

MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
ALEX HINDS, DIRECTOR

July 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 a public hearing and consider clarification of CWP on issues raised at June 11 hearing.
2. Continue the public hearing to Tuesday, July 23, at 9:30 a.m.

**BACKGROUND**

In 2000 the Board of Supervisors approved work and public participation programs to update the Countywide Plan (CWP). Although the existing Countywide Plan has generally withstood the test of time, the draft CWP Update has been updated to reflect extensive input from the public (including five working groups). There have now been over 100 meetings open to the public regarding the draft CWP Update.

A Public Review Draft of the Marin Countywide Plan was released in February 2004, which was followed by twenty-three public hearings in order to finalize the project description to be evaluated in the environmental impact report. A Revised Public Review Draft of the Plan was completed in August 2005 which incorporated input from several hundred letters, previous public hearings, and extensive legal review. Changes were shown in strike-thru and underline format in the Plan. A revised copy of the Plan without the *track changes* was subsequently prepared.

An additional Revised Administrative Draft of the Plan was recently completed. This version incorporates tentative decisions from 12 Planning Commission hearings held in 2007, as well as the accepted mitigation measures from the Draft Environmental Impact Report (Draft EIR), and technical edits. Changes were shown in highlight, strikethrough and underline format in the Plan.

**DISCUSSION**

Today's hearing is intended to provide clarification on selected issues requested by the Commission. A subsequent meeting will be held on July 23 to consider recommendation for certification of the Final EIR and -action on the Marin Countywide Plan Update.

## **ITEM 1: SCA and WCA setbacks and policies**

### Setbacks and Site Assessments

Members of the Planning Commission have questioned the extent to which a site assessment should be required on smaller parcels in the City-Centered Corridor containing a SCA and/or WCA. The Planning Commission previously recommended revisions to Policy **BIO-4.2** and **Figure 2-2** regarding SCA and Policy **BIO-3.1** and **Figure 2-1** regarding WCA of the *CWP Update* to provide a minimum setback distance of 20 feet from the top-of-bank or edge of jurisdictional wetland, respectively, on parcels less than 0.5 acres in size in the City-Centered Corridor. This would establish a minimum setback requirement from the SCA and WCA in the City-Centered Corridor, rather than defining appropriate restrictions as part of the required site assessment. While this is a useful approach to provide a minimum setback standard, without some type of site assessment, it is not possible to determine site-specific conditions, the presence or absence of other sensitive resources, the adequacy of the 20-foot setback distance, and whether additional avoidance or replacement mitigation would be appropriate. As an example, there may be instances where woody riparian vegetation extends well beyond the specified minimum 20-foot setback from the top-of-bank in an SCA. Without a site assessment, there is no way to determine existing conditions and need to increase this minimum standard. Woody riparian vegetation and other sensitive resources outside the 20-foot setback distance could be removed unless the SCA is expanded. Policies **BIO-3.1** and **BIO-4.2** have been revised to reflect the possible need for an additional setback distance and County discretion on the need for a site assessment on smaller parcels. A site assessment for an extensively disturbed parcel with little or no sensitive resource constraints could be completed by a simple site inspection by County staff, rather than a more comprehensive assessment where extensive riparian vegetation or wetland indicators may be present. The third bullet in both Policy **BIO-3.1** and **BIO-4.2** has been revised to provide clarification on the minimum setback distance for small parcels, and need for a site assessment, as follows:

- For parcels less than .5 acres in size, a minimum setback distance of 20 feet is required. An additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary.

### Woody Riparian

The CWP Update acknowledges that riparian vegetation includes herbaceous cover but the standards established in Policy **BIO-4.1** deliberately refer to presence of woody riparian vegetation as a defining characteristic for an SCA on parcels less than 0.5 acres in size given the difficulty in distinguishing transitional boundaries between riparian and adjacent upland habitat, and constraints in flexibility for siting proposed improvements on smaller parcels. Similarly, agricultural uses within the SCA would not be allowed to remove woody riparian vegetation.

As defined in the CWP Update Glossary, riparian vegetation can include trees, shrubs, and/or herbaceous plants. Riparian habitats are considered transitional zones between land and water

and are typically distinguished by characteristic woody trees and shrubs, a variety of important ecological functions, and generally high wildlife habitat values. Characterizing and delineating areas of riparian habitat from the surrounding upland cover can be problematic. For that reason, trees and shrubs with characteristic woody structure are deliberately used in Policy **BIO-4.1**. In many instances, the herbaceous cover along riparian corridors is indistinguishable from the surrounding grassland, scrub, or woodland vegetation. This is particularly true along ephemeral drainages where surface water is only present during and immediately after storm events and does not occur long enough into the growing season to typically support riparian vegetation. Attempting to use “herbaceous” plant species as a sole criterion in delineating SCAs along ephemeral drainages would be ineffective and confusing, given the tendency for there to be little difference in cover from the surrounding habitat, particularly where trees and shrubs are absent. Where the herbaceous cover consists of wetland indicator species, such as rushes and cattails, these areas should qualify as wetlands and would be protected under the proposed strengthened WCA policies whether or not woody vegetation is present. To clarify the use of woody riparian vegetation as a criterion in delineating SCAs, it is recommended that Policy **BIO-4.1** be revised.

To integrate the above referenced comments, staff recommends the **BIO-4.1, Restrict Land uses in Stream Conservation Areas**, and **BIO-3.1, Protect Wetlands** be revised for clarification as follows:

**BIO-3.1 Protect Wetlands.** Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained. Establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. Development shall be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setback standards may apply to wetlands supporting special-status species or associated with riparian systems and baylands under tidal influence, given the importance of protecting the larger ecosystems for these habitat types as called for under Stream Conservation and Baylands Conservation policies defined in Policy **BIO-4.1** and **BIO-5.1**, respectively. Employ the following criteria when evaluating development projects that may impact wetland areas (see Figure 2-1):

*City-Centered Corridor:*

- ◆ For parcels more than 2 acres in size, a minimum 100 foot development setback from wetlands is required.
- ◆ For parcels between 2 and 0.5 acres in size, a minimum 50 foot development setback from wetlands is required.
- ◆ ~~For parcels less than 0.5 acres in size, avoid jurisdictional wetlands to the extent feasible, use best management practices, and provide landowner education and technical assistance.~~ For parcels less than .5 acres in size, a minimum setback distance of 20 feet is required. An additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.

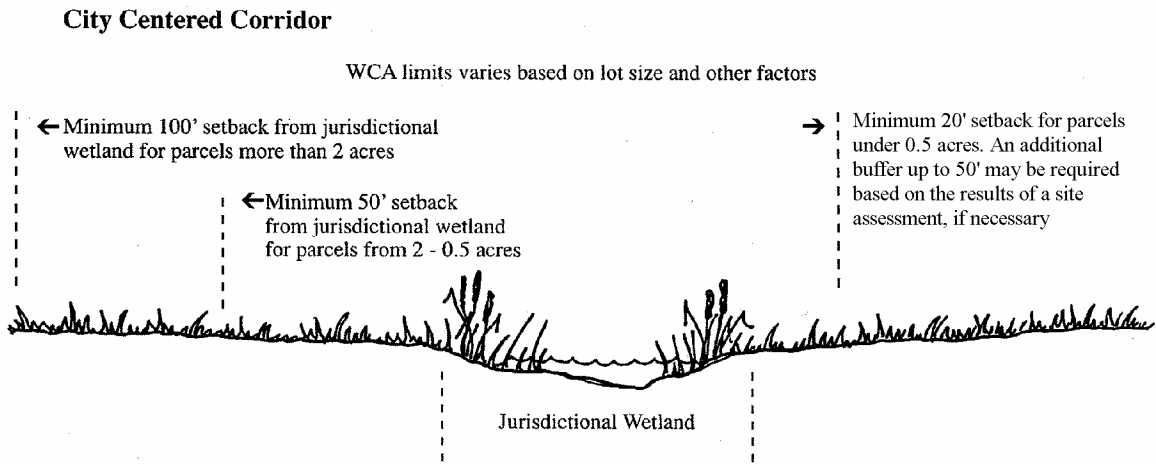
*Coastal, Inland Rural, and Baylands Corridors:*

- ◆ For all parcels, provide a minimum 100 foot development setback from wetlands (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone).

Exceptions to full compliance with the WCA setback standards may only apply if:

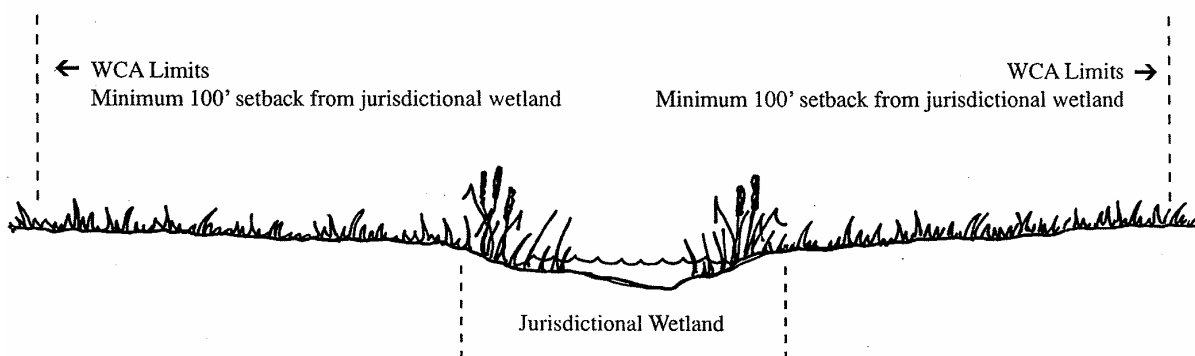
- 1) Parcel is already developed with an existing use, provided no direct unauthorized fill or other modifications to wetlands occur as part of on-going use and enjoyment of the property;
- 2) Parcel is undeveloped and falls entirely within the WCA;
- 3) Parcel is undeveloped and potential impacts on water quality, wildlife habitat, or other sensitive resources would be greater as a result of development outside the WCA than development within the WCA, as determined by a site assessment;
- 4) Wetlands are avoided and a site assessment demonstrates that minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands.

**Figure 2-1 Typical Cross-Sections of Wetland Conservation Areas**



- Minimum setback distance of 100 feet from jurisdictional wetlands, regardless of parcel size, for parcels more than 2 acres.
- Minimum setback distance of 50 feet from jurisdictional wetlands for parcels between 2 and 0.5 acres.
- No specific minimum setback distance from jurisdictional wetlands for parcels less than 0.5 acres in size, but assumes any wetlands are avoided and a site assessment is required which considers site constraints, presence of other sensitive biological resources, and options for alternative mitigation. Minimum setback distance of 20 feet for parcels less than .5 acres in size. An additional buffer may be required based on the results of a site assessment.
- Regardless of parcel size, a site assessment is required where incursion into a WCA is proposed and where full compliance with all WCA criteria cannot be met.

## Inland Rural, Baylands, and Coastal Corridors



- Minimum setback distance of 100 feet from edge of jurisdictional wetlands regardless of size, unless an exception is allowed because parcel falls entirely within WCA or development outside WCA is either infeasible or would have greater impact.
- Regardless of parcel size, a site assessment is required where incursion into a WCA is proposed and where full compliance with all WCA criteria cannot be met.

### BIO-4.1 Restrict Land Use in Stream Conservation Areas. Exceptions to full compliance with all SCA criteria and standards may only be allowed if:

- 1) A parcel falls entirely within the SCA; or
- 2) Development on the parcel entirely outside the SCA either is infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints.

A *Stream Conservation Area* (SCA) is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development shall also be set back to protect the stream and provide an upland buffer which is important to protect significant resources which may be present and provides a transitional protection zone. Best management practices<sup>1</sup> shall be adhered to in all designated SCAs. Best management practices are also strongly encouraged in ephemeral streams not defined as SCAs.

SCAs are designated along perennial, intermittent, and ephemeral streams as defined in the Countywide Plan Glossary. An ephemeral stream is subject to the SCA policies if it: a) supports riparian vegetation for a length of 100 feet or more, and/or b) supports special status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of **woody** riparian vegetation associated with the stream.

SCAs consist of the watercourse itself between the tops of the banks and a strip of land extending laterally outward from the top of both banks to the widths defined below (See Figure 2-2). The SCA encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent uplands, and supercedes setback standards defined for WCAs. Human-made flood control channels under tidal influence

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<sup>1</sup> Such as those outlined in *Start at the Source* and *Start at the Source Tools Handbook* (Bay Area Stormwater Managers Agencies Association)

are subject to the Bayland Conservation policies. The following criteria shall be used to evaluate proposed development projects that may impact riparian areas:

*City-Centered Corridor:*

- ◆ For parcels more than 2 acres in size, provide a minimum 100 foot development setback on each side of the top of bank.
- ◆ For parcels between 2 and 0.5 acres in size, provide a minimum 50 foot development setback on each side of the top of bank.
- ◆ ~~For parcels less than 0.5 acres in size, provide an adequate setback from the top of bank based on a site assessment by a qualified professional, avoidance of woody riparian vegetation, presence of other sensitive biological resources, and options for alternative mitigation.~~ For parcels less than .5 acres in size, a minimum setback distance of 20 feet is required. An additional buffer may be required based on the results of a site assessment. A site assessment ~~is~~ may be required to confirm the avoidance of woody riparian vegetation and consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.

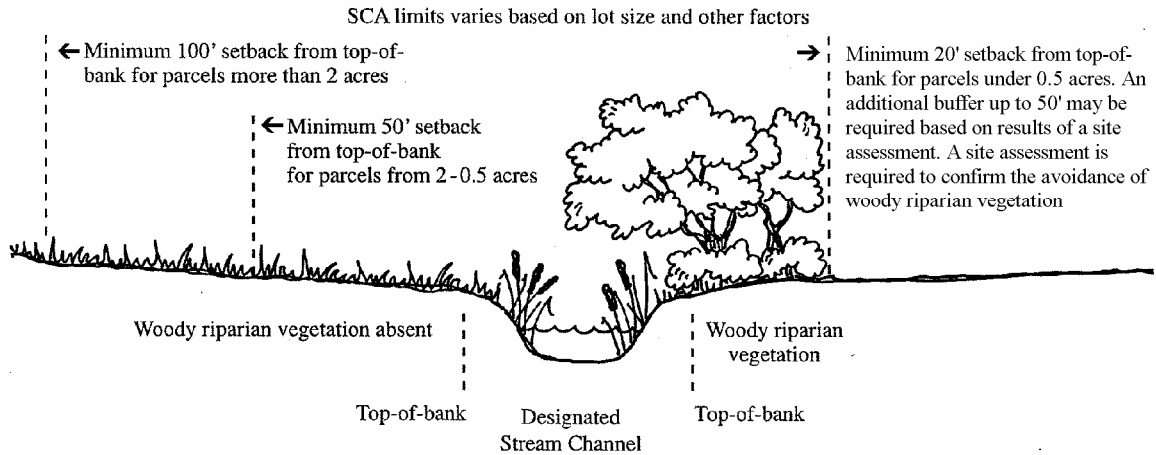
*Coastal, Inland Rural, and Baylands Corridors:*

- ◆ For all parcels, provide a development setback on each side of the top of bank that is the greater of either (a) 50 feet landward from the outer edge of woody riparian vegetation associated with the stream or (b) 100 feet landward from the top of bank. SCAs shall be measured as shown in Figure 2-2.

Allowable uses in SCAs in any corridor consist of the following provided they conform to zoning and all relevant criteria and standards for SCAs:

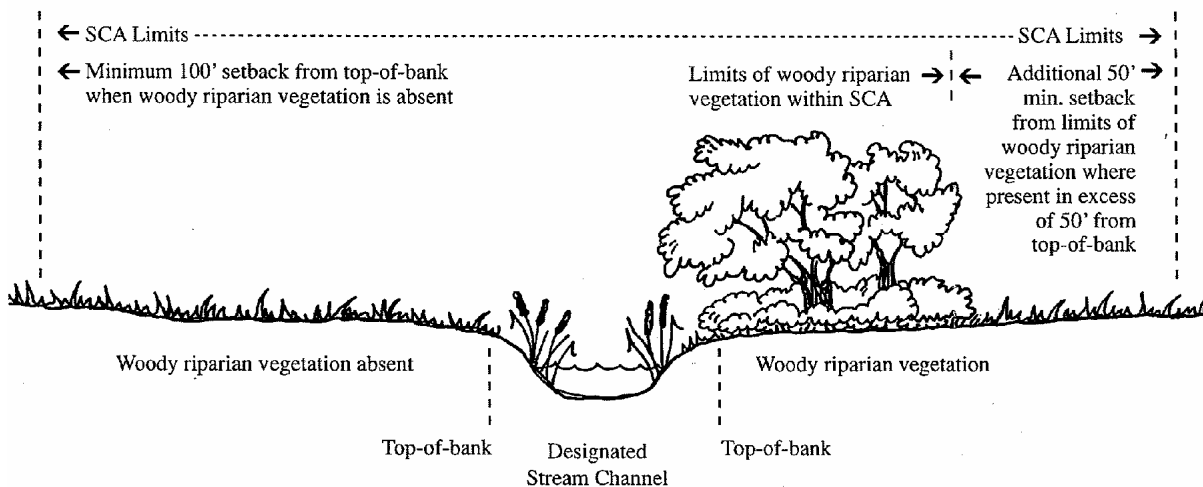
- ◆ Currently existing permitted or legal non-conforming structures or improvements, their repair and retrofit within the existing footprint;
- ◆ Projects to improve fish and wildlife habitat;
- ◆ Road and utility crossings, if no other location is feasible;
- ◆ Water-monitoring installations;
- ◆ Passive recreation that does not significantly disturb native species;
- ◆ Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;

**REVISED Figure 2-2**  
**Typical Cross Section of a Stream Conservation Zone**  
**City Centered Corridor**

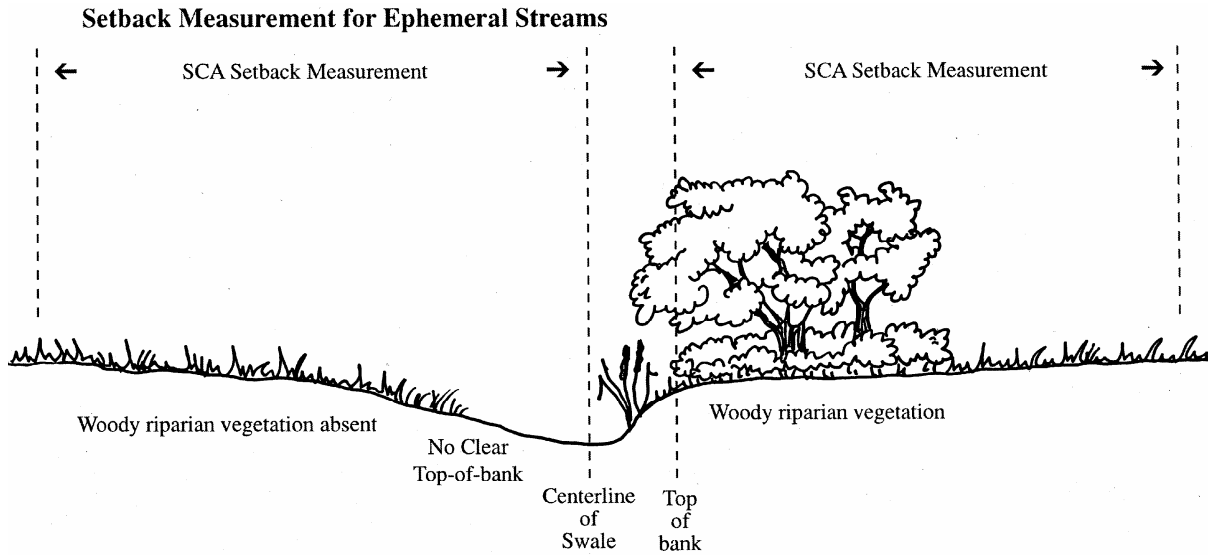


- Minimum setback distance of 100 feet from top-of-bank for parcels more than 2 acres.
- Minimum setback distance of 50 feet from top-of-bank for parcels between 2 and 0.5 acres.
- A minimum setback distance of 20 feet from top-of-bank for parcels less than 0.5 acres in size. In addition, a site assessment is required to confirm the avoidance of woody riparian vegetation and consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback.
- A site assessment is required where incursion into an SCA is proposed and where full compliance with all SCA criteria would not be met for any parcel size.

**Inland Rural, Baylands, and Coastal Corridors**



- Minimum setback distance of 100 feet from top-of-bank or an additional 50 feet from edge of woody riparian vegetation regardless of lot size, unless an exception is allowed because parcel falls entirely within SCA or development outside SCA is either infeasible or would have greater impacts.
- A site assessment is required where incursion into an SCA is proposed and where full compliance with all SCA criteria would not be met for any parcel size.



- Setback measurements for ephemeral streams are based on the corridor in which the ephemeral stream is located.

**ITEM 2: Clarification if the Baylands Corridor Boundary north of Novato should extend to Highway 101 (Corda property, etc.) and improved color maps to better understand the additions to the Baylands Corridor**

See Attachment 1 for revised Maps 2-5a and 2-5b, Baylands Corridor.

The Planning Commission has asked what information exists to support an extension of the Baylands Corridor to include additional, large, primarily undeveloped parcels north of Novato. The County’s biological consultant has reviewed applicable reports and is of the opinion that portions of these parcels in closer proximity to the Bay contain characteristics which contribute to the essential habitat functions and values of the baylands - which would warrant their inclusion in the Baylands Corridor. However, portions of these parcels which are farther from the Bay may not have these same characteristics and our consultant believes that further study would be needed to identify site conditions and possible sensitive resources, evaluate existing habitat, and determine whether a scientifically-based boundary delineating the limits of an expanded Baylands Corridor would be appropriate for this property. However, this study was not included in the environmental impact report and could not be completed and evaluated prior to the time the Board of Supervisors is scheduled to consider formal adoption of the CWP. Staff recommends the following changes in Goal **BIO-5** which provide more specific guidance for the contents of the study:

**GOAL BIO-5**

The Baylands Corridor is described on Maps 2-5a and 2-5b. The Baylands Corridor consists of areas previously included in the Bayfront Conservation Zones in the 1994 Countywide Plan as well



as all areas included in Bayfront Conservation Zone overlays adopted since the 1994 Countywide Plan. The Baylands Corridor also includes associated habitat from San Francisco Bay to Highway 101 in the Las Gallinas Planning Area. The Baylands Corridor consists of land containing historic bay marshlands based on maps prepared by the San Francisco Estuary Institute. Where applicable for large parcels (more than two acres in size) which are primarily undeveloped and, based upon site specific characteristics, an additional area of 300 feet or more of associated habitat is included. The inclusion of the 300 foot buffer is consistent with the minimum set back recommendations contained in the 1999 Baylands Ecosystem Habitat Goals. This portion of the corridor serves to both recognize the biological importance of associated uplands adjacent to remaining tidelands and to provide the opportunity to improve habitat values as part of future restoration of historic tidelands. (Except in the Tam Junction area and at the Rowland Boulevard and Highway 101 interchange in Novato, the Baylands Corridor does not extend west of Highway 101.)

Within the Baylands Corridor, potential residential density and commercial floor area ratios shall be calculated at the low end of the applicable ranges. This provision does not apply to small parcels (two acres or less in size) which were legally created prior to January 1, 2007. Within PD-AERA areas, the density and floor area ratios shall be as specified for those areas. Section 22.14.060 of the Development Code should be updated to reflect these policies.

For parcels of all sizes, existing lawful uses are grandfathered. Creation of the Baylands Corridor does not create an additional layer of government review. No additional regulations are imposed on parcels two acres or less in size than previously applied to lands within the Bayfront Conservation Zone. Creation of the Baylands Corridor will not subject currently allowed activities to additional County regulation. Such activities include repair and maintenance of bank erosion protection (riprap, plantings, etc.) and docks, levees or dredging of existing dredged channels (such as Novato Creek) including existing dredge disposal sites.

Detailed resource mapping and biological analysis should be undertaken to determine whether it is appropriate to include additional associated habitats located on large primarily undeveloped lands within the Baylands Corridor particularly those areas north of Novato.

This additional mapping and analysis should: 1) identify existing vegetative cover and sensitive features, such as streams, wetlands, and occurrences of special-status species; 2) use focal species and other similar ecological tools to determine the interrelationship between baylands and uplands; 3) identify methods to maintain connectivity between sensitive habitat features and baylands; 4) specify criteria and thresholds used in determining the extent of upland habitat essential to the baylands ecosystem; and 5) make recommendations on an appropriate biologically-based boundary if the Baylands Corridor is to be expanded. Small parcels not currently subject to tidal influence should be evaluated to determine whether they should be omitted from the Baylands Corridor.

**ITEM 3: Revised buildout projections and explanation of draft population figures as they reflect policy decisions**

At their June 11, 2007 hearing the Planning Commission requested staff to produce a table of buildout numbers based on the policies approved by the Planning Commission from the hearings on the draft 2005 Countywide Plan Update.

To revise the buildout numbers for residential and commercial development, the policy decisions applied include:

- 75 units at San Rafael Rock quarry;
- 221 units at St. Vincent’s and Silveira;
- No change in use at San Quentin;
- 658 HOD units at limited sites;
- Housing Bank removed;
- 1,036 units dispersed for mixed-use

Staff is verifying an initial analysis of the commercial and housing buildout numbers and will provide it under separate cover.

**ITEM 4: Revised HOD Exhibit 5.0-15 for unit limits by traffic impact area. Revised HOD traffic impact maps to remove any area overlap**

Exhibit 5.0-15 provides the HOD unit potential broken down by Traffic Impact Area pursuant to Policy **CD-2.3**. The Commission requested that a maximum number of HOD units be specified by site in the table. In response to this request staff has revised Exhibit 5.0-15 to specify that up to a maximum number of units is permitted on specific sites within Traffic Impact Areas that contain more than one listed site. The proposed revisions to Exhibit 5.0-15 are as follows:

Traffic Impact Areas as Determined by Screenlines and HOD Site Criteria (See Exhibit 5.0-16 forthcoming)	HOD Unit Potential for Traffic Impact Areas (including Density Bonus Units)	Suggested Qualifying Sites Within Traffic Impact Areas
Screenline 13:	50	<ul style="list-style-type: none"> <li>♦ <del>Lomita</del> California Park (San Rafael)</li> <li>♦ Other qualifying sites</li> </ul>
Screenline 22:	10	<ul style="list-style-type: none"> <li>♦ Oak Manor</li> <li>♦ Other qualifying sites</li> </ul>
Screenline 7:	110	<ul style="list-style-type: none"> <li>♦ Marinwood Shopping Center (up to 100 units)</li> <li>♦ Idylberry School (Up to 10 units)</li> <li>♦ Other qualifying sites</li> </ul>
Screenline 19:	50	<ul style="list-style-type: none"> <li>♦ Fireside Motel</li> </ul>
Screenline 23:	163	<ul style="list-style-type: none"> <li>♦ College of Marin (Up to 50 units)</li> </ul>

		<ul style="list-style-type: none"> <li>♦ Marin General Hospital (up to 100 units)</li> <li>♦ Toussin (up to 13 units)</li> <li>♦ Other qualifying sites</li> </ul>
Screenline 8:	25	<ul style="list-style-type: none"> <li>♦ Gallinas Elementary School</li> <li>♦ Other qualifying sites</li> </ul>
Screenline 17:	100	<ul style="list-style-type: none"> <li>♦ Strawberry Shopping Center</li> <li>♦ Other qualifying sites</li> </ul>
Screenline 21:	150	<ul style="list-style-type: none"> <li>♦ Marin City Shopping Center</li> <li>♦ Other qualifying sites</li> </ul>
	Total: 658	Total Potential HOD Units including Density Bonus Units

Exhibit 5.0-16 (see attachment 2) have been revised to eliminate overlap of traffic impact areas, and the revised boundaries reflect the surrounding Traffic Zone boundaries.

**ITEM 5: Clarification of landscaping requirements in regards to flammability issues**

The Commission previously recommended that landscaping requirements in the Plan be clarified to promote native over non-native plantings. Furthermore, it was recommended that adjacent to public open space areas, highly flammable plantings, should not be planted - regardless whether they are native or non-native species. The Marin County Development Code, Chapter 22.27 – *Native Tree Protection and Preservation*, currently provides regulations for the preservation and protection of native trees in the non-agricultural unincorporated areas of the County. The County *Single-Family Residential Guidelines* also contains guidelines for the use of natives versus non-natives based on location.

Several policies and programs in the Biological Resources section of the Natural Systems & Agriculture Element also address the control of non-native invasive species and promote the use of native plants. These include Policies **BIO-1.6**, *Control Spread of Invasive Exotic Plants*, **BIO-1.7**, *Remove Invasive Exotic Plants*, and **BIO-1.5**, *Promote Use of Native Plant Species*, and Programs **BIO-1.f**, *Prepare Appropriate Landscape Lists*, and **BIO-1.g**, *Expand Education, Outreach, and Regulatory Programs Regarding Control of Invasive Exotic Species*. Several revisions to these policies and programs were recommended in the Final EIR to clarify their intent and also address low-water requirement plantings and appropriate plantings in high-fire hazard areas of the county. These include revisions to Program **BIO-1.f**, Program **BIO-1.c.6**, and Program **PFS-2.g** the CWP Update as follows:

**BIO-1.f Prepare Appropriate Landscape Lists.** Prepare lists of appropriate native and non-native landscape species that are not invasive plants, have low-water requirements and, for high-fire hazard areas of the county, have low flammability. Prepare a second set of lists of plant species to avoid that are highly flammable, and inappropriate water-thirsty plants, or and-undesirable invasive exotic species for property owners in developing landscape plans or enhancing existing landscaping. Require applicants with parcels that share all or part of a boundary with publicly owned open space to develop landscape plans that fully conform to the lists of appropriate plants. Prepare lists with input from the California Department of

Fish and Game, Agricultural Commissioner, University of California Cooperative Extension, California Native Plant Society, Marin Municipal Water District, National Park Service, and other appropriate sources to verify suitability.

**BIO-1.c.6.** Lists of appropriate and inappropriate plant species for use in developing landscape plans to ensure that invasive exotic plants, plants with high water requirements, and in fire hazard areas, species that are highly flammable, are excluded; and

**PFS-2.g** *Promote Xeriscaping.* Amend the Development Code to require drought-tolerant landscaping and efficient irrigation systems where appropriate for all development applications and re-landscaping projects. For parcels adjacent to publicly managed open space, appropriate landscaping will also be non-invasive and have low flammability, and prepared in strict conformance with the County's lists of appropriate plants. ~~and~~ Limit the amount of lawn area allowed to reduce the amount of water required for irrigation

## **ITEM 6: Mixed-Use and LOS policy clarifications**

At their June 11 hearing, the Commission expressed concern about a lack of clarity including circular references in the language of Policy **CD-8.7**, *Establish Commercial/Mixed-Use Land Use Categories and Intensities*, and Program **TR-1.e**, *Uphold Vehicle Level of Service Standards*, and consequently it was difficult to understand. In response to this concern, staff proposes the following revisions (shown as ~~strike through~~ and underline)

**TR-1.e** *Uphold Vehicle Level of Service Standards.* Uphold peak-hour vehicle Level of Service standard (LOS) D or better for urban and suburban arterials and (LOS) E or better for freeways and rural expressways<sup>2</sup>. Only the Congestion Management Program specified roadway and highway segments operating at a lower LOS than the standard in 1991 are “grandfathered” and may continue to operate at the lower LOS standard until such time as the roads are improved or the traffic load or demand is altered or diverted. An improvement plan should be developed for Highway 101 and the grandfathered roadway segments to address existing deficiencies. ~~An improvement plan should be developed for Highway 101 and the grandfathered roadway segments to address existing deficiencies through transit, and infrastructure improvements where other alternatives to non-infrastructure alternatives are infeasible.~~ Unless determined to be infeasible, alternatives which reduce fossil fuel and single occupancy vehicle use should be considered a priority over infrastructure improvements such as road widening.

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

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<sup>2</sup> 2003 Marin County Congestion Management Program.

- ◆ Development that qualifies as Housing Overlay Projects in accordance with Policy CD-2.3, *Establish a Housing Overlay Designation*, and Program CD-2.d, *Implement the Housing Overlay Designation*.
- ◆ Mixed use projects developed in accordance with Policy CD-8.7.
- ◆ ~~Minor improvements or renovation of existing neighborhood serving retail uses provided the total square footage is not increased and community serving uses are retained.~~
- ◆ Second units developed pursuant to state law.
- ◆ ~~New 100% affordable housing projects units affordable to very low and low income households that do not exceed 50 units~~

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

## CD-8.7

### **Establish Commercial/Mixed Use Land Use Categories and Intensities.**

Commercial/mixed use land use categories are established to provide for a mix of retail, office, and industrial uses as well as ~~moderate~~ medium to high density mixed-use residential development in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban design. Mixed-use developments ~~that are intended to~~ incorporate residential units on commercial properties including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. ~~Mixed use projects shall not exceed the maximum permissible Floor Area Ratio for each site except for affordable units located in areas with acceptable vehicle levels of service pursuant to Policy TR 1.c. Up to 1,036 units may be approved for mixed use development subject to a discretionary approval process. The additional units contemplated by this policy are an alternative to the state density bonus. Development may utilize, one but not both, of these bonuses.~~

Up to 1,036 residential units may be approved countywide for mixed use development subject to a discretionary approval process.

The following criteria shall apply to any mixed use development:

1. For parcels larger than 2 acres in size, a maximum of 50% of the total amount of new floor area may be developed for commercial uses provided an equal amount of square footage of new housing is developed.

For parcels 2 acres and less in size, a maximum of 75% of the total amount of new floor area may be developed for new commercial uses provided an area equal to 25% of the new commercial floor area shall be developed for new housing.

2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category;

3. Priority shall be given to the retention, ~~and~~ continuation, and no net loss of existing neighborhood serving retail uses in any redevelopment of existing commercial sites;
4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances residential uses should be considered above the ground floor or located in a manner to provide the continuity of store frontages while maintaining visual interest and a pedestrian orientation.

Renovations not resulting in additional square footage are exempt from the above requirements. Minor additions may be exempted if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code.

**The following FAR limits shall apply to mixed use development:**

**In areas with unacceptable Levels of Service,** mixed use projects shall not exceed the maximum permissible Floor Area Ratio for each site pursuant to the Land Use Policy Maps except for housing units authorized under the state density bonus.

**In areas with acceptable Levels of Service (LOS),** mixed use projects shall not exceed the maximum permissible Floor Area Ratio for each site pursuant to the Land Use Policy Maps except for housing units authorized under the state density bonus or up to 50 units of housing affordable to low and very low income persons subject to a discretionary approval process and criteria #2 above. ~~The additional units contemplated by this policy section are an alternative to the state density bonus.~~ Development may utilize, one but not both, of these bonuses.

The following categories shall be established for commercial land uses:

***General Commercial/Mixed Use*** The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses including retail and service businesses, professional offices, and restaurants, in conjunction with medium to high density mixed-use residential development. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. However, in areas with acceptable levels of service, up to 50 units of housing affordable to low and very low income persons may be permitted (in lieu of the state density bonus) in addition to the FAR

standards. These additional housing units shall be subject to a discretionary review process and shall not exceed the projected peak-hour traffic impacts of the proposed development for the maximum commercial development permissible on the site. (Refer to Policy CD-2.4 for projects located within the Housing Overlay Designation.)

***Office Commercial/Mixed Use.*** The Office Commercial land use category is established to encourage a mixture of professional, administrative, and medical office uses, as well as medium to high density mixed-use or residential development where appropriate. Employee and resident-serving retail and service businesses may also be permitted within this category. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide for commercial floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. However, in areas with acceptable levels of service, up to 50 units of housing affordable to low and very low income persons may be permitted (in lieu of the state density bonus) in addition to the FAR standards. These additional housing units shall be subject to a discretionary review process and shall not exceed the projected peak-hour traffic impacts of the proposed development for the maximum commercial development permissible on the site. (Refer to Policy CD-2.4 for projects located within the Housing Overlay Designation.)

***Neighborhood Commercial/Mixed Use.*** The Neighborhood Commercial land use category is established to encourage smaller-scale retail and neighborhood-serving office and service uses and mixed-use development oriented toward pedestrians and located in close proximity to residential neighborhoods. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide for floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. However, in areas with acceptable levels of service, up to 50 units of housing affordable to low and very low income persons may be permitted (in lieu of the state density bonus) in addition to the FAR standards. These additional housing units shall be subject to a discretionary review process and shall not exceed the projected peak-hour traffic impacts of the proposed development for the maximum commercial development permissible on the site. (Refer to Policy CD-2.4 for projects located within the Housing Overlay Designation.)

Staff has interpreted the above language to mean:

Pursuant to Policy **CD-1.3**, *Reduce Potential Impacts*, mixed use site within the Ridge and Upland Greenbelt, the Baylands Corridor (parcels >2 acres), or lacking public water or sewer shall be restricted to the low end of the applicable FAR range regardless of the traffic conditions.

**Mixed-Use Sites,**

- Parcels more than 2 acres: New floor area on the site will be at least 50% residential\*;
- Parcels 2 acres or less: New floor area on the site will be at least 25% residential\*;
- 1,036 total units allowed countywide per the mixed use policy;
- A combination of uses (for example, retail, office, residential) is encouraged
- Retention of existing neighborhood serving retail uses (those oriented primarily toward serving the local community) will be required where appropriate in any redevelopment of existing commercial sites

\*Some exceptions may apply as prescribed in the implementing ordinance.

**ITEM 7: Clarification of trail siting and consistency with protecting private agricultural property**

Program **TRL-2.d**, *Protect Private Property*, was previously modified in the May 2007 version of the Plan to eliminate reference to agricultural operations. For clarity, Staff recommends that the earlier language be restored. Therefore, **TRL-2.d** would return to:

**TRL-2.d**, *Protect Private Property*. Design and locate trails to avoid trespassing and adverse impacts on adjacent lands and sensitive land uses including agricultural operations.

**ITEM 8: Clarification of Woody Riparian Vegetation usage in BIO-4 and SCA policies**

See Item 1 Above

**ITEM 9: Clarification of maintaining school sites as existing while also targeting school sites for potential redevelopment**

Some members of the Commission questioned whether there is an inconsistency between Goal **EDU-1** (adequate school facilities) and **CD-2.3** (HODs) since some school sites are included in Exhibit 5.0-15 which would allow housing on those school sites (for example, College of Marin). Staff does not believe there is any inconsistency because it is intended to be applied on school



sites where there currently appears to be sufficient property for the housing without impairing or replacing educational uses as determined by the applicable school district. The intent of CD-2.3 as it pertains to school sites is to support employees by providing on-site housing without affecting the school's educational functions.

Following today's public hearing, staff recommends continuing the public hearing to 9:30 AM on July 23, 2007.

Respectfully Submitted,

Alex Hinds  
Agency Director

Kris Krasnove  
Planner

Attachments

1. Map 2-5a and Map 2-5b, Baylands Corridor
2. Exhibit 5.0-16, Traffic Impact Areas As Determined By Screenlines

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