does not require the use of organized play areas.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). This land use consists of a privately owned site used, or intended to be used, by those inhabiting a recreational vehicle. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities (land use). This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards:"
 - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California

Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

4. Recycling or Recyclable Material. Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

5. Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

6. Scrap and Dismantling Yards. See "Junk Yard."

Referral. Any transmittal, notification, posting, consultation, request for or distribution of information, initiated by the Agency to communicate with other agencies, organizations, groups or the public that pertains to a proposed project.

Regulatory Agreement. A written agreement between the County of Marin and the Developer that ensures the continued affordability of the housing at issue by imposing certain rules and regulations on the operation and maintenance of the site and restricting the rent and/or sale of the housing to Income Qualifying Households at an affordable rental level or sale price. The specific terms of each Regulatory Agreement depend on the circumstances of the property and/or development project at issue and are subject to approval by the County. Each Regulatory Agreement will be recorded against the property at issue to ensure that the requirements in such agreement binds all successors in interest with respect to such property.

Religious Places of Worship (land use). This land use consists of religious facilities operated by organizations for worship, or the promotion of religious activities, including:

Churches;

Synagogues;

Mosques;

Religious schools.

Includes accessory uses on the same site, such as living quarters for ministers and staff, and child day-care facilities where authorized by the same type of land use permit required for the religious facility itself. Does not include other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), which are defined under their respective activities.

FIGURE 18. SUMMARY OF DEVELOPMENT COST ASSUMPTIONS

	Single Family Subdivision	Condominium Townhome	Rental Apartments
Land Cost (a)			
Per Land Sq. Ft.	\$56	\$69	\$86
Per Unit	\$350,000	\$200,000	\$75,000
Hard Costs			
Site Costs per Land Sq. Ft. (b)	\$15	\$35	\$35
Construction Costs per Sq. Ft. of Residential Area	\$110	\$150	\$350
Parking Cost per Space (c)	n/a	n/a	\$32,500
Other Costs (Displayed as % of Hard Cost)			
Soft Costs (d)	12%	12%	12%
Contingency	5%	5%	5%
Developer Overhead	4%	4%	4%
Financing Costs			
Amount Financed (% of Hard and Soft Costs)	65%	65%	70%
Construction Loan Fee	1.5%	1.5%	1.5%
Term (Months)	18	18	24
Construction Interest Rate	4.5%	4.5%	5.0%

Source: Developer Interviews, 2021; Project Pro Formas, 2021; Strategic Economics, 2021.

Notes:

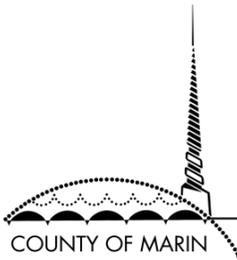
- (a) Entitled land
- (b) Assumes relatively flat site

(c) Parking costs for for-sale prototypes are incorporated into the construction cost. Cost for rental prototype refers to one level of podium
 (d) Includes architectural, engineering, and consulting fees, as well as taxes, legal, insurance, accounting, and other costs.

FIGURE 19. TOTAL DEVELOPMENT COSTS BY PROTOTYPE

Cost Category	Single Family Subdivision	Condominium Townhome	Rental Apartments
Total Project			
Land Cost	\$4,900,000	\$6,000,000	\$7,500,000
Hard Costs	\$4,694,800	\$11,149,200	\$38,222,811
Soft Costs	\$1,344,396	\$3,001,696	\$10,660,521
Development Costs	\$10,939,196	\$20,150,896	\$56,383,332
Per Unit			
Land Cost	\$350,000	\$200,000	\$75,000
Hard Costs	\$335,343	\$371,640	\$382,228
Soft Costs	\$96,028	\$100,057	\$106,605
Development Costs	\$781,371	\$671,697	\$563,833
Per Net Residential Sq. Ft.			
Land Cost	\$159	\$111	\$94
Hard Cost	\$152	\$206	\$478
Soft Costs	\$44	\$56	\$133
Development Costs	\$355	\$373	\$705

Source: Strategic Economics, 2021.



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Inclusionary Fees Generated And Number Of Units Invested

This table provides Inclusionary Fee collected over the past five years. The time period captured begins when the County transitioned financial systems. The number of units invested in assumes a \$50,000 per unit investment.

	<u>Amount</u>	<u>Units</u>
2018-19	\$124,472	2.49
2019-20	\$0	-
2020-21	\$197,691	3.95
2021-22	\$0	-
2022-23	\$0	-