

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Brian C. Crawford
DIRECTOR

November 13, 2012

Thomas Lai
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SUBJECT: Marin Countywide Plan Amendment

Dear Board Members,

RECOMMENDATION:

On behalf of the Planning Commission, staff recommends your Board take the following actions:

1. Review the administrative record;
2. Conduct a public hearing; and
3. Adopt the Resolution Approving the 2012 Amendment to the 2007 Marin Countywide Plan.

SUMMARY:

On September 11, 2012, your Board adopted Resolution No. 2012-77 that approved the 2012 amendment to the 2007 Marin Countywide Plan (CWP). The amendment included grammatical changes, updates to flooding and land use maps, revised text to further explain the role of community plans, language clarifying the meaning of density ranges assigned to land use designations, and other changes to provide additional clarification. On October 2, 2012, your Board considered proposed technical changes to three CWP policies related to affordable housing. At that hearing, your Board requested to modify language contained in one policy and two programs to clarify that density for affordable housing may be allowed to exceed the lowest end of the CWP density range on a case-by-case basis, as long as such development complies with all other applicable policies in the CWP including, but not limited to, those governing environmental protection. This item was further continued by your Board from October 23, 2012 at staff's request.

DISCUSSION:

The 2007 CWP is based on the overarching theme of planning sustainable communities through policies that balance the Three E's (Economy, Equity, and the Environment). The CWP utilizes the environmental corridors concept, which divides the County into four regional units based on specific geographical and environmental characteristics, to balance environmental protection with the needs of present and future residents for housing, jobs, and recreation. One strategy in the CWP for creating this type of parity is to reduce the overall development potential for a number of parcels with obvious development constraints in the Coastal, Inland, and Baylands Corridors and reallocate those units through the Housing Bank and Housing Overlay to the City-Centered Corridor at locations closest to jobs and transit that are better suited to accommodate the development. Policy CD-1.3 and Programs CD-1.c and

CD-5.e lowered the development potential of lots in constrained areas (e.g. areas with sensitive habitat, within the Ridge and Upland Greenbelt or the Baylands Corridor, or on sites lacking public water or sewer systems).

Consistent with the CWP's focus on aligning the built environment and socioeconomic activities with the natural systems that support life, the Plan supports providing a mix of housing types, densities, and affordability to maintain diversity and create opportunities for workforce housing. One way to achieve this is to allow affordable housing projects to be evaluated within the existing CWP land use designation. As requested by the Board, staff has modified Policy CD-1.3 and Programs CD-1.c and CD-5.e to clarify this intent. This is reflected by the following proposed language (please refer to Attachment 2):

“Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households, as long as the development complies with the California Environmental Quality Act (CEQA) and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.”

Adopting the proposed amendment would clarify how affordable housing projects would be evaluated relative to the CWP density, consistent with other programs such as Program TR-1.e which allows consideration for affordable housing projects above the lowest end of the density where traffic standards will be exceeded and Program CD-6.a, which provides for a similar treatment of affordable housing within the cities' urban service areas. These policies and programs do not confer any additional entitlement to affordable housing projects, but simply give those projects the opportunity to be evaluated on their merits without having to apply for a CWP amendment requesting to exceed the low end of the density range.

PLAN CONSISTENCY AND ENVIRONMENTAL REVIEW:

The proposed amendment is consistent with both State Law and the overall objectives of the CWP. The amendment would retain the CWP's intent to balance competing public interests while upholding its commitment to environmental protection. The potential impacts of implementing this amendment have been adequately addressed in the certified CWP Update FEIR. A subsequent or supplemental EIR is not required pursuant to CEQA Guidelines Section 15162 - “Subsequent EIRs” because the proposed project (i.e., proposed amendment) does not include substantial changes involving new or more severe environmental effects that would result from the adoption of this amendment, nor does the proposal involve new information that was not known at the time the EIR for the CWP was certified.

PUBLIC NOTICE:

The Community Development Agency has published a notice in the Marin Independent Journal which includes a general description of the proposed amendment to the Marin Countywide Plan. A copy of the public notice has been mailed to interested public agencies, organizations, community groups, and individuals, as well as posted to the Marin Countywide Plan Update website (www.future-marin.org) and sent to the Countrywide Plan Update email distribution list.

FISCAL/STAFFING IMPACT:

The proposed amendment would not affect the Community Development Agency budget.

REVIEWED BY:

- Department of Finance N/A
- County Counsel N/A
- Human Resources N/A

SIGNATURE:

Kristin Drumm
Senior Planner

Brian Crawford
Director

- Cc: Neil Sorenson, Attorney
 Riley Hurd, Seminary Neighborhood Association
 Brian Swartz, Hart West
 Lorraine Silveira, Silveira Ranches
 Thomas and Susan Monahan, Lucas Valley Ranch Capital Partners LLC
 Sharon Rushton, Sustainable TamAlmonte
 LeeLee Thomas, Principal Planner
 Stacey Laumann, Planner
 David Zaltsman, County Counsel

Attachments:

1. Board of Supervisors Resolution Adopting an Amendment to the 2007 Marin Countywide Plan, including Exhibit "A"
2. Exhibit "A"
3. Planning Commission Resolution No. PC12-007 Recommending that the Board of Supervisors Adopt an Amendment to the 2007 Marin Countywide Plan, including Exhibit "A"
4. Countywide Plan Policies and Programs Related to Density/FAR
5. Letter dated October 2, 2012 from Lucas Valley Ranch Capital Partners LLC
6. Letter dated November 1, 2012 from Sustainable TamAlmonte

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO.2012-

A RESOLUTION APPROVING AN AMENDMENT TO THE 2007 MARIN COUNTYWIDE PLAN

SECTION I: FINDINGS

WHEREAS, the Marin County Board of Supervisors hereby finds and declares the following:

- I. WHEREAS, the Marin County Board of Supervisors adopted the Marin Countywide Plan on November 6, 2007. The overarching theme presented in the Plan is planning sustainable communities.
- II. WHEREAS, the Marin Countywide Plan is a comprehensive, long term general plan for the physical development of Marin County and establishes an overall framework and set of goals for countywide development in the unincorporated area of the County.
- III. WHEREAS, on January 27, 2009, the Marin County Board of Supervisors adopted an amendment to the 2007 Marin Countywide Plan to address a number of technical corrections, which ranged from out of sequence program numbering and grammatical mistakes to minor text revisions to provide additional clarification and consistent use of terminology. The amendment also called for incorporating the Marin County Operational Area Hazard Mitigation Plan by reference into the Plan's Environmental Hazards section and making minor changes to the location of the Baylands Corridor boundary at the San Rafael Rock Quarry and San Quentin State Prison sites to more accurately reflect existing physical conditions.
- IV. WHEREAS, the Marin County Community Development Agency initiated the proposed amendment to the 2007 Marin Countywide Plan. The 2007 Marin Countywide Plan includes policies to protect and to preserve and enhance the natural environment of the County, and to strive for a high quality built environment. The project includes proposed technical and clerical corrections to certain Plan policies and maps to correct and improve their readability and clarity. The technical corrections includes minor grammatical changes, updates to the flooding and land use maps, new language to further expand the role of community plans, and other minor changes to provide additional clarification.
- V. WHEREAS, the Marin County Board of Supervisors certified a Final Environmental Impact Report (EIR) for the Marin Countywide prior to the adoption of the Marin Countywide Plan.
- VI. WHEREAS, the certified EIR evaluated the potential environmental effects that could result from implementation of the 2007 Marin Countywide Plan. The proposed amendment to the Marin Countywide Plan will not result in substantial changes in the Plan or in substantial changes to the circumstances under which the Countywide Plan will be undertaken or significant new information of substantial importance and will not result in new or more severe impacts or require new mitigation measures.
- VII. WHEREAS, the Marin County Planning Commission conducted a public hearing on August 27, 2012 and recommends that the proposed amendment to the 2007 Marin Countywide Plan be approved.

VIII. WHEREAS, the Marin County Board of Supervisors conducted public hearings on September 11, 2012, October 2, 2012, October 23, 2012, and November 13, 2012 to consider the proposed Amendment to the 2007 Marin Countywide Plan.

SECTION II: AMENDMENTS TO THE MARIN COUNTYWIDE PLAN

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors adopts the amendment to the 2007 Marin Countywide Plan contained in Exhibit "A" of this Resolution.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 13th day of November, 2012 by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

MATTHEW H. HYMEL
Clerk of the Board

Exhibit "A"

All changes are highlighted and shown in strike-out and underline format

1. **Policy CD-1.3 Reduce Potential Impacts** (p. 3-12)

Modify Policy CD-1.3 as follows to clarify that affordable housing to very low or low income residents are not required to be calculated at the lowest end of the density range. This standard is clearer than existing language, which simply says: "multi family parcels identified in certified Housing Elements."

Policy CD-1.3 Reduce Potential Impacts. Calculate potential residential densities and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, ~~or~~ on sites within the Ridge and Upland Greenbelt, ~~or~~ the Baylands Corridor, or on sites ~~properties~~ lacking public water or sewer systems ~~except for multi-family parcels identified in certified Housing Elements.~~ Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households, as long as the development complies with the California Environmental Quality Act (CEQA) and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.

2. **Program CD-1.c Reduce Potential Impacts** (p. 3-13)

Modify Program CD-1.c to be consistent with modifications made to Policy CD-1.3 and to existing Programs CD-5.e and CD-6.a, which refer to housing affordable to very low or low income residents.

PROGRAM CD-1.c Reduce Potential Impacts. Amend the Development Code to calculate potential residential density and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, ~~or~~ on sites within the Ridge and Upland Greenbelt, ~~or~~ the Baylands Corridor, or on sites ~~properties~~ lacking public water or sewer systems. ~~except for multi-family parcels identified in certified Housing Elements.~~ Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households, as long as the development complies with CEQA and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.

3. **Program CD-5.e Limit Density for Areas Without Water and Sewer Connections** (p. 3-28)

Modify Program CD-5.e to be consistent with Policy CD-1.3 and Program CD-1.c as follows.

PROGRAM CD-5.e Limit Density for Areas Without Water ~~and or~~ Sewer Connections. Calculate density at the lowest end of the Countywide Plan designation density range for subdivisions new development proposed in areas without public water ~~and/or~~ sewer service. Densities for housing units, affordable to

very low and low income residents, that are capable of providing adequate water and/or sewer services may be considered on a case-by-case basis. Densities higher than the lowest end of the applicable density range may be considered for new housing units affordable to very low and low income households, as long as the development complies with CEQA and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC12-007

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT
AN AMENDMENT TO THE 2007 MARIN COUNTYWIDE PLAN

SECTION I: FINDINGS

WHEREAS, the Marin County Planning Commission hereby finds and declares the following:

- I. WHEREAS, the Marin County Board of Supervisors adopted the Marin Countywide Plan on November 6, 2007. The overarching theme presented in the Plan is planning sustainable communities.
- II. WHEREAS, the Marin Countywide Plan is a comprehensive, long term general plan for the physical development of Marin County and establishes an overall framework and set of goals for countywide development in the unincorporated area of the County.
- III. WHEREAS, on January 27, 2009, the Marin County Board of Supervisors adopted an amendment to the 2007 Marin Countywide Plan to address a number of technical corrections, which ranged from out of sequence program numbering and grammatical mistakes to minor text revisions to provide additional clarification and consistent use of terminology. The amendment also called for incorporating the Marin County Operational Area Hazard Mitigation Plan by reference into the CWP's Environmental Hazards section and making minor changes to the location of the Baylands Corridor boundary at the San Rafael Rock Quarry and San Quentin State Prison sites to more accurately reflect existing physical conditions.
- IV. WHEREAS, the Marin County Community Development Agency initiated the proposed amendment to the 2007 Marin Countywide Plan. The 2007 Marin Countywide Plan includes policies to protect and to preserve and enhance the natural environment of the County, and to strive for a high quality built environment. The project includes proposed technical and clerical corrections to certain CWP policies and maps to correct and improve their readability and clarity. The technical corrections includes minor grammatical changes, updates to flooding and land use maps, new language to further expand the role of community plans, and other minor changes to provide additional clarification.
- V. WHEREAS, the Marin County Board of Supervisors certified a Final Environmental Impact Report (EIR) for the Marin Countywide Plan prior to the adoption of the 2007 Marin Countywide Plan.
- VI. WHEREAS, the certified EIR evaluated the potential environmental effects that could result from implementation of the 2007 Marin Countywide Plan. The proposed amendment to the Marin Countywide Plan will not result in substantial changes in the Plan or in substantial changes to the circumstances under which the Countywide Plan will be undertaken or significant new information of substantial importance and will not result in new or more severe impacts or require new mitigation measures.
- VII. WHEREAS, the Marin County Planning Commission conducted a public hearing on August 27, 2012 to consider the proposed amendment to the Marin Countywide Plan.

SECTION II: AMENDMENT TO THE MARIN COUNTYWIDE PLAN

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission reports and recommends that the Marin County Board of Supervisors adopt an amendment to the 2007 Marin Countywide Plan contained in Exhibit "A" of this Resolution.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 27th day of August, 2012 by the following vote to wit:

AYES: Katherine Crecelius, Don Dickenson, Wade Holland, Joan Lubamersky, Peter Theran

NOES: Randy Greenberg

ABSENT: Mark Ginalski



JOAN LUBAMERSKY, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:



Debra Stratton
Planning Commission Secretary

Exhibit "A"

1. **BIO-3.e Establish Clear Mitigation Criteria** (p. 2-26)

Modify Program BIO-3.e for a technical correction as follows:

BIO-3.e Establish Clear Mitigation Criteria. Amend the Development Code to incorporate wetland impact mitigation measures that accomplish the following objectives:.....

(Remainder of policy remains unchanged and is not shown.)

2. **Map 2-12 Flooding**

Assembly Bill 162 (AB 162) was signed in October 2007, which strengthens flood protections in California by requiring jurisdictions to update their respective land use elements to identify and annually review those areas covered by the general plan that are subject to flooding as identified by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources (Government Code Section 65300.2(a)). The bill also requires, upon the next revision of the housing element, on or after January 1, 2009, that the conservation element identify waterways and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

In May 2009 the Federal Emergency Management Agency (FEMA) revised its Flood Insurance Rate Maps (FIRM's) for Marin County, which were last updated in 1982. Countywide Plan Map 2-12, Flooding, shows the 100-year (1-percent annual chance flood) and 500-year (0.2-percent annual chance flood) flood zones. This map has been modified to reflect the revised flood zones to comply with AB 162. The Department of Public Works has reviewed the Countywide Plan with respect to AB 162 and has indicated it is in compliance with the bill, as documented in a memorandum dated June 5, 2012 (Attachment 3).

See Attachment 4 for Proposed Map 2-12 Flooding.

Map 2-12, as well any map in the Countywide Plan, is available for review through the County's Geographic Information System (GIS). The paper maps displayed in the Plan are representational only and show features from a point in time, while the GIS data is updated as new information becomes available. The scale and size of the Plan's paper maps may prevent clear or accurate visibility of some features or details. The GIS allows users to zoom in and out and pan around the map in more detail. Most of the data is also available for viewing on the web through MarinMap at <http://www.marinmap.org/dnn/>.

3. **AG-1.6 Limit Non-Agricultural Development** (p. 2-158)

The following technical correction to Policy AG-1.6 is proposed to clarify the intent as follows:

AG-1.6 Limit Non-Agricultural Development

Limit non-agricultural development in the Agricultural Production Zone to residential and accessory uses that are ancillary to and compatible with agricultural production. Require dwellings and other non-agricultural development to be limited in size and

grouped together in building envelopes covering no more than 5% of the property or as determined through a site-specific analysis of agricultural and environmental constraints and resources, with the remainder preserved for agricultural production. Residential and non-agricultural development on very large parcels may be limited to less than 5% of the land area.

4. Relationship to Community Plans (p. 3-9)

Marin County is characterized by a diverse group of individual communities ranging from small coastal villages to more urbanized residential neighborhoods along the Highway 101 corridor. Over the years, development within 16 of these communities has been guided in part by community plans containing policies related to land use, design, transportation and environmental quality in that particular community. Community plans provide an important function in the planning process; however their role is not clearly defined in the Countywide Plan. To clarify this role and relationship with the Countywide Plan, modify the Background section of the Community Development section as follows:

Implementation tools such as the County Development Code are used to carry out the goals of the Countywide Plan. Some of the policies and programs in the Countywide Plan will require rezoning of individual properties for them to be consistent with the land use designations and the policies in the Plan. Many unincorporated communities are guided by community plans that provide specific direction regarding land use, transportation, community facilities, building design, and environmental quality, as well as issues unique to a particular community. Such issues may include, but are not limited to: customized building and site design standards to protect key resources; protection of important ridgeline and view corridors; evaluation and refinement of the Ridge and Upland Greenbelt and Baylands Corridor; regulations concerning home size; affordable housing sites; hazards; evacuation routes; flooding; and bicycle and pedestrian circulation. A Community plan is considered part of the Marin Countywide Plan and sets forth goals, objectives, policies, and programs to address specific issues relevant to that particular community. Where there are differences in the level of specificity between a policy in the Community Plan and a policy in the Countywide Plan, the document with the more specific provision shall prevail.

5. Add Definition of "Community Plan" to Glossary

The community plan is an important planning document which is referenced extensively throughout the Countywide Plan; however, it is not defined. Consistent with the existing definition of "Community Plan" found in Section 22.130.030 of the Marin County Code, add the following definition to the CWP Glossary as follows:

Community Plan. A planning document that sets forth goals, objectives, policies and programs to address specific issues related to a particular unincorporated community. Community plans are considered part of the Marin Countywide Plan.

6. CD-8.8 Establish Planned Designation Land Use Categories (p. 3-44)

Two new land use designations were added when the Countywide Plan was adopted in 2007 for the St. Vincent's/Silveira and the San Rafael Rock Quarry areas. A new designation was also initially proposed for the approximately 200-acre San Quentin site as

a Planned Designation Transit Village Area (PD – Transit Village Area) in recognition of the site's potential as a proposed mixed use, multi-modal transit hub, which was described in the San Quentin Vision Plan. However, the State of California Department of Corrections does not have plans to discontinue using San Quentin as a prison in the foreseeable future. Policy CD-8.8 inadvertently includes this land use designation and should be deleted. The suggested modification to policy CD-8.8 is as follows:

CD-8.8 Establish Planned Designation Land Use Categories. The Planned Designation-Agricultural and Environmental Resource Area (PD-Agricultural and Environmental Resource Area) and Planned Designation-Reclamation Area (PD-Reclamation Area) land use categories are established. The Planned Designation categories are intended to enable the planning of reuse projects at major opportunity sites in a manner that honors the site's location and unique natural, historic, aesthetic, and other characteristics, while promoting Countywide Plan policies regarding resource protection, affordable housing, and innovative transit-oriented and energy efficient design. In order to provide a forum for comprehensive, community-based planning, development in a Planned Designation category shall require approval of a specific plan pursuant to Government Code Section 65450 or a master plan pursuant to the County Development Code.

PD-Agricultural and Environmental Resource Area

Land Uses. The PD-Agricultural and Environmental Resource Area land use category is intended for reuse and development of the St. Vincent's and Silveira area. Potential uses include agriculture and related uses, residential development, education and tourism, places of worship, institutional, and small-scale hospitality uses, as described more fully in SV-2.3.

Standards of Building Intensity. Building-intensity standards for the PD-Agricultural and Environmental Resource Area are up to 221 dwelling units in addition to existing development, or equivalent amounts of nonresidential development based on impacts on peak-hour traffic.

PD-Reclamation Area

The PD-Reclamation Area land use category is intended for the ultimate reclamation of the San Rafael Rock Quarry and McNear's Brickyard site at the time the quarrying operations cease. As part of an updated reclamation plan, the ultimate reuse of the site will be identified, as will a time horizon as to when such reclamation would occur. While the Countywide Plan assumes that at such time as reclamation of the site occurs, it would be annexed to the City of San Rafael, if annexation should not take place, the Plan contemplates development under the County's jurisdiction through a Specific or Master Plan to determine residential densities, commercial floor area, and habitat protection areas. In general, uses would be primarily residential, a marina, and limited supporting commercial, as reflected in the updated quarry reclamation plan.

Standards of Building Intensity. Building-intensity standards for the site reflect previous reclamation plans. Development of the site under the County's PD-Reclamation Area designation would be subject to an updated reclamation plan with a maximum residential density of 75 dwelling units unless otherwise determined by

a County-approved traffic study.

Consistent zoning within the PD use categories:	ARP, BFC-ARP RMPC RMP RSP CP OP AP IP
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7. Policy CD-1.3 Reduce Potential Impacts (p. 3-12)

Modify Policy CD-1.3 as follows to clarify that affordable housing to very low or low income residents are not required to be calculated at the lowest end of the density range. This standard is clearer than existing language, which simply says: "multi family parcels identified in certified Housing Elements." Furthermore, the modification is consistent with existing language in the Development Code as well as other policies in the CWP. For example, policies CD-1.c and CD-5.e (see Items 8 and 9 below), CD-6.a, and TR-1.e exclude affordable housing to very low and low income residents from the lowest end of the density range. Finally, this modification would not apply to inclusionary housing.

Policy CD-1.3 Reduce Potential Impacts. Calculate potential residential densities and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, on sites within the Ridge and Upland Greenbelt or the Baylands Corridor, or on sites lacking public water or sewer systems. This requirement shall not apply to development of housing exclusively affordable to very low or low income residents.

8. Program CD-1.c Reduce Potential Impacts (p. 3-13)

Modify Program CD-1.c to be consistent with the modifications made to Policy CD-1.3 and to existing Programs CD-5.e and CD-6.a, which refer to housing affordable to very low or low income residents. The modification is also consistent with existing CWP policies as discussed in Item 7 above.

PROGRAM CD-1.c *Reduce Potential Impacts.* Amend the Development Code to calculate potential residential density and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, on sites within the Ridge and Upland Greenbelt or the Baylands Corridor, or on sites lacking public water or sewer systems. This requirement shall not apply to development of housing exclusively affordable to very low or low income residents.

9. Program CD-5.e Limit Density for Areas Without Water and Sewer Connections (p. 3-28)

Modify Program CD-5.e to be consistent with Policy CD-1.3 and Program CD-1.c as follows. See also the discussion for Item 7 above.

PROGRAM CD-5.e *Limit Density for Areas Without Water or Sewer Connections.* Calculate density at the lowest end of the Countywide Plan density range for new development proposed in areas without public water or sewer

service. This requirement shall not apply to development of housing exclusively affordable to very low or low income residents.

10. Policy CD-8.6 Establish Residential Land Use Categories and Densities (p. 3-35)

Modify all references to footnote (1) in Policy CD-8.6 to clarify that the low end may be the minimum allowed subject to site specific environmental constraints that may result in a lower density or FAR, as follows:

¹Low end is minimum allowed except when the property is subject to site specific environmental constraints or other policies that result in a lower density or FAR being more appropriate.

11. Policy HAR-1.1 Preserve Historical Resources (p. 4-130)

Goal HAR 1 calls for the identification and protection of archaeological and historical resources, with policies HAR-1.1 through 1.5 providing policy direction. However, the policy titles only refer to historical resources. The policies should be modified to standardize the policy titles to include references to both archaeological and historical resources, consistent with Goal HAR 1, as follows:

HAR-1.1 Preserve Historical and Archaeological Resources. Identify archaeological and historical resource sites.

12. HAR 1.3 Avoid Impacts to Historical and Archaeological Resources (p. 4-130)

Goal HAR 1 calls for the identification and protection of archaeological and historical resources, with policies HAR-1.1 through 1.5 providing policy direction. However, in some cases the policy titles only refer to historical resources and do not include archaeological resources. The policy titles should be standardized to include references to both archaeological and historical resources, consistent with Goal HAR 1. In addition, consider adding “where feasible” to indicate that while it is not always possible to avoid damaging cultural resources, those impacts can be minimized.

HAR-1.3 Avoid Impacts to Historical and Archaeological Resources. Ensure that human activity avoids damaging cultural resource, where feasible.

13. HAR 1.d Require Archaeological Surveys for New Development (p. 4-131)

The Countywide Plan contains a number of policies and programs to reduce adverse changes to the significance of an archeological or paleontological resource. Program HAR-1.d requires an archaeological survey by a State-qualified and Federal Indians of Graton Rancheria (FIGR) recommended archaeologist for new development proposed in areas identified as potential resource locations on County sensitivity map. At the time of the CWP Update, the program was modified to include “and FIGR recommended” in part to be consistent with Senate Bill 18, the Tribal Consultation Requirements by the Governor’s Office of Planning and Research. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to cultural places. The purpose of involving tribes in the early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-

level land use decisions are made by a local government.

While the County consults with FIGR when there may be an impact on archaeological resources, the County is not required to confer with them for archaeologist recommendations. In light of recent efforts to simplify and streamline the regulatory process, the following modification is proposed:

HAR-1.d *Require Archaeological Surveys for New Development.* Require archaeological surveys conducted on site by a State-qualified archaeologist for new development proposed in areas identified as potential resource locations on the County sensitivity map (see Program HAR-1.a).

14. HAR 1.f Involve Appropriate Authorities (p. 4-131)

The following modification is proposed to replace the term development “proposals” with development “applications”, as well as clarify that potential impacts, rather than proximity, should trigger the referral of a development application to the appropriate representatives.

HAR-1.f *Involve Appropriate Authorities.* Refer development applications that could potentially affect cultural resources to the California Archaeological Inventory, the Northwest Regional Office of the California Historical Resources Information System, and/or Native American representatives, as appropriate.

15. Program Implementation Tables

Modify footnote 1 to define the term “Ongoing” for each of the following Program Implementation Figures as follows:

¹Time Frames include: Immediate (0-1 years); Short term (1-4 years); Med. Term (4-7 years); Long term (over 7 years); and Ongoing (existing programs already in progress whose implementation is expected to continue into the foreseeable future).

Program Implementation Figures:

Figure 2-4 Biological Resources Program Implementation, p. 2-48

Figure 2-6 Water Resources Program Implementation, p. 2-66

Figure 2-8 Environmental Hazards Program Implementation, p. 2-86

Figure 2-16 Atmosphere and Climate Program Implementation, p. 2-111

Figure 2-19 Open Space Program Implementation, p. 2-130

Figure 2-22 Trails Program Implementation, p. 2-144

Figure 2-22 Agriculture and Food Program Implementation, p. 2-173

Figure 3-6 Community Development Program Implementation, p. 3-50

Figure 3-10 Community Design Program Implementation, p. 3-73

Figure 3-19 Energy and Green Building Program Implementation, p. 3-94

Figure 3-21 Mineral Resource Program Implementation, p. 3-104

Figure 3-28 Housing Program Implementation, p. 3-135

Figure 3-38 Transportation Program Implementation, p. 3-170

Figure 3-45 Noise Program Implementation, p. 3-191

Figure 3-50 Public Facilities and Services Program Implementation, p. 3-213

- Figure 4-6 Economy Program Implementation, p. 4-21
- Figure 4-31 Child Care Program Implementation, p. 4-31
- Figure 4-12 Public Safety Program Implementation, p. 4-45
- Figure 4-14 Community Participation Program Implementation, p. 4-55
- Figure 4-17 Diversity Program Implementation, p. 4-64
- Figure 4-19 Education Participation Program Implementation, p. 4-75
- Figure 4-21 Environmental Justice Program Implementation, p. 4-85
- Figure 4-31 Public Health Program Implementation, p. 4-107
- Figure 4-35 Arts and Culture Program Implementation, p. 4-124
- Figure 4-39 Historical and Archaeological Resources Program Implementation, p. 4-138
- Figure 4-44 Parks and Recreation Program Implementation, p. 4-150

16. Indicators and Benchmarks: Energy and Green Building (p. 3-93)

Modify the benchmark for energy use per capita countywide in the Energy and Green Building section (p. 3-93) from 11,072 kWh to 4,852 kWh per employee in 2000. Calculations supporting the original 11,072 kWh figure cannot be documented. Existing data shows County-operated buildings used 11,024,015 kWh in 2000 where there were 2,272 FTE employees, resulting in 4,852 kWh per employee. This revised figure also corresponds with the County's per employee usage for the following years: 4,760 kWh/employee in 2005; 5,038 kWh/employee in 2007; and 5,299 kWh/employee in 2008.

Indicators	Benchmarks	Targets
Energy use per employee in County-operated buildings.	4,852 kWh per employee in 2000.	Lower energy consumption per employee by 2020.

17. Marinwood Land Use Policy Map 2.3

Revise Map 2.3 Marinwood Land Use Policy Map to update the land use designation for the following parcels from HOD to PF-SF6, as shown in the table below. These parcels were incorrectly assigned the HOD designation, which is not a recognized land use designation. The HOD is the Housing Overlay Designation, which is an overlay to encourage workforce housing, and is described on Maps 3-2a and 3-2b in the Community Development section. This site is the location of the existing Dixie Elementary School/Marin Waldorf School and is zoned PF-RSP-5.8 (Public Facilities, Residential Single Family Planned District, 5.8 units per acre). The consistent land use designation is PF-SF6. See Attachment 5.

Parcel	Zoning	Existing Land Use Designation	Proposed Land Use Designation
164-022-10	PF-RSP-5.8	HOD	PF-SF6
164-022-11	PF-RSP-5.8	HOD	PF-SF6
164-041-14	PF-RSP-5.8	HOD	PF-SF6
164-074-08	PF-RSP-5.8	HOD	PF-SF6

18. North Novato Land Use Policy Map 1.1b

Revise the North Novato Land Use Policy Map 1.1b to update the land use designations for the following parcels as shown in the table below. Parcel 125-190-70 is located immediately north of the existing runway at the Gross Field Airport and is proposed to include part or most of the 1,100 foot runway and taxiway extension for the airport. The parcel is zoned RCR, M3 with an existing land use designation of AG1. Parcel 125-190-76 is located south of the airport and Black John Slough on the bank of Rush Creek. It is owned by Marin County Flood Control and is zoned M3 with a land use designation of AGC1. The proposed land use designation is OS. Parcel 125-190-79 is located northwest of the Gross Field Airport and adjacent to the proposed runway extension and the Northwest Pacific Railroad corridor. This parcel, publicly owned by the California Department of Fish and Game, is characterized by reclaimed saltwater tidal marshlands and is zoned RCR, M2 with a combined land use designation of OS, AG1, and RC. See Attachment 6.

Parcel	Zoning	Existing Land Use Designation	Proposed Land Use Designation
125-190-70	RCR, M3	AG1	PF-IND
125-190-76	M3	AGC1	OS
125-190-79	RCR, M3	OS, AG1, RC	OS

19. Land Use Maps

Modify all maps within the Land Use Map set to include a reference to the community planning areas or the community plan as follows:

Note: Please also reference the respective Planning Area policies and Community Plan for additional policy guidance.

In addition, modify the following maps to update the legend to refer to "Community Plan Boundary" in place of "Community Boundary":

- Map 1.3 Indian Valley Land Use Policy Map
- Map 1.5 Black Point Land Use Policy Map
- Map 5.1.1 Kentfield Land Use Policy Map (Map 1 of 2)
- Map 5.1.2 Kentfield Land Use Policy Map (Map 2 of 2)
- Map 6.1.0 Tamalpais Area Land Use Policy Map Index
- Map 6.1.1 Tamalpais Area Land Use Policy Map, Muir Woods Park (Map 1 of 5)
- Map 6.1.2 Tamalpais Area Land Use Policy Map, Homestead Valley (Map 2 of 5)
- Map 6.1.3a Tamalpais Area Land Use Policy Map (Map 3 of 5)
- Map 6.1.3b Tamalpais Area Land Use Policy Map (Map 4 of 5)
- Map 6.1.4 Tamalpais Area Land Use Policy Map (Map 5 of 5)
- Map 6.2 Marin City Land Use Policy Map
- Map 6.3.0 Strawberry Lane Use Map Index
- Map 6.3.1 North Strawberry & Alto Land Use Policy Map (Map 1 of 2)
- Map 6.3.2 South Strawberry Lane Use Policy Map (Map 2 of 2)
- Map 7.1 Dillon Beach Land Use Policy Map
- Map 7.2 Tomales Land Use Policy Map

- Map 7.3.0 East Shore Land Use Policy Map Key
- Map 7.3.1 East Shore Land Use Policy Map (Map 1 of 2)
- Map 7.3.2 East shore Land Use Policy Map (Map 2 of 2)
- Map 7.5 Point Reyes Station Land Use Policy Map
- Map 7.6 Inverness Land Use Policy Map
- Map 7.9 Nicasio Land Use Policy Map
- Map 7.10.0 San Geronimo Land Use Policy Map (Map 1 of 5)
- Map 7.10.1 Woodacre Land Use Policy Map (Map 2 of 5)
- Map 7.10.2 San Geronimo Land Use Policy Map (Map 3 of 5)
- Map 7.10.3 Forest Knolls Land Use Policy Map (Map 4 of 5)
- Map 7.10.4 Lagunitas Land Use Policy Map (Map 5 of 5)
- Map 7.11 Bolinas Land Use Policy Map
- Map 7.12 Stinson Beach Land Use Policy Map
- Map 7.13 Muir Beach Land Use Policy Map

Modify the following maps to update the legend to refer to “Community/Community Plan Boundary” in place of “Community Boundary”:

- Map 1.0 Planning Area 1.0 (Novato) Land Use Map Index
- Map 6.0 Planning Area 6.0 (Richardson Bay) Land Use Map Index
- Map 7.0 Planning Area 7.0 (West Marin) Land Use Policy Map Index
- Map 7.4.1 Northwest Marin County Land Use Policy Map (Map 1 of 2)
- Map 7.4.2 Northwest Marin County Land Use Policy Map (Map 2 of 2)
- Map 7.8 Southwest Marin County Land Use Policy Map

20. Introduction (p. 1-21)

Amend the Land Use Categories section in the Introduction to include a reference to the community plans as follows:

The Countywide Plan establishes and maps land uses according to the following categories. Additional policy guidance can be obtained from the various local community plans.

Countywide Plan Policies and Programs Related to Density/FAR

Community Development: Corridor Framework

GOAL CD-1 Environmental Corridor Land Use Framework. Establish, maintain, and continue to improve a broad land use management framework using the County's environmental corridors as a basis for local policies and regulation, and to maintain the character of each of the corridors.

POLICY CD-1.3 Reduce Potential Impacts. Calculate potential residential densities and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat or within the Ridge and Upland Greenbelt, the Baylands Corridor or properties lacking public water or sewer systems except for multi-family parcels identified in certified Housing Elements.

PROGRAM CD-1.c Reduce Potential Impacts. Amend the Development Code to calculate potential residential density and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat or within the Ridge and Upland Greenbelt, the Baylands Corridor, or properties lacking public water or sewer systems except for parcels identified in certified Housing Elements.

Community Development: Growth Management

GOAL CD-5 Effective Growth Management. Manage growth so that transportation, water, sewer, wastewater facilities, fire protection, and other infrastructure components remain adequate.

POLICY CD-5.2 Correlate Development and Infrastructure. For health, safety, and general welfare, new development should occur only when adequate infrastructure is available, consistent with the following findings:

- a. Project-related traffic will not cause the level of service established in the circulation element to be exceeded (see TR-1.e).
- b. Any circulation improvements or programs needed to maintain the established level of service standard have been programmed and funding has been committed.
- c. Environmental review of needed circulation improvement projects or programs has been completed.
- d. The time frame for completion of the needed circulation improvements or programs will not cause the established level of service standard to be exceeded.
- e. Wastewater, water (including for adequate fire flows), and other infrastructure improvements will be available to serve new development by the time the development is constructed.

PROGRAM CD-5.e Limit Density for Areas Without Water and Sewer Connections. Calculate density at the lowest end of the Countywide Plan designation range for subdivisions proposed in areas without public water and/or sewer service. Densities for

housing units, affordable to very low and low income residents, that are capable of providing adequate water and/or sewer services may be considered on a case-by-case basis.

Community Development: Urban Services

GOAL CD-6 Confinement of Urban Development. Concentrate new medium- to high-intensity land uses at infill areas where services can be provided.

POLICY CD-6.1 Coordinate Urban Fringe Planning. Seek city review of development proposed adjacent to urban areas. Discourage development requiring urban levels of service from locating outside urban service areas. Coordinate with cities and towns regarding their plans and rules for annexing urbanized areas.

PROGRAM CD-6.a Consider Annexation of Urbanized Areas. Encourage annexation of lands proposed for intensified development in urban service areas or within established urban growth boundaries by calculating density at the lowest end of the Countywide Plan designation range, thereby allowing less-intensive development than permitted by the neighboring city or town (unless limited to housing affordable to very low or low income residents, or specified in an adopted specific, community, or master plan).

Community Development: Countywide Plan and Zoning Consistency

POLICY 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 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 are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. 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, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

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

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

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

Design: Ridge and Upland Greenbelt

GOAL DES-4 Protection of Scenic Resources. Minimize visual impacts of development and preserve vistas of important natural features.

POLICY DES-4.1 Preserve Visual Quality. Protect scenic quality and views of the natural environment — including ridgelines and upland greenbelts, hillsides, water, and trees — from adverse impacts related to development.

PROGRAM DES-4.e Protect Views of Ridge and Upland Greenbelt Areas. Employ a variety of strategies to protect views of Ridge and Upland Greenbelt areas, including the following:

- Identifying any unmapped ridgelines of countywide significance, both developed and undeveloped, and adjusting the Ridge and Upland Greenbelt Areas map as appropriate;
- Amending the Development Code and County zoning maps to designate a suburban edge on all parcels contiguous to the City-Centered Corridor that abut the Ridge and Upland Greenbelt, and requiring that those parcels develop at rural densities with visually sensitive site design;

- Rezoning Ridge and Upland Greenbelt lands to the Planned District category and adjacent buffer areas to a transitional district, thereby subjecting them to County Design Review Requirements that include hillside protection;
 - Requiring buildings in Ridge and Upland Greenbelt areas to be screened from view by wooded areas, rock outcrops, or topographical features (see DES-3.b); and
 - Calculating density for Ridge and Upland Greenbelt subdivisions at the lowest end of the General Plan designation range.
-

Transportation: Traffic Congestion

GOAL TR-1 Safe and Efficient Movement of People and Goods. Provide a range of transportation options that meet the needs of residents, businesses, and travelers.

POLICY TR-1.1 Manage Travel Demand. Improve the operating efficiency of the transportation system by reducing vehicle travel demand and provide opportunities for other modes of travel. Before funding transportation improvements consider alternatives — such as Transportation Demand Management (TDM) — and prioritize projects that will reduce fossil fuel use and reduce single-occupancy vehicle trips.

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

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

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

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

Lucas Valley Ranch Capital Partners LLC
2200 Lucas Valley Road
San Rafael, CA 94903

October 2, 2012

Marin County Board of Supervisors
3501 Civic Center Drive Room #329
San Rafael, CA 94903

Attn: Susan Adams
Katie Rice
Kathrin Sears
Steve Kinsey
Judy Arnold

Dear Board of Supervisors,

This letter is in regards to the proposed Resolution to approve the 2012 Amendment to the County Wide Plan. Our property at 2200 Lucas Valley Road abuts the Grady Ranch site, which the County has listed, in the County Wide Plan and Proposed County Wide Plan Amendment, as one of the future locations for low income housing with a potential unit count of 240 units. Neither we, nor the general public were properly noticed regarding the Marin County Wide Plan & Amendment (and possibly the inadequate EIR that County Staff has produced).

As an interested party who only this morning learned of the BOS meeting to address the proposed amendment to the county wide plan, we request a continuation of this meeting to allow us adequate time to prepare a proper evaluation and analysis regarding the various items of concern listed within this letter, which have real and potentially significant impacts on our property, the environment, and the public. The follow is a brief non-exhaustive list of the issues we would like proper time to address:

1. We challenge the Resolution to adopt the 2012 Amendment to the 2007 County Wide Plan. CEQA requires site-specific assessment of the impacts on a case-by-case basis.
2. The EIR associated with the 2012 Marin County Housing Element for the counties future low income housing does not adequately take into consideration the site specific impacts of the low income projects listed for special designation and future special treatment by the County's planning, entitlement, and permitting process.
3. The County's creation and approval of an EIR that only addresses the impacts of the designated future sites for low-income housing throughout the county in a context that only evaluates the impacts of these future projects cumulatively. The site specific impacts are not

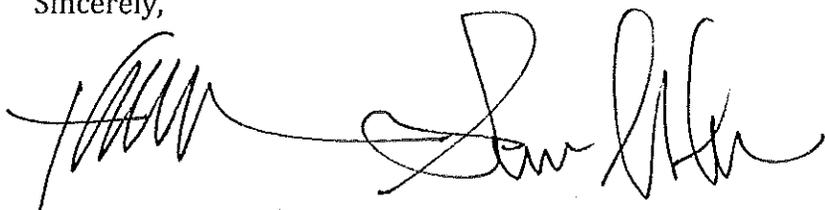
properly assessed prior to the County granting specific and special designation for the various sites listed for future low income housing projects as listed within the 2012 Marin County Housing Element.

4. The actual impacts for these sites with this special designation, which is before the BOS is being postponed to a later date when the application for the projects is submitted.
5. Based on statements made by County Staff the future site specific EIR's for these future low income sites will not be required to produce a full complete EIR, but only a Supplemental EIR for each of these locations. Without a full thorough EIR of the site-specific impacts on a location-by-location basis the public, the neighbors, and the County will not be adequately informed of the potential impacts generated from the creation of these future low-income housing projects.
6. The unit-count of 240 low-income units at the Grady Ranch site is not based on current allowed zoning or allowable units for this site. The 240 units being recommended by Staff appears to involve spot zoning and does not take into consideration the County's Slope Ordinance, Stream Conservation Area Set Backs, various other environmental constraints such as known slide locations on the Grady Ranch site, or currently allowable density for housing on this site.
7. This resolution before the Board of Supervisors proposes to change County policy by exempting these future low-income projects from such County Rules specific to the Ridge and Upland Greenbelt, the Bayland Corridor, and sites that lack public water and sewer systems.
8. Approving projects on sites that have not secured public water and sewer services is not only setting a new precedent in terms of the development & entitlement process but is in fact unlawful as it relates to State Law.
9. The proposed loop holes to the Counties own rules and Ordinances coupled with a clear circumvention of State Law.
10. The adoption of this Resolution diminishes the established safe guards to the adjacent property owners, general public, and the communities near these future low income housing sites.

We challenge this resolution as circumventing not only the Counties Own rules and ordinances but State laws as well. We expect the County to treat all developments within the County equally and provide the public the same notifications, protections, and County review that they could expect for any other project. We request the Board of Supervisors continue this matter to

allow for adequate time for us to address the potential impacts of this Resolution and the 2012
Housing Element.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas & Susan Monahan', written in a cursive style.

Thomas & Susan Monahan
Lucas Valley Ranch Capital Partners LLC
2200 Lucas Valley Road
San Rafael CA 94903

SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941

November 1, 2011

Supervisor Kathrin Sears
3501 Civic Center Drive, Suite 329
San Rafael, CA
Regarding: Proposed Revisions & Additions to the Marin Countywide Plan Amendment

Dear Supervisor Kathrin Sears,

Regarding the Marin Countywide Plan Amendment, the Sustainable TamAlmonte Executive Committee recommends the following revisions and additions.

FINDINGS

Whereas the Sustainable TamAlmonte Executive Committee hereby finds the following:

WHEREAS the Commercial Mixed Use parcels in the Tamalpais Area Community Plan area are laden with multitudinous constraints to development, including hazardous conditions (unacceptable level of service traffic (LOS "F"), flooding, projected sea level rise, high air pollution, high seismic activity, subsidence, & mud displacement) and insufficient infrastructure & public services, as well as proximity to vulnerable natural habitat & endangered species. These constraints make development unfavorable.

WHEREAS the Commercial Mixed Use parcels in the Tamalpais Area Community Plan area lack sufficient retail & professional services and public transit to serve the communities of the Plan area, causing residents to drive outside the area to obtain their daily needs. Future residents would need to do the same, thus increasing Green House Gases.

WHEREAS restoration of all lands East of Shoreline Highway, back to the marsh has been advocated by Tam Valley and Almonte residents for decades and is recognized as a high priority in the Tamalpais Area Community Plan. Such restored wetlands would not only provide critical habitat but would also serve to protect residents from the surge of increased flooding and future sea level rise. Were increased development allowed on this land, any chance of restoring it back to marshland would be significantly impaired. Land value would increase, making it more difficult to fund the purchase of the land for restoration. Thus, further development of land that was once part of the marsh and that could be restored, would potentially cause irreversible impacts to the marsh and its restoration.

WHEREAS "Goal Bio-5 Baylands Conservation" in the 2007 Marin Countywide Plan mandates analysis and mapping of historic wetlands in Richardson Bay and the Bothin Marsh area (including all parcels East of Shoreline Hwy) to determine if the parcels should be included in the Baylands Corridor. It is expected that once the analysis and mapping are completed that all parcels East of Shoreline Hwy will be added to the Baylands Corridor and will then be subject to Baylands Corridor regulations. The purpose of the Baylands Corridor is to give greater protections to wetland, including reducing development.

WHEREAS the primary land use goal of the Tamalpais Planning Area as stated in the Tamalpais Area Community Plan is the conservation of the semi-rural residential and commercial character and scale of the community and its close relationship with the natural beauty of its setting. In addition, the Tamalpais Area Community Plan's goals include limiting commercial development or redevelopment to uses that primarily serve the local residents at a scale compatible with the semi-rural environment and adjacent neighborhood.

RECOMMENDATIONS

Now, therefore, for the sake of protecting the environment and public health and safety, the Sustainable TamAlmonte Executive Committee advocates decreasing the number of residents and increasing the amount of neighborhood serving retail & professional services in the Commercial Mixed Use parcels to the greatest extent possible as well as upholding all Baylands Corridor protections, as delineated in the Biological Resources section of the Countywide Plan. In so doing, the Sustainable TamAlmonte Executive Committee recommends the following revisions and additions to the Marin Countywide Plan Amendment:

REGARDING PROPOSED CHANGES TO THE CWP POLICIES & PROGRAMS, WHICH SHALL BE FURTHER MODIFIED, AND ARE SCHEDULED FOR REVIEW AND ADOPTION BY THE BOARD OF SUPERVISORS ON NOVEMBER 13, 2012:

We understand that on October 2, 2012, the Board of Supervisors considered changes to three policies (discussed below) related to affordable housing. Per their request at that meeting, staff is returning with language to clarify that increased densities for affordable housing may be considered, on a case-by-case basis, without encouraging higher development in environmentally constrained areas.

We have not seen the final verbiage of the new language. However, as currently written above, there is no clear definition of "an environmentally constrained area" and no clear guidance that outlines what would be needed to determine if an area is environmentally constrained. Furthermore, since California State law allows for streamlining and exemption of CEQA review, an Environmental Impact Report (EIR) may not be required during permit review of an affordable housing project and therefore would not be available to determine if the area, surrounding the affordable housing development, were environmentally constrained. For these reasons, there is no guarantee that the constraints of the Tamalpais Area Community Plan area would be recognized. Therefore, we recommend more straightforward protections for the Tamalpais Area Community Plan's constrained areas.

Excerpt from the amendment to 2007 Marin CWP contained in Exhibit "A", included in the September 11, 2012 Staff Report:

"7. Policy CD-1.3 Reduce Potential Impacts (p. 3-12) *Modify Policy CD-1.3 as follows to clarify that affordable housing to very low or low income residents are not required to be calculated at the lowest end of the density range. This standard is clearer than existing language, which simply says: "multi family parcels identified in certified Housing Elements." Furthermore, the modification is consistent with existing language in the Development Code as well as other policies in the CWP. For example, policies CD-1.c and CD-5.e (see Items 8 and 9 below), CD-6.a, and TR-1.e exclude affordable*

housing to very low and low income residents from the lowest end of the density range. Finally, this modification would not apply to inclusionary housing.

Policy CD-1.3 Reduce Potential Impacts. *Calculate potential residential densities and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat or on sites within the Ridge and Upland Greenbelt, the Baylands Corridor, or on sites lacking public water or sewer systems. This requirement shall not apply to development of housing exclusively affordable to very low or low income residents.”*

RECOMMENDATION

Sustainable TamAlmonte recommends adding the following new language to Policy CD-1.3 Reduce Potential Impacts:

Residential units in the Tamalpais Area Community Plan area are not subject to the density or FAR exceptions for development of housing exclusively affordable to very low or low income residents, listed in Policy CD-1.3 due to the area’s highly constrained (week and weekend) traffic conditions, flooding, future sea level rise and other hazards.

Excerpt from the amendment to 2007 Marin CWP contained in Exhibit “A”, included in the September 11, 2012 Staff Report:

“8. Program CD-1.c Reduce Potential Impacts (p. 3-13) *Modify Program CD-1.c to be consistent with the modifications made to Policy CD-1.3 and to existing Programs CD-5.e and CD-6.a, which refer to housing affordable to very low or low income residents. The modification is also consistent with existing CWP polices as discussed in Item 7 above.*

PROGRAM CD-1.c Reduce Potential Impacts. *Amend the Development Code to calculate potential residential density and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, or within the Ridge and Upland Greenbelt, or on sites in the Baylands Corridor, or on sites lacking public water or sewer systems. This requirement shall not apply to development of housing exclusively affordable to very low or low income residents.”*

RECOMMENDATION

Sustainable TamAlmonte recommends adding the following new language to Program CD-1.c Reduce Potential Impacts:

Residential units in the Tamalpais Area Community Plan area are not subject to the density or FAR exceptions for development of housing exclusively affordable to very low or low income residents, listed in Program CD-1.c due to the area’s highly constrained (week and weekend) traffic conditions, flooding, future sea level rise and other hazards.

Excerpt from the amendment to 2007 Marin CWP contained in Exhibit “A”, included in the September 11, 2012 Staff Report:

“9. Program CD-5.e Limit Density for Areas Without Water and Sewer Connections (p. 3- 28) *Modify Program CD-5.e to be consistent with Policy CD-1.3 and Program CD-1.c as follows. See also the discussion for Item 7 above.*

PROGRAM CD-5.e Limit Density for Areas Without Water or Sewer Connections.

Calculate density at the lowest end of the Countywide Plan density range for new development proposed in areas without public water or sewer service. This requirement shall not apply to development of housing exclusively affordable to very low or low income residents."

RECOMMENDATION

Sustainable TamAlmonte recommends adding the following new language to Program CD-5.e Limit Density for Areas Without Water or Sewer Connections:

Residential units in the Tamalpais Area Community Plan area are not subject to the density or FAR exceptions for development of housing exclusively affordable to very low or low income residents, listed in Program CD-5.e due to the area's highly constrained (week and weekend) traffic conditions, flooding, future sea level rise and other hazards.

REGARDING NEW PROPOSED CHANGES TO CWP POLICIES & PROGRAMS

Excerpt from the Countywide Plan:

"CD-8.7 Establish Commercial/Mixed-Use Land Use Categories and Intensities...

The following criteria shall apply to any mixed-use development:

1. *For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.*

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

"5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.

6. *Residential units on mixed-use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update. The 100 unit cap includes any applicable density bonus and such units are not subject to the FAR exceptions listed in #5 above due to the area's highly constrained (week and weekend) traffic conditions, flooding, and other hazards...."*

RECOMMENDATION

Sustainable TamAlmonte recommends adding the following new language to CD-8.7 - Establish Commercial/Mixed-Use Land Use Categories and Intensities, Criteria #6:

****Please note that we are presenting two different versions of this recommendation for your consideration. Version One is our preferred recommendation because we believe that the commercial/mixed use parcels in the Tamalpais Area Community Plan area are too dangerous for people to live in. However, if the County does not agree to our first**

version, we are also submitting a second version – Version Two.

VERSION ONE (PREFERRED)

ADD TO CRITERIA # 6:

In recognition of the highly constrained (week & weekend) traffic conditions, flooding, future sea level rise and other hazards for residents and much needed neighborhood serving commercial at the mixed-use parcels in the Tamalpais Area Community Plan area, the following applies:

- **For all commercial mixed-use parcels in the Tamalpais Area Community Plan area, Criteria #1 shall not apply. Instead, these commercial mixed-use sites shall be designated with new Land Use Categories, which shall reflect 100% commercial uses with no new housing allowed. Existing housing shall be grandfathered in.**
- **For all development at commercial/mixed-use sites in the Tamalpais Area Community Plan area, height limits shall be compatible with adjacent neighborhoods and may be lower than but shall not exceed the height limits listed in the Tamalpais Area Community Plan. These height limits shall include any applicable affordable housing height incentive.**

VERSION TWO (SECOND CHOICE)

ADD TO CRITERIA # 6:

In recognition of the highly constrained (week & weekend) traffic conditions, flooding, future sea level rise and other hazards for residents and much needed neighborhood serving commercial at the mixed-use parcels in the Tamalpais Area Community Plan area, the following applies:

- **For all mixed-use parcels in the Tamalpais Area Community Plan area, Criteria #1 shall not apply. Instead, new development shall maintain the existing amount of commercial floor area. For new floor area, that is in addition to maintaining the current amount of commercial floor area, no more than 5% of the new floor area may be developed for new housing, and the remaining 95% of the new floor area shall be developed for commercial, pending in-depth environmental review on a case by case basis. Moreover, 100% of the new floor area may be developed for commercial.**
- **For all development at commercial/mixed-use sites in the Tamalpais Area Community Plan area, height limits shall be compatible with adjacent neighborhoods and may be lower than but shall not exceed the height limits listed in the Tamalpais Area Community Plan. These height limits shall include any applicable affordable housing height incentive.**

Thank you for your conscientious consideration.

Very truly yours,

SUSTAINABLE TAMALMONTE EXECUTIVE COMMITTEE

Sharon Rushton, Ann Spake, Gene Spake, Camille Johnson, Adrian Gordon, Lynn Reid,
and Sandra Glading