

April 9, 2007

Marin County Planning Commission  
3501 Civic Center Drive  
San Rafael, California 94903

**SUBJECT:** Public Hearing on Draft Marin Countywide Plan Update

Dear Planning Commission Members:

**RECOMMENDATIONS:**

1. Conduct public hearing.
2. Conduct straw votes (non-binding motions of intent) on selected issues.
3. Continue the public hearing to Monday, April 16, 2007 at 12 PM

Today's meeting is the 8th public hearing in 2007 on the Draft Marin Countywide Plan (CWP) Update, and the first meeting on the *Built Environment* Element. This hearing will focus on the Housing Overlay Designation and Buildout topics. Subsequent meetings will continue to progress through the Countywide Plan with two additional hearings scheduled for the *Built Environment* Element. The dates and major topics of discussion include:

<u>Date</u>	<u>Topic</u>
April 16, 2007	Circulation Summary, Water, and other Built Environment Topics
April 23, 2007	Circulation, Planning Areas and Ridge and Upland Greenbelt
April 30, 2007	Socioeconomic Element and Built Environment Topics as necessary
May 7, 2007 (proposed)	Wrap up of all Built Environment and Socioeconomic issues

Following today's public hearing, it will be necessary to continue the public hearing to a specific date and time. In order to keep to the schedule, staff is recommending that each topic area be reviewed as follows:

1. Staff presentation and introduction of topics for discussion
2. Public testimony (limited to three minutes or less per individual or 6 minutes or less per organization.)
3. Close public testimony and conduct Commission deliberations.
4. Conduct straw votes. Straw votes are non binding motions of intent that will be taken on selected issues.

The purpose of this process is to obtain a tentative decision from the Commission as each topic is addressed in order to finalize the Commission's recommendation on the CWP and FEIR by July 23, 2007.

**Overview**

The Built Environment Element of the Countywide Plan plays a critical role in identifying the many links between land use, design, transportation, housing and public infrastructure. This element also attempts to balance the opportunities for carefully managed growth with constraints

such as flooding, traffic congestion and the availability of public services. Furthermore, it sets forth a pattern for land use and standards for the density of population and the intensity of development for each type of allowable use.

The vision for the Built Environment is that sustainable development practices in 21<sup>st</sup> century Marin are needed to decrease our dependence on fossil fuels and provide additional housing opportunities within our existing communities. Toward this end, buildings should be constructed with more environmentally friendly materials and increasingly heated, cooled, and powered by renewable energy.

Residents should be able to live closer to public transit and to the places they go for work, shopping, education, and recreation. Increased housing opportunities should include mixed-use villages in downtowns, above parking lots, in commercial areas, and near community gathering places and transit. Land use patterns and sensitive community design should continue to foster a strong sense of place and pride. Topics in the Built Environment Element include:

- Community Development,
- Design,
- Energy & Green Building,
- Mineral Resources,
- Housing,
- Transportation,
- Noise,
- Public Facilities & Services and
- Planning Areas.

### **Community Development**

The Goals in the Community Development Section of the Countywide Plan include:

- Goal **CD-1**, *Environmental Corridor Land Use Framework*
- Goal **CD-2**, *Balanced Communities*
- Goal **CD-3**, *Low Vehicle-Use Employment Opportunities*
- Goal **CD-4**, *Coordinate Planning With Other Jurisdictions*
- Goal **CD-5**, *Effective Growth Management*
- Goal **CD-6**, *Confinement of Urban Development*
- Goal, **CD-7**, *Evaluating and Monitoring of Plan Implementation*
- Goal **CD-8**, *Land Use Categories*

While the State certified Marin County Housing Element remains unchanged, other sections of the draft plan address land use and build-out. It is important to note that this draft of the Countywide Plan focused largely on updating policies and programs and was not intended to be a major overhaul of existing individual Countywide Plan land use designations. The basic structure of the 1994 Countywide Plan was retained for the 2005 Countywide Plan update. Applicable land use changes proposed by policies and programs in the Countywide Plan will be largely implemented through future amendments to the Development Code.

## Buildout Background

During the preparation of the Draft EIR, Marin County staff worked closely with each of the 11 cities and towns in Marin to verify existing and buildout numbers for both housing units and nonresidential floor area. County staff also updated existing and buildout figures for the unincorporated area. As a result, existing and buildout numbers for both housing units and nonresidential floor area in the Draft EIR are updated from those presented in the Draft 2005 CWP Update. Consequently, a smaller number of housing units in the Housing Bank (1,694 versus 1,753) are discussed and analyzed in the EIR than the number presented in the Draft 2005 CWP Update.

An important technical and policy consideration is the selection of new population, housing, and job projections for the future. The Draft 2005 CWP Update presents a projection of development which could occur if vacant and underutilized lands in 2005 were fully developed according to the zoning designations of the cities and towns in Marin County and the Draft 2005 CWP Update. For purposes of analysis in the EIR and for consistency with Association of Bay Area Governments (ABAG) projections, it is assumed that this buildout would occur in 2030.

The maximum growth identified in the Draft 2005 CWP Update may not occur by the horizon year of 2030. 1994 CWP was based on a projected year 2005 population of 259,844 with 68,950 people planned for the unincorporated area. In contrast, the actual countywide population growth between 1990 and 2000 averaged less than one percent per year. Based on the US Census, Marin's total population grew from 230,096 persons in 1990 to 247,289 persons in 2000. The unincorporated population increased from 64,099 persons in 1990 to 68,735 persons in 2000.

The Draft 2005 CWP Update is based on a projected year 2030 population of 283,100 with 76,400 persons projected to reside in the unincorporated area. Given the low historical growth rate, the population in 2030 is not expected to exceed this maximum.

<i>Land Use/Area</i>	<i>1990</i>	<i>2000</i>	<i>Theoretical Buildout</i>
<b><i>Housing Units</i></b>			
<i>Unincorporated Area</i>	<i>25,843</i>	<i>27,405</i>	<i>32,714</i>
<b><i>Countywide Total</i></b>	<b><i>99,757</i></b>	<b><i>104,990</i></b>	<b><i>121,847</i></b>
<b><i>Nonresidential Floor Area</i></b>			
<i>Unincorporated Area*</i>	<b><i>2,631,931</i></b>	<b><i>3,111,873</i></b>	<b><i>5,272,188</i></b>
<b><i>Countywide Total</i></b>	<b><i>29,570,756</i></b>	<b><i>33,965,509</i></b>	<b><i>50,702,941</i></b>

\* In square feet

Sources; U.S. Census, Association of Bay Area Governments and the Marin County Community Development Agency, October 18, 2006.

Buildout is based on calculating allowable development under the applicable general plans by parcel for each jurisdiction. As such, these figures represent “theoretical buildout” or the highest possible development potential under the general plans. In many cases, theoretical buildout may be greater than the development that would realistically occur due to a number of factors, including:

- Many non-residential sites are already developed with viable economic uses at less intensity than allowed by the applicable General Plan;
- On some parcels, environmental constraints would result in a lower intensity than allowed;
- Other policies or regulations (e.g., parking, height limits, setbacks) may lower the amount of development allowed on a particular parcel; and
- A land owner may seek less development than is allowed under the General Plan.

### **Housing Element**

The County’s Housing Element, was certified by the California Department of Housing and Community Development in June 2003. State law requires the Housing Element to be updated every five years. The deadline to update the Housing Element has been extended from June 30, 2007 to June 30, 2009. The Housing Element is not being altered through the Countywide Plan update process, and the County is not proposing any changes to the current certified Housing Element. Any changes to the Housing Element will be considered during the next Housing Element Update process.

The Housing section of the Countywide Plan provides a summary of the background information and analysis contained in the adopted element, and includes the complete list of Housing Element policies and programs in a format consistent with the rest of the Countywide Plan. A detailed examination of Marin County’s housing need, housing supply, housing cost, population and household characteristics is provided in the complete, adopted Housing Element.

The policies and programs from the Housing Element and contained in the Countywide Plan that address the issue of affordable, mixed-use, and infill housing include:

- CD-2.1, Provide a Mix of Housing*
- CD-2.2, Establish a Housing Bank*
- CD-2.3, Establish a Housing Overlay Designation*
- CD-2.5, Locate Housing Near Activity Centers*
- CD-2.6, Focus Intensive Development at Nodes*
- CD-2.a, Increase the Affordable Housing Supply*
- CD-2.b, Provide a Variety of Housing Types and Prices*
- CD-2.c, Enact Zoning Changes*
- CD-2.d, Implement the Housing Overlay Designation Program*
- CD-2.e, Evaluate Residential Land Use designations*
- CD-2.g, Identify and Plan Mixed Use Sites*
- CD-2.h, Promote Redevelopment of Sites*
- CD-2.i, Conduct a 10-year Countywide Homeless Plan*
- CD-2.j, Allow Temporary Emergency Homeless Shelters*
- CD-5.j, Exempt Affordable Housing Developments (fee-related)*
- CD-8.7, Establish Commercial/Mixed Use Land Use Categories and Intensities.*

### **Mixed-Use Land Use Category**

Commercial/mixed use land use categories are established to provide for a mix of retail, office, and industrial uses in a manner compatible with residential development, public facilities, natural resource protection, environmental quality, and high standards of urban design. Mixed-use developments that incorporate residential units on commercial properties are encouraged to provide on-site housing for employees and contribute to housing. Accordingly, residential uses may be permitted in all of the commercial land use categories listed below. A complete list of permitted and conditional uses and the development standards can be found in the Development Code. Educational, charitable, and philanthropic institutions such as schools, libraries, community centers, museums, hospitals, childcare centers, and places of worship may be permitted in any commercial area.

The Mixed Use land use categories proposed in the Draft 2005 Countywide Plan include:

- *General Commercial/Mixed Use.*
- *Office Commercial/Mixed Use.*
- *Neighborhood Commercial/Mixed Use.*

For all mixed use designations, residential development at up to 30 dwelling units per acre may be permitted in addition to the applicable FAR if: 1) the additional housing is either workforce housing, especially for very low and low income households, or special needs housing; and 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 this land use category. (Refer to Policy **CD-2.4** for projects located within the Housing Overlay Designation.)

### **QUESTION: Why was the Housing Overlay Designation (HOD) developed? Sub-Question: Does the HOD result in increased density?**

The County's Housing Element includes a program to evaluate the feasibility of an affordable housing overlay designation that would list particular sites on which residential densities will be substantially increased if a specified level of affordability is reached (Program **HS-3.v**). Based on this program, and on significant public testimony received at the Planning Commission hearings conducted on the draft Countywide Plan in 2004, the Community Development Agency (CDA) included the proposed Housing Overlay Designation in the August 2005 draft even though it was not required by ABAG as a means to meet the County's affordable housing goals.

The purpose of the HOD is to encourage construction of units to meet the need for workforce housing, especially for very low and low income households, and for special needs housing close to transit, employment and/or public services, including redevelopment of existing shopping centers or other underutilized sites. The HOD does this by establishing specific location and affordability standards and identifying sites where qualifying projects would be eligible for development standard adjustments that enable additional housing to be developed. Under the mitigated alternative version of HOD, the HOD includes any density bonus units that could be developed under State law.

The Housing Overlay Designation (HOD) concept includes offsetting reductions in potential housing supply due to environmental constraints by identifying less constrained sites dedicated to affordable, mixed-use, transit-oriented development in the City-Centered Corridor. The HOD is an optional tool for developers, producing higher levels of affordability than the County's current inclusionary ordinance.

The Housing Overlay Designation is one tool developed for the Countywide Plan Update to improve the affordable housing supply in the County. The desired outcome of the Housing Overlay Designation (HOD) is to identify where additional affordable, workforce, and special needs housing can be constructed and enable construction of additional housing units drawn from the Housing Bank.

The sites designated as HOD in the Countywide Plan are scattered throughout the City-Centered Corridor and would promote housing to serve a variety of incomes. They were selected according to criteria which adhere to smart growth principles of preserving the environment by using small in-fill sites to provide much needed housing for lower income and other households.

The sites designated in the HOD would provide scattered affordable housing within much higher income neighborhoods and would promote mixed income neighborhoods. The HOD promotes housing development with a range of affordability, and high quality design and management. Furthermore, an increase of up to the specified units per HOD site listed in **Exhibit 5.0-15** (or fraction thereof) may be granted for HOD sites if certain criteria are met, including, the development of a Master Plan using a community based planning process, and the utilization of high-quality building and site design. Qualifying projects in the HOD, would also be eligible to request parking, height and similar concessions as allowed under state density bonus provisions. Apart from the HOD, residential development may be permitted within a mixed-use designation, at up to 30 dwelling units per acre, if the additional units meets certain affordability requirements and the projected peak-hour traffic impacts of are no greater than that for the maximum commercial development permissible on the site.

Housing in the overlay designation would range from market rate to homes affordable to a household making between 50% and 80% of the Area Median Income (AMI). To be eligible for the affordable units; a family of three's annual income would currently be between \$41,050 and \$65,680. An example of a family of three eligible for the affordable units could be a woman who is working full time as a file clerk at a local law firm and recently called County offices seeking housing assistance. She is a widow and mother of two who earns \$35,360 a year and would qualify for affordable housing.

Although staff has recently received many letters expressing concern regarding the relationship between crime and housing densities, a variety of studies have shown that high density housing does not cause crime. ( See - Rolf Pendall, Myths & Facts about Affordable and High Density Housing, California Planning Roundtable.) Furthermore, it should be noted that the proposed standards in the HOD call for a mixture of affordable and market rate housing.

## ISSUES

### **ISSUE BE-1: SHOULD THE HOD BE MODIFIED?**

#### Discussion

Policy CD-2.3, *Establish a Housing Overlay Designation*, provides a framework to encourage the construction of units to meet the need for workforce housing, especially for very low and low income households, and for special needs housing in the City-Centered Corridor. Up to 1,694 housing units from the Housing Bank may be approved within the HOD in addition to the development permissible underlying land use category. The criteria used in establishing the Housing Overlay Designation in **CD-2.3** include:

- Located within the unincorporated portion of the City-Centered Corridor
- Designated by the Countywide Plan as Planned Designation (PD) Transit Village Area or Reclamation Area, Multifamily (MF), General Commercial (GC), Neighborhood Commercial (NC), Office Commercial (OC), Recreation Commercial (RC), or Public Facility (PF).
- Located within one-half mile of a transit node or route with daily, regularly scheduled service
- Located within one mile of a medical facility, library, post office, or commercial center
- Does not exceed an average 20% slope and is not within the Ridge and Upland Greenbelt
- Is not within a Wetlands Conservation Area or Streamside Conservation Area

Housing density within the Housing Overlay Designation would be at least 25 units per acre (see Program **CD-2.d**, *Implement the Housing Overlay Designation*). The Housing Overlay Designation sites shown on Maps 3-2a and 3-2b in the Draft 2005 CWP Update represent approximately 430 individual parcels. A review of the individual parcels in the DEIR revealed that a number of the parcels do not meet all of the criteria established in Policy **CD-2.3**, *Establish a Housing Overlay Designation*. For example, some of the designated parcels are within a Stream Conservation Area, contain wetlands, have an average slope over 20 percent, or are within the County's Ridge and Upland Greenbelt.

In order to reduce impacts associated with development of Housing Overlay Designation sites, Mitigation Measure **4.1-5** proposes that those individual parcels that do not meet the criteria listed in Policy **CD-2.3**, *Establish a Housing Overlay Designation*, shall be removed from further consideration.

The Mitigated Alternative in the DEIR also recommends modifications and additions to Program **CD-2.d**, *Implement the Housing Overlay Designation Program*, as follows (shown as strike-out and underlining below):

**CD-2.d** *Implement the Housing Overlay Designation Program.* ~~The reviewing authority may allocate residential units from the Housing Bank upon application for a project within the Housing Overlay Designation and subject to the following standards.~~ The base land use density (base density) for each HOD site shall be the density allowed under the existing land use designation applicable to each parcel. An increase of up to the specified units per HOD site listed in **Exhibit 5.0-15** (or fraction thereof) may be granted for HOD sites if: (a) the applicant has developed a Master Plan through a community based planning process in

compliance with Chapter 22.44 of the Development Code and (b) the HOD project meets all of the following standards:

- a) ~~Project site within the City Centered Corridor~~
- b) ~~Project must adhere to environmental constraint policies in the Countywide Plan including, but not limited to Ridge and Upland Greenbelt, Stream Conservation Areas, and Wetland Conservation Areas.~~
- c) Developer is strongly encouraged to maintain ownership interest in the project.
- d) High-quality building and site design ~~must be utilized,~~ that fits with the surrounding neighborhood and incorporates attractive and usable common/open space areas must be utilized, consistent with design guidelines.
- e) Affordability levels to be based on area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- f) At least 60% of the units should ~~must~~ be income-restricted and occupied by households whose incomes are 80% or less of area median income, adjusted for family size OR at least 50% of the units should ~~must~~ be income-restricted and occupied by households whose incomes are 60% or less of area median income, adjusted for family size.
- g) Affordable ownership and rental units shall be deed restricted in perpetuity or for a period of not less than 55 years to meet lenders' requirements ~~(the required timeframes shall also take into consideration lenders' requirements)~~ to ensure a stock of affordable ownership and rental units.
- h) ~~Projects qualifying for the designation are not included in applicable base density or floor area ratio calculations.~~
- i) Housing densities of at least 25 units per acre of the housing area to be developed are encouraged.
- j) at least 60% of the units should be deed restricted and occupied by households whose incomes are 80% or less of area median income adjusted for family size (\$72,960 for a family of four), OR The inclusion of workforce housing, especially for very low- and low-income households and for special needs housing, will be strongly encouraged at the time of commercial or other expansion and major remodeling proposals.
- k) Additional units of senior housing equivalent to the traffic generated by the permissible amount of development on a parcel may be permitted on an HOD site if: (1) the additional "units" are affordable to below market households; and (2) projected peak-hour traffic impacts of the proposed affordable senior housing are no greater than that for the maximum permissible amount of development on the site based on a traffic study to verify reduced trips and reduced parking.
- l) Parking requirements may be adjusted on a case-by-case basis for senior and affordable housing using criteria established in the URBEMIS model to encourage

transit oriented development Trip reduction credits may be obtained through utilization of the following mitigation measures: locating development close to transit, or in a location where the jobs-housing balance will be optimized; commitments from the developer to implement demand management programs including parking pricing; use of tandem parking, off-site parking and parking leases, among other measures to permanently reduce parking need. Reduction of parking requirements are subject to discretionary approval and may require a parking study to verify reduced parking demand.

- m) Potential impacts are mitigated.
- n) Occupancy or resident preferences for HOD projects should be analyzed for appropriateness in each project, taking into consideration applicable vehicle impacts, jobs/housing balance opportunities, and fair housing laws.

Application can be made by a property owner to the County for the designation of a new HOD site which meets all of the criteria identified in Policy CD-2.3. In such cases, the reviewing authority may designate an additional HOD site and reallocate units “assigned to” HOD sites within the same Planning Area and traffic zone within the 758 total potential Housing Bank units. The County shall seek funding to prepare Master Plans and related environmental review documents to facilitate mixed use development on HOD sites.

Based on the above, the potential Housing Overlay Designation sites for *Alternative 4 – Mitigated Alternative* are listed below. See Attachment 2, Revised Exhibit 5.0-16 for map of sites.

***Exhibit 5.0-15 Housing Overlay Designation Sites***

<b>Site</b>	<b>HOD Unit Potential Including Density Bonus (Units)</b>
Lomita Park (San Rafael)	50
Marin General Hospital (Kentfield)	100
Tam Junction (Mill Valley)	75
Marin City Shopping Center	75
Marin Waldorf School (Marinwood)	10
Marinwood Shopping Center	100
Santa Venetia Market	25
College of Marin (Kentfield)	50
Strawberry Shopping Center	100
Gallinas Elementary School (Santa Venetia)	25
San Rafael Rock Quarry	75
Fireside Motel (Mill Valley)	50
Toussin (Kentfield)	13
Oak Manor (Fairfax)	10
<b>Total</b>	<b>758</b>

Source: Marin County Community Development Agency, November 2006.

In addition to the recommendations in Mitigation Measure 4.1-5 and the Mitigated Alternative, there has been substantial public input considering possible additional criteria for the HOD program, including:

- Traffic (existing LOS E or F with no feasible mitigation)
- Sea Level Rise
- Flooding (100 year floodplain)
- Affordability Rates
- Other infrastructure, e.g., water

**Traffic:**

The request to exclude HOD sites from roadways with exiting Level of Service “E” or “F” with no feasible mitigation would most likely exclude the majority of sites from potential Housing Overlay Designation. The goal of the Housing Overlay Designation is to relocate units from environmentally constrained sites lacking public water and sewer and relocate them to the City-Centered Corridor closer to jobs, services, and transportation. Screening out all congested sites would be inappropriate and arguably at cross purposes with increased sustainability - as most congested roadways in Marin are located in the City-Centered Corridor close to jobs, services and public transportation. These areas also have the highest potential for being effectively served by public transit and being walkable mixed-use communities.

**Sea Level Rise:**

The implications of restricting the Housing Overlay Designation from properties threatened by sea level rise are unknown since it is still difficult to determine the precise location and timing of the threat. Although the Bay Conservation and Development Commission has released illustrations of the areas potentially threatened by a 1 meter rise in sea level, the Commission was careful to note that the illustrations are “not intended to be used for planning purposes.” As more information becomes available, it may be necessary to revisit policies in the Draft 2005 CWP that restrict development in constrained areas. Furthermore, while restricting densities would be prudent for green field properties that may have room to accommodate some future bay expansion, it may not be appropriate to restrict HOD potential in areas that are already largely developed. Consequently, it is currently not possible to determine when and to what extent HOD sites would be threatened by sea level rise.

**Flooding**

- o) The Draft 2005 Countywide Plan includes flooding maps showing the area of the 100-year flood plain, as well as areas between limits of the 100 year and the 500 year floodplain. Tam Junction is the only Housing Overlay Designation Site identified in the Mitigated Alternative entirely within the 100-year floodplain (see Attachment #3)

Avoidance of hazards is typically preferable to attempting mitigation, and contemporary planning practice should generally discourage intensive new development in greenfield floodplain areas. Although the HOD sites are intended to be infill as opposed to greenfield sites, a good argument can be made that it may not be appropriate to encourage and focus additional, new development into a Housing Overlay Designation in flood prone areas. Nevertheless, development patterns established prior to contemporary hazard avoidance practices resulted in portions of existing communities within the 100 year floodplain. Consequently, staff notes that in these instances it would not be advisable to preclude all future development of housing in these locations.

### **Affordability Rates**

The affordability levels of the HOD require that at least 50% of the units should be deed restricted and occupied by households whose incomes are 60% or less of area median income, adjusted for family size (\$54,720 for a family of four) OR at least 60% of the units should be deed restricted and occupied by households whose incomes are 80% or less of area median income adjusted for family size (\$72,960 for a family of four.) For rental units 80% of AMI is usually market rate.

There may be a justification to reconsider affordability rates to make the HOD policy more effective in providing rental housing to our low income workforce, seniors and special needs populations following the adoption of the Plan. A program **CD-2-1 (new)**, *Evaluate Affordability Rates of the HOD*, could be added to address this issue.

### **Other infrastructure, e.g., water**

In an effort to coordinate future development with water supply demands, the Mitigated Alternative in the DEIR proposes a new policy to address adequate water supply. **PFS-2(new)**, *Sustainable Water Supply Required*, states that no new development project shall be approved without a specific finding, supported by facts in the administrative record, that an adequate, long-term, and sustainable water supply is available to serve the project. If this policy was accepted by the Commission and added to the Public Facilities and Services Section of the 2005 Countywide Plan, it would also apply to HOD projects.

### **RECOMMENDATION**

#### Options

1. HOD as proposed in the Draft 2005 CWP with Mitigation Measure **4.1-5** to ensure that, those individual parcels that do not meet the criteria listed in Policy **CD-2.3** shall be removed from further consideration.
2. Mitigated Alternative proposal for the HOD.
3. Mitigated Alternative proposal for the HOD with modifications to eliminate Tam Junction as a specific site based on its location within the 100-year floodplain as discussed above (or further modification).
4. Eliminate mapped sites altogether and instead create a unit cap by traffic zone within the range studied in the DEIR (0-1,694 units), and establish a process for identifying sites based on criteria.
5. AND/OR Eliminate relationship to housing bank. Create a unit cap by traffic zone within range studied (0-1,694 units)
6. AND/OR Utilize the Marin Environmental Housing Collaborative or a similar group to advise the County on appropriate sites for HOD units.
7. No HOD, rely on Mixed Use policies as proposed or modified to achieve mixed-use housing.

Staff recommends Option #3 listed above which would add Flooding (thereby removing Tam Junction because of its location within the 100-year floodplain) to the criteria in Policy **CD-2.3**, *Establish a Housing Overlay Designation* as described in the Mitigated Alternative. The Mitigated Alternative provides the ability for applicants who meet the criteria in **CD-2.3** to request HOD status and have units reallocated to their sites if within the same planning area and traffic zone. This provision should help identify additional appropriate HOD sites throughout the County. Option #3 could include an advisory component, such as utilizing the Marin

Environmental Housing Collaborative or similar group to advise the County on appropriate sites for HOD units during the Housing Element Update process.

Staff also recommends accepting three new Programs to ensure the effectiveness of the HOD policy. See below:

**CD-2-k (new)**, *Analyze additional HOD Sites During the Housing Element Update.* Ensure that other potential Housing Overlay Designation sites are analyzed and considered during the update of the Marin County Housing Element.

**CD-2-l (new)**, *Evaluate Affordability Rates of the HOD.* Monitor and update the affordability rates required in Program **CD-2.d**, *Implement the Housing Overlay Designation*, to ensure the HOD goals of providing rental housing to our low income workforce, seniors and special needs populations are being met sufficiently.

**CD-2-m (new)**, *Identify HOD Sites.* Engage the Marin Environmental Housing Collaborative or other appropriate groups during the Housing Element Update process to identify appropriate sites for affordable housing and in particular appropriate sites for units under the HOD Policy.

## **ISSUE BE-2: Should the Housing Overlay Designation be related to the Housing Bank?**

### DISCUSSION

Policy **CD-2.2**, *Establish a Housing Bank*, calls for a ‘Housing Bank’ to offset reductions in potential housing supply associated with various environmental constraints within the County. The Housing Bank in the Draft 2005 CWP includes 1,694 units, which may be allocated to sites within the Housing Overlay Designation. The Housing Bank would be drawn down as qualifying units are constructed and would be eliminated when all 1,694 units have been constructed.

There have been questions as to the necessity of associating the Housing Overlay Designation with the Housing Bank. The units in the housing bank resulted from exercising the low end of the density range on sensitive sites, per Policy **CD 1.3**, *Reduce Potential Impacts*. Instead of eliminating these units from the buildout potential, they were placed into the Housing Bank. If the HOD program were not associated with the Housing Bank, there would be no change to Policy **CD-1.3**, *Reduce Potential Impacts*. Instead, the Housing Overlay Designation would need to include an alternate means of capping the number of HOD units.

### RECOMMENDATION

#### **Options**

1. Accept policies as proposed in the 2005 CWP and maintain the relationship between the Housing Bank and the Housing Overlay Designation.
2. Eliminate the connection between the Housing Bank and the Housing Overlay Designation, and direct staff to draft language for capping the number of HOD units as a modification to Policy **CD-2.3**, *Establish a Housing Overlay Designation*.

Staff recommends eliminating the Housing Bank as a source of HOD units and instead allocating units pursuant to the Mitigated Alternative in the DEIR (and within the residential buildout of the 1994 CWP for the City Centered Corridor) as a cap on total units for potential development on

HOD sites. This would include eliminating Policy **CD-2.2** and revising Policy **CD-2.3**. Reference to a Housing Bank would also be removed from Program **CD -2d**, *Implement the Housing Overlay Designation Program*.

### **ISSUE BE-3: Is there any other mechanism to ensure better jobs to housing ratio?**

#### DISCUSSION

According to the Draft EIR, projected development in the County corresponds to an annual growth rate of 0.7 percent for housing, 1.3 percent for nonresidential floor area, and 0.4 percent for population during the period 2005 to 2030. Although these numbers reflect an improved overall jobs housing ratio, the relationship between local housing prices and local workforce income remain imbalanced. The Countywide Plan aims to emphasize the need to more clearly link housing prices with local jobs and income rates.

Many years ago development in Marin emphasized residential and vacation home construction. More recently, the creation of new jobs has outpaced the growth of housing in the County. This pattern has contributed to a deficit in local workforce housing, where it remains difficult to find housing available to a range of income levels.

The proposed Housing Overlay Designation could provide jobs closer to residents within the City-Centered Corridor, which could reduce future increases in Vehicle Miles Traveled and improve the amount of workforce housing. A number of goals, policies and programs in the 2003 County of Marin Housing Element also help promote an improved jobs housing linkage. The focus on local workforce housing (Policy **H-3.1**, **H-3.2**, **H-3.3**, and **H-3.4**), the recommendation to study the nexus between local jobs and housing in coordination with surrounding cities (Program **H-3.A**), and the adoption of a jobs / housing linkage ordinance (Program **H-3.B**) were all aimed at improving the opportunity for more local workers to find housing in Marin County.

In addition, a new policy is proposed in the Mitigated Alternative to address workforce housing.

**CD-(new)** *Expand Countywide Efforts to Increase Workforce Housing Rather Than Full Commercial Build-out.* Provide technical assistance and collaborate with Marin's Towns and Cities to provide increased opportunities for affordable and workforce housing – especially on sites near employment centers and public transportation. Provide model planning and regulatory language and otherwise strongly encourage Marin County, Cities and Towns to revise their land use planning and regulatory documents to enable more affordable and workforce housing and mixed uses rather than the theoretical full build-out of non-residential uses allowed in their respective community and general plans.

#### RECOMMENDATION

Accept policies as proposed in the Draft 2005 CWP and DEIR.

### **ISSUE BE-4: How is growth in the County supported by infrastructure?**

#### DISCUSSION

According to the DEIR, Land uses and development consistent with the *Draft 2005 CWP Update* at theoretical buildout would induce substantial growth within the unincorporated portion of Marin County. Therefore, this would be a significant project impact and the project would make a cumulatively significant contribution to a cumulative impact. The following mitigation would be required.

**Mitigation Measure 4.1-2** Add the following policies and programs to the Community Development Section of the Built Environment Element.

Policy CD-(new) Provide Adequate Infrastructure Capacity. Plan the circulation system and public infrastructure and services to provide capacity for the unincorporated County's realistic buildout.

Policy CD-(new) Correlate Development and Infrastructure.: For health, safety and general welfare, new development should only occur when adequate infrastructure is available consistent with the following findings:

- a) Project related traffic will not cause level of service established in the circulation element to be exceeded;
- b) Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;
- c) Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;
- d) Environmental review of needed circulation improvement projects has been completed;
- e) The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation element to be exceeded.
- e) Wastewater, water and other infrastructure improvements will be available to serve new development by the time the development is constructed.

Program CD-(new) Monitor Growth and Circulation. At least every five years review the unincorporated County's growth, planned land use, traffic capacity, funded traffic improvements, traffic mitigation list and traffic fees. Assess growth assumptions and modify land use and circulation policies as needed to ensure adequate circulation capacity to serve development.

Program CD-(new) Review and Correlate Countywide Growth and Infrastructure. Work with the proposed City- County Committee or a similar collaborative venue (to be established pursuant to Policy CD-4) to review the countywide growth, planned land use and traffic and service capacity. As warranted by the monitoring information, encourage all jurisdictions to amend their respective general plans and zoning from allowing "theoretical full buildout" of non-residential uses to allowing "realistic buildout" to ensure correlation of planned land uses and traffic capacity and the capacity of all essential public services.

Program CD-(new) Development Review: Through the development and environmental review processes, ensure that policy provisions are evaluated and implemented. If required by statute or case law, the County Review Authority may waive or modify policy requirements determined to have removed all economically viable use of the property.

*Design*

Add a new program as follows:

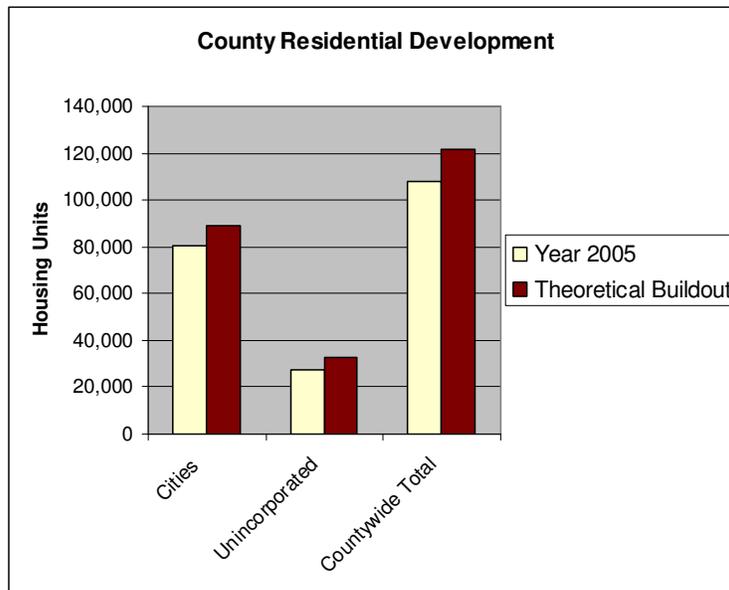
**TR-(new) Reduce Parking Requirements** Consider reducing parking requirements for residential and commercial buildings in high-density, mixed use areas in the City Centered Corridor near public transportation or transit hubs. Senior and/or below-market projects in these locations are especially encouraged to request reduced parking.

**RECOMMENDATION**

Adoption of the relevant *Draft 2005 CWP Update* policies discussed above, along with Mitigation Measure 4.1-2 would reduce impacts associated with growth and concentration of population, they would not do so to a less-than-significant level. Substantial growth and concentration of population would still occur in the unincorporated area above existing conditions as a result of implementation of the Draft 2005 CWP Update. Therefore, this would remain a significant unavoidable project and cumulative impact. Staff recommends adoption of Mitigation Measure 4.1-2.

**ISSUE BE-5: How is buildout potential (City versus County) and related impacts being addressed?**

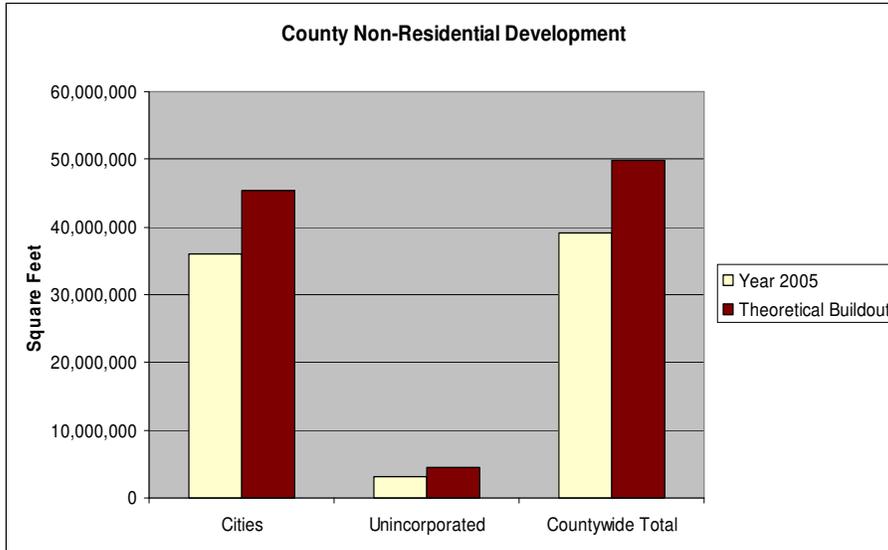
Potential Growth under the Draft 2005 CWP



**Unincorporated Area:**

Increase of 5,391 housing units\*

There is potential for about 15,100 new housing units countywide, both in single-family and multi-family developments. This figure includes both vacant and underdeveloped lots. The greatest potential for housing development is in the Richardson Bay, Las Gallinas and Novato planning areas.



Unincorporated Area:

Increase of 1.2 million square feet\*

\* Represents Full Theoretical Buildout

The increase in jobs in the county will be made possible by the development of land designated for commercial and industrial activities. At buildout, it is projected that there would be nearly 44 million square feet of commercial or industrial development with the greatest growth potential mainly in Novato and East San Rafael. Hamilton Air Force Base in Novato is the largest single site available for commercial and industrial development.

Goals 5 and 6 in the Community Development Section of the Draft 2005 CWP include effective growth management and confinement of urban development. Proposed policies and programs to achieve these goals include:

- CD-5.1** *Coordinate Service Provision Countywide*
- CD-5.2** *Assign Financial Responsibility for Growth*
- CD-5.c** *Maintain Traffic Levels of Service*
- CD-5.d** *Coordinate with Water and Sanitary Districts*
- CD-5.e** *Limit Density for Areas Without Water and Sewer Connections*
- CD-5.f** *Redefine Countywide Planning Functions*
- CD-5.g** *Consider Transfer of Development Rights*
- CD-5.h** *Require Development to Meet Performance*
- CD-5.i.** *Charge New Development for Urban Services*
- CD-6.1** *Coordinate Urban Fringe Planning*
- CD-6.2** *Update Sphere of Influence and Urban Service Area Boundaries*

There are also numerous policies and programs proposed in the Mitigated Alternative in the Draft EIR addressing growth management, including:

**CD-(new) Expand Countywide Efforts to Increase Workforce Housing Rather Than Full Commercial Build-out.** Provide technical assistance and collaborate with Marin’s Towns and Cities to provide increased opportunities for affordable and workforce housing – especially on sites near employment centers and public transportation. Provide model planning and regulatory language and otherwise strongly encourage Marin County, Cities and Towns to revise their land use planning and regulatory documents to enable more affordable and workforce housing and mixed uses rather than the theoretical full build-out”<sup>1</sup> of non-residential uses allowed in their respective community and general plans.

#### Countywide Planning Agency

##### Policies

**CD-4.(new) Provide a Forum to Monitor Issues of Concern.** Provide periodic forums with the cities and towns, other local agencies, and members of the public to engage in discussions on issues of mutual concern, and to promote the sharing of ideas, information, resources, and best practices for Marin.

**CD-4.(new) Achieve Consensus.** Work with the cities and towns to achieve consensus regarding housing and nonresidential growth projections.

##### Programs

**CD-4.(new) Initiate Periodic Meetings.** Collaborate with representatives from each of the cities, such as elected officials and planning staff, to initiate periodic meetings to provide a forum to jointly discuss and monitor issues of mutual concern (such as traffic, jobs/housing balance, and affordable housing opportunities) and potential policy solutions to those issues.

**CD-4.(new) Establish a City-County Planning Committee.** Consult with the cities and towns to consider establishing a committee consisting of elected representatives and staff from the cities, towns, and the County to:

- a) Collaborate on housing, transportation, land use, and sustainability issues;
- b) Evaluate and monitor the cumulative impacts of planning and development;
- c) Provide a forum for the sharing of ideas, information, resources, and best approaches for Marin; and

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<sup>1</sup> Theoretical full buildout refers to General Plan Floor Area Ratio or intensity limits applied to each parcel in a jurisdiction. Realistic buildout refers to the likely buildout of all parcels in a jurisdiction based on constraints, existence of economically viable uses under the allowable FAR, application of policy restrictions, and the like.

d) Pursue funding opportunities for planning efforts on topics of mutual interest.

Mapping and Tracking: How does the County track accurate land use data?

**CD-4.(new) Ensure Current Land Use Data.** Consult with the Transportation Authority of Marin and MarinMap to review and revise the process to update the land use database to ensure the data is kept current, complete and accurate. This could be accomplished through either of the following two options:

- (1) Collaborate with the Transportation Authority of Marin to allocate additional funds from TAM's budget to pay County staff to work with the Cities to maintain and update the database; or
- (2) Consider amending the Marinmap Service Level Agreement to allocate additional funds from Marinmap member agencies lacking sufficient staff time and resources to maintain the database or a similar approach to enable County staff to work with the Cities to perform the updates.

Program

**CD-4.(new) Continue to Fund MarinMap.** Provide funding for MarinMap according to the adopted member dues schedule.

#### RECOMMENDATION

Adoption of the relevant *Draft 2005 CWP Update* policies discussed above, along with associated recommendations in the Mitigated Alternative would reduce impacts associated with growth and concentration of population, although they would not do so to a less-than-significant level. Substantial growth and concentration of population could still occur in the unincorporated area above existing conditions as a result of implementation of the Draft 2005 CWP Update. Therefore, this would remain a significant unavoidable project and cumulative impact. Staff recommends adoption of the relevant policies in the Mitigated Alternative discussed above.

Respectfully Submitted,

Alex Hinds

Kris Krasnove

Attachments:

1. Draft Marin Countywide Referenced Plan Goals, Policies and Programs from the Community Development Section
2. Exhibit 5.01-16(a) and 16(b) Housing Overlay Designation – Alternative 4 (Mitigated Alternative)
3. Map of Mitigated Alternative Housing Overlay Sites Within the 100-year Floodplain
4. Various correspondences (not previously distributed) about the Housing Overlay Designation.