

Date: November 20, 2012

To: Regulatory Improvements Advisory Committee  
Lisa Wise Consulting, Inc.

From: Jeremy Tejirian, AICP, Planning Manager

**Re: Current Planning section regulatory efficiency**

In an effort to assist with preparing for the next regulatory improvement advisory committee meeting on December 6<sup>th</sup>, 2012, I have summarized some background regarding the planning process in Marin County and recent initiatives we have undertaken to improve the services we offer. The initiatives discussed below include work done by the Permit Efficiency Group, Development Code Amendments recently adopted by the Board of Supervisors, our website upgrade and improvements to our public information program, the COMET software that is being developed to help us better manage projects and measure performance, and future amendments to the Development Code that may be considered. This summary is accompanied by several internal memorandums, proposals, and requests for proposals from outside consultants that provide more detail about some of the key initiatives we have been pursuing during the past few years. First, however, I have provided a brief primer on the typical planning process below, which I hope will help orient members of the committee and lead to a more informed discussion during the meeting.

**The Planning Process in a Nutshell**

The planning process for individual development projects typically involves five distinct steps: (1) property research; (2) completeness review; (3) environmental review; (4) merits review and decision; and, (5) Building Permit compliance review. Each of these steps is described below.

***A. Property Research***

Homeowners and business owners will normally begin by hiring an architect who will prepare the plans, manage the process for them, and serve as the applicant to the Planning Division. On-line resources are available to some extent, but applicants will usually approach the Planning Division more directly in the pre-design process to obtain information about standard requirements. Applicants can call the public information counter for basic zoning information and will often come to the counter to speak to planning staff about standard procedures, regulations, and costs. In recent years, the Current Planning section has added optional services that are available to customers who want to take the next step in their research beyond speaking with a counter planner. These include the following:

- Property information packets- planning staff copies all previous planning decisions and provides them to an applicant.
- General Consultations- planning staff meets with an applicant to discuss their project and provide them with early input.
- Pre-applications- planning staff reviews preliminary plans and refers them to other agencies for preliminary review and provides the applicant with a written evaluation.
- Pre-submittal meetings- once an applicant has finished preparing the plans, a planner will spend a brief time reviewing them before they are formally submitted, to ensure that all the basic submittal items are being included in the application

Each of these services can be helpful, but the degree to which an applicant finds them useful depends on the nature and complexity of the project and the specificity of the proposal.

### ***B. Completeness Review***

The first step in the formal application process is reviewing the application materials submitted for the project to see if they are adequate to fully review the project. This process is governed by the Permit Streamlining Act, which specifies that an agency must provide a comprehensive list of every item of information that can be required for an application (see attachment 1) and that a determination regarding whether an application is complete must be made within 30 days of the date of submittal. If the application is not complete, then those items of information that are still necessary should be prepared by the applicant and submitted within one month, but this step can take substantially longer depending on the type of information requested by staff and the length of time it takes the applicant to prepare it. Once the applicant resubmits an application, planning staff again has up to one month to determine whether the application is complete.

The completeness review typically involves the planner transmitting the project materials to a number of agencies and organizations that have purview over or an interest in development. These usually include: (1) the Department of Public Works; (2) the local fire department; (3) the local water district (or the Environmental Health Services Division, if the property is on water well); (4) the local sanitary district (or the Environmental Health Services Division, if the property is on septic); and, (5) local community groups or design review boards. In some cases, a planner may also transmit a project to State agencies, such as the California Coastal Commission, the Department of Fish and Game, or the Army Corps of Engineers.

The planner will review the application materials, County records and maps, and will visit the site to understand the context in which the project would take place. If the planner finds that there are potential issues with a project, he or she will provide the applicant with “preliminary merit comments” indicating that there are elements of the project that may conflict with published policies, regulations, or guidelines. This is intended to give the applicant an early opportunity to revise the project as necessary to meet County requirements.

### ***C. Environmental Review***

Once a project is deemed complete, a determination can be made regarding whether the project is categorically exempt from the California Environmental Quality Act (CEQA). In more than 99 percent of cases, a project is categorically exempt, but there are rare instances when an environmental review needs to be conducted. There are essentially two kinds of environmental review: (1) an initial study leading to a Negative Declaration of Environmental Impact; or (2) an Environmental Impact Report (EIR). According to the CEQA Guidelines, an initial study/ negative declaration should take no longer than six months to prepare and an EIR should take no longer than a year to prepare.

### ***D. Merits Review and Decision***

After a project is deemed complete and any necessary environmental review has been completed, the review of the merits of an application begins. Public notice, describing the project, is sent out to the surrounding area inviting comments before a decision is made. Most planning permits for development, such as Design Review, are issued decisions “administratively,” which means that planning staff issue the decision without a public hearing. Other types of permits, including most Coastal Permits, require a public hearing before a Deputy Zoning Administrator. According to the Permit Streamlining Act, a decision on an application that is categorically exempt from CEQA must be rendered within 60 days of the date on which it is deemed complete. When a project is approved, the approval will contain certain “conditions of approval” or stipulations for measures that must be implemented for the development to proceed. All decisions on discretionary projects can be appealed to the Planning Commission and subsequently the Board of Supervisors for a hearing to reconsider the action taken by the lower decision-making body. Appeals tend to add a considerable amount of time and expense to the review of an application.

### ***E. Building Permit Compliance Review***

After a development project has been approved, the applicant will need to obtain Building Permits and sometimes septic and well permits. A planner will review a Building Permit application when it is first received to ensure that it substantially conforms to the design that was approved and that it satisfies the conditions of approval. In some instances, planning staff will conduct an inspection before the development is completed to ensure that required landscaping and other features have been properly installed.

## **The Permit Efficiency Group**

The Permit Efficiency Group (PEG) was convened in 2009 in an effort to analyze and improve the County’s development permit review process. The PEG includes staff from the Planning Division, Building and Safety Division, Environmental Health Services Division, the Department of Public Works, and Marin County Fire. Collaborating across divisions and agencies in this way has resulted in several initiatives, but I will limit my discussion to those initiatives that concern the Current Planning section. One of those initiatives resulted in an agreement between the different Divisions within the CDA and the Department of Public Works to reduce the time it takes to review revised project submittals (see attachment 2).

In an effort to evaluate how else it would be possible to legally streamline the planning process, I prepared a memo for the PEG comparing State-mandated procedural steps for project review to the practice in Marin County (see attachment 3). It was evident from this comparison that the County created steps in the project review process that are not mandated by State law. As a result, staff identified means of streamlining development review by better aligning the procedural requirements set forth in the Development Code to the mandates of State law. More specifically, non-mandated interagency transmittals, public notice, and public hearing requirements were slated to be removed from the Development Code in a round of code amendments that were adopted in the early part of 2012.

## **Development Code Amendments**

In 2011 and the beginning of 2012, the Current Planning section brought forward to the Planning Commission and Board of Supervisors the most comprehensive set of Development Code amendments since 2003. A variety of amendments were adopted by the Board, which were related to implementing the Countywide Plan, aligning our code requirements with State mandates, and reorganizing the code for ease of use and clarity. In making these changes we attempted to follow what we called the “CASE” principle as much as possible. “CASE” stands for clear, affordable, simple, and enforceable. The overall approach for the code amendments is explained in the first staff report sent to the Planning Commission (see attachment 4). The primary streamlining measures adopted by the Board of Supervisors are described below.

### ***A. Public Notices***

State law mandates that the County send public notices of public hearings to property owners within 300 feet of the property where development would occur and place a notice in the Independent Journal of the upcoming hearing. There are no public notice requirements for administrative decisions. The Board lessened the public notice requirements, but posting a notice on site would still be required for administrative decisions. However, the Board indicated that the Planning Division can only change its administrative procedures to reduce public notices after the Current Planning section’s website has been updated to provide a greater degree of information to the public about projects that are under review. Website upgrades are being pursued, as is further discussed in the website section below. The Planning Division also retains discretion to send mailed notices when determined appropriate.

### ***B. Interagency Transmittals***

State law mandates that applications for subdivisions be transmitted to public agencies that provide essential services. However, the Development Code was written to extend this same transmittal requirement to other property modification applications, including Lot Line Adjustments. The code was amended to remove unnecessary transmittal requirements. The Planning Division has not yet modified any administrative procedures regarding transmittals but intends to proceed with this initiative in the next fiscal year simultaneously with modifying our noticing procedures.

### ***C. Public Hearings***

The Board eliminated public hearings for Variances, Floating Home Adjustments, and Use Permit Renewals. As a result, 17 Deputy Zoning Administrator hearings have been avoided since the beginning of 2012, saving approximately 166 hours of staff time and over \$21,000 of customer fees. As the economy improves, we expect the overall number of projects to increase along with concomitant savings in costs and time related to minimizing Deputy Zoning Administrator hearings in the future. The Board adopted amendments to the fee schedule at the same time as the code amendments in order to reflect the reduction in costs related to the elimination of public hearings.

#### ***D. Master Plans***

Master Plans are proposals for the long term use and development of a property. Subsequent to Master Plan approval, applicants provide more detailed design plans for applications called Precise Development Plans. The Board broadened the exemptions and waivers to Master Plan requirements in a few key ways. First, in cases where a business wants to occupy an existing tenant space, the tenant improvements are exempt from a Master Plan as long as the new type of business is permitted in that zoning district without a Use Permit. Second, projects that would be built in a single phase qualify for a waiver from Master Plan requirements as long as a Community Plan for the area does not state that a Master Plan is required for that specific site.

### **Website and Public Information Improvements**

Marin County has been comprehensively upgrading its web presence for several years, typically redesigning a whole agency's website at the same time. Due to the Board's direction to the Current Planning section that improvements need to be made to our website before we can change our administrative procedures, the County's web designers have given the Current Planning section permission to upgrade our site before the rest of the Community Development Agency. Work has been progressing well on this project, and a new website for Current Planning should go live at the end of January or beginning of February. A preview of the website is not yet available, but details regarding the structure and functions of the website are explained in a proposal that was approved by Tom Lai in May 2012 (see attachment 5).

Two initiatives that are related to the website improvements will enhance our public information program in other ways as well. First, staff is preparing a comprehensive guide that will summarize the various steps of the planning process for our customers. The planning application guide will walk a potential applicant through each of the successive steps, explain each in context as well as explaining time frames and permit fees. Second, the Current Planning section has entered into contracts with three design firms to prepare a set of sample plans that designers can refer to when they are preparing an application for planning review (see attachment 6). Our approach with these initiatives is to make the County's expectations clear so that applications can be processed as efficiently as possible.

### **COMET**

A software system for internal use, named COMET, is being developed to assist project management across the Community Development Agency. For the Current Planning section,

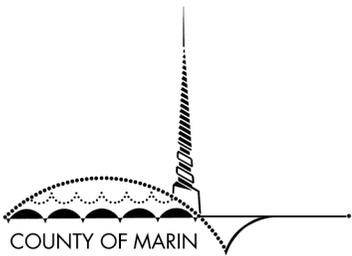
this software will improve efficiency by providing staff with a better way to track performance metrics, such as the project to planner ratio, the length of time spent for different types of applications and for separate steps in the review process, and variables that affect costs and unnecessary delays. Analyzing these metrics will provide managers with valuable data to continually improve the efficiency and effectiveness of the Current Planning program. COMET will also benefit applicants by facilitating better permit review coordination between the Current Planning section and other County Divisions through the shared use of a centralized database and permit tracking.

### **Future Code Amendments**

The Current Planning section intends to begin another round of substantial amendments to the Development Code in Fiscal Year 2013/2014. While the objectives of these amendments are not yet well defined, we are considering substantially revising our regulatory approach to planned districts. These changes could lead to clear standards being established for development in Planned Districts that would be allowed by right, rather than based on discretionary approvals such as Design Reviews. Clarifying expectations is one key way of making the planning process as efficient as possible.

Attachments:

1. Submittal Checklist
2. Project Management memo
3. PEG memo
4. Code amendment staff report to the Planning Commission
5. Web proposal
6. RFP for sample plans



## Planning Permit Application Submittal Checklist

This Submittal Checklist is provided as a tool to assist you in preparing a planning permit application. The basic submittal requirements listed below must be provided in order for us to accept your application for processing. This guide and the checklists contained herein shall be completed and submitted with the Planning Permit Application.

Basic Submittal Requirements (please see matrix on pg. 3 for more information)	
	Completed Planning Permit Application Form and/or Property Modification Form
	Completed Planning Permit Application Submittal Checklist
	Preliminary Title Report
	Materials, Colors, and Details
	Design Plans ( <i>typically 8 sets</i> ) <ul style="list-style-type: none"> <li><input type="checkbox"/> Project Information</li> <li><input type="checkbox"/> Site Plan</li> <li><input type="checkbox"/> Floor Plans</li> <li><input type="checkbox"/> Building Elevations</li> <li><input type="checkbox"/> Building Cross Sections</li> <li><input type="checkbox"/> Roof Plans</li> <li><input type="checkbox"/> Grading Plan</li> <li><input type="checkbox"/> Drainage Plan</li> <li><input type="checkbox"/> Landscape Plan/Vegetation Management Plan</li> </ul>
	Payment of application fees (please see current fee schedule)
	Completed Agreement for Payment of Application Fees (if required)

Potential Submittal Requirements			
	Story Poles		Site Staking
	Photosimulations		Preliminary Geotechnical Report
	Biological Assessment		Archaeology Report
	Hydrological Report		Transportation Management Plan
	Stormwater Control Plan		Acoustical Study
	Arborist Report		Historical Study
	Constraints Map		Photometric Study
	Affordable Housing Plan		Agricultural Management Plan

Following our review of the application, you may be required to provide additional information beyond the basic submittal requirements based on site-specific conditions and/or as part of the environmental review process. You can help expedite the Community Development Agency's review of your application by providing a complete development application based on the requirements contained within this guide. Please refer to the more detailed submittal matrix on page 3 for additional information that may be required based on your site specific conditions.

Items required on the checklist may be combined on the submitted plans so long as the plans are easy to read. If an item is not included in the submittal package, please indicate by written statement at the end of this checklist why it was not included. Structural drawings and calculations are not required for most planning permit applications. After completing this submittal checklist, please include it with the application materials and submit it to the Community Development Agency, Planning Division along with your plans and required fees.

As a general rule, all studies and technical reports may be subject to peer review at the Community Development Agency Director's discretion.

### **Plans**

Most planning permit applications require the submittal of eight copies of the complete set of plans plus a reduced plan set no larger than 11 inches by 17 inches. The reduced plan set should include a scale conversion that allows approximate measurements to be made. Each set of plans should not exceed 24 inches by 36 inches, and must be collated and folded to a size no larger than 11 inches by 17 inches. All plans and reports shall be dated. If you are submitting revisions to an existing application that is on file, the revisions must be clouded and properly identified with each revised sheet marked "revised" and the revision date clearly indicated. Please consult with your assigned planner when submitting revisions to see if you will be required to submit complete sets of revised plans. All plans must be accurate and internally consistent.

### **Application Forms and Fees**

A completed and signed Planning Permit Application or Property Modification Application must be submitted. A completed Property Modification Application is required for Land Division/Subdivision Tentative Map, Lot Line Adjustment, Certificate of Compliance, and Parcel/Final Map. The application must be signed by the property owner. Please provide a detailed written description of the proposed work on the application form.

Please refer to the Planning Division's current fee schedule. All checks must be payable to the "Marin County Community Development Agency" or "Marin County Planning Department." Please understand that change for cash transactions is limited. The Community Development Agency does not accept credit cards at the present time. Staff may conduct cost accounting on larger and/or complex projects to ensure that the fee will cover the actual cost of service.

## Marin County Planning Permit Application Checklist

Checklist Item Number (# of sets of plans required)	CP (8)	DR (8)	DM (1)	UP (8)	VR (8)	SU (5)	SR/P (4)	TR (4)	MP (8)	DP (8)	LD (8)	LL (8)	CC (4)	TP (8)	FH (8)	FA (8)	PA (8)	RZ (8)	LF (4)
1. Site Plan	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆			◆
2. Grading Plan	◆	◆			◆					◆				◆					
3. Drainage Plan	◆	◆			◆					◆				◆					
4. Utilities Plan	◆	◆			◆	◆		◆	◆	◆	◆								
5. Septic System Plan	◆	◆			◆	◆		◆	◆	◆	◆	◆		◆					
6. Development Envelopes									◆	◆	◆	◆							
7. Site Boundary Survey																			
8. Topographic Survey																			
9. Staking Plan		◆			◆						◆								
10. Project information	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆
11. Floor Plans	◆	◆	◆	◆	◆	◆				◆				◆	◆	◆			
12. Building Elevations	◆	◆	◆		◆	◆	◆			◆				◆	◆	◆			
13. Building Cross Sections	◆	◆	◆		◆	◆				◆				◆	◆	◆			
14. Materials, Colors, and Details	◆	◆	◆	◆	◆	◆	◆			◆				◆	◆	◆			
15. Landscape Plan	◆	◆			◆			◆		◆				◆					
16. Vegetation Management Plan	◆	◆			◆			◆		◆									
17. Preliminary Title Report											◆	◆	◆						
18. Second Unit Information						◆													
19. Telecommunications Facilities		◆		◆															
20. Historic Checklist (Coastal Zone)																			
21. Operational Characteristics				◆					◆	◆									◆
22. Property Information													◆						
23. Evidence of Water Supply	◆	◆			◆	◆			◆	◆	◆					◆	◆		

**Key:**  
 CP = Coastal Permit      DR = Design Review      DM = Minor Design Review      UP = Use Permit      VR = Variance  
 SU = Second Unit Permit      SR/P = Sign Review/Sign Permit      TR = Tree Removal      MP = Master Plan      DP = Precise Development Plan  
 LD = Land Division      LL = Lot Line Adjustment      CC = Certificate of Compliance      LF = Lg Family Day Care      TP = Tidelands Permit  
 RZ = Rezoning      PA = Plan Amendment      FH = Floating Home Adjustment      FA = Floating Home Architectural Deviation

◆ Information required  
 Information may be required based on project-specific circumstances

To assist you in preparing the application materials, the following information has been grouped into three categories: Engineering, Architecture, and Documentation.

**ENGINEERING AND SURVEYING - The following items are often best completed by a civil engineer or surveyor.**

1.  **Site Plan**

A Site Plan must be submitted that contains the information listed below. The name, address, and phone number of the plan preparer shall be included on the plans.

*A. Vicinity Map and Directions*

A vicinity map shall be shown on the site plan which clearly shows the subject property and surrounding roads. The vicinity map shall be accompanied by specific directions to the site from a main road.

*B. Boundaries*

The site plan must show all existing and proposed lot lines, labeled with their metes and bounds, open space, and the locations of existing and proposed easements and rights of way. If the property is split zoned, the zoning boundary must be indicated. If the property is governed by a planned zoning district, then all contiguous legal lots of record under a single ownership must be shown.

*C. Structures*

The footprints of all existing and proposed structures and buildings on the subject property, including any structures proposed to be removed, must be indicated and drawn to scale. Their use, location, and setbacks to all property lines must be indicated. (All building setbacks from property lines must be dimensioned on the plans.) The maximum extent of each proposed building footprint shall be shown in a relative line weight that is heavier than those lines that show other project components. For projects that involve additions, the additional building area shall be shaded and walls to be demolished shall be dashed. Areas proposed for demolition shall be hatched. The footprint and height of any existing or proposed structure on adjacent properties may be required to be provided in some instances. Plans for retaining walls shall indicate the top and bottom of wall elevations.

*D. Roofs*

Roof plans that indicate existing and proposed pitch, slope direction, hips, valleys, and general size and location of any mechanical equipment, vents, ducts, skylights, and chimneys must be shown on the site plan. The roof plans must be overlaid on the topographic contours and include roof corners and ridgeline elevations.

*E. Lighting*

All exterior lighting (for structures and landscaping), including the location and type of lights, must be shown.

*F. Noise Generators*

The location of any proposed swimming pool equipment, air conditioners, generators, or other noise generators, must be indicated, and specifications including the size, height, and anticipated noise levels shall be provided.

*G. Natural Features*

All natural features, such as rock outcrops, ridgelines, wetlands, creeks (flow line and top of bank), ponds, waterbodies, and all existing significant vegetation, including significant vegetation to be removed as part of the project, must be shown. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all watercourses including tide water must be shown. The trunk location, dripline, and common and scientific names of all existing trees on the subject property with a 6-inch or greater trunk diameter measured at a height of 4.5 feet above grade must be shown. Any trees proposed for removal must be indicated along with the reason why they are proposed to be removed. Areas of identified geological instability shall be identified, including faults and landslides.

*H. Topography*

Existing site contours must be shown at 5-foot intervals, and their respective elevations must be labeled. The contour information may not be absolutely precise unless a topographical survey is required, but must be generally accurate. All natural features such as creeks, flood zones, slides, faults, and rock outcrops, and human-made improvements must be shown. For properties which contain a creek (perennial, intermittent or ephemeral), the plans must show the creek bank contours, approximate centerline of the creek, the low flow channel, and top and toe of both banks of the creek. In some cases, a topographic survey may be required.

*I. Parking and Access*

Proposed off-street parking and loading areas, including access driveways and maneuvering areas, must be indicated and dimensioned. The necessary turning radius for backout maneuvers, dimensioned parking stalls, driveway profiles, cross-sections through the driveway, turnouts, turnarounds, and access driveway dimensions must be shown. Typical cross sections and proposed grades of all streets, and details of curbs, gutters, sidewalks, and other improvements must be included. The site plan must show the legal access from the property to a public right-of-way, the width of the right-of-way, and the edge of pavement and width of the street along the property's frontage. All easements and dedicated areas of the property must be identified. Loading and unloading areas, as well as parking spaces meeting state accessibility requirements, must be shown for non-residential projects.

*J. On-Site Water Provision*

Show the location of all existing or proposed private water wells and water supply systems (such as wells and springs), as well as the location of any existing/proposed water storage tank(s) on the subject and adjoining properties. The location of any existing or proposed sewage disposal systems within 150 feet of proposed water

wells must also be shown. Include leach fields, septic tanks, sewer mains and sewer laterals on the plans. NOTE: yield tests and other studies may be required by the Environmental Health Services Division for projects involving wells.

*K. Associated Site Design Elements*

The location of identification signs, propane tanks, trash enclosures, exterior lighting fixtures, mailboxes, fencing, paths and walkways (including paving materials), retaining walls, and other features that affect the exterior appearance and use of the property and adjacent property must be indicated. For retaining walls, the top of wall elevation and the bottom of wall elevation shall be labeled.

*L. Impervious Surfaces*

Include a table that contains the existing impervious surface area, proposed impervious surface area, and the area to be disturbed/cleared during construction.

***The following types of applications have special requirements, as indicated below.***

**Sign Permit** and **Sign Review** applications must include the following information:

- The location of all existing and proposed signs.
- Indication of the number, dimensions, cumulative area of all signs, height above grade, sign copy, size and color of lettering, and any proposed lighting. Please note any signs that will be altered or moved.

**Lot Line Adjustment** applications must be prepared by a licensed surveyor and include the following information:

- Existing and proposed property lines and Assessor's Parcel Numbers.
- Area of lots before and after the adjustment.
- Name, address and telephone numbers for all property owners involved.
- All drainage facilities, dedications, and inundated areas within the immediate area of the proposed adjusted lot line.

**Tidelands Permit** applications shall include the following information:

- Delineation of the mean high tide, based on the National American Vertical Datum (NAVD) for the site, and contiguous land within the property that is between that elevation line, and either a point 100 feet inland or the nearest publicly maintained road, whichever is closer.
- Calculations (in cubic yards) for all existing and proposed fill below the mean high tide elevation.

**Floating Home Adjustment** and **Architectural Deviation** applications must include the following information:

- Distances to adjacent floating homes drawn to scale.
- Location of the dock and access walkway.
- Location and dimensions of all accessory facilities (floating docks, platforms, etc.) to the subject floating home.
- The complete berthing space including affected portions of adjacent berthing spaces and docking, mooring, and other facilities must be shown.
- Dimensions of the hull and/or outlined perimeter of the superstructure if it is greater than the hull.

**Tentative Map (Land Division or Subdivision)** applications must include the following information:

- The Tentative Map must be prepared by a registered civil engineer or licensed surveyor to clearly show the details of the map (preferably one inch equals 10 feet). Maps should be limited to a maximum size of 24 inches by 36 inches.
- The title of the tract must be shown on the Tentative Map.
- The location of all areas subject to inundation or storm water overflow and the location, width, and direction of all watercourses including tide water must be shown on the Tentative Map.
- If a Vesting Tentative Map is proposed, “Vesting Tentative Map” must be printed in bold letters across the top of the Tentative Map.
- Additional data to be included on the Tentative Map include: (1) proposed drainage and/or flood control measures; (2) other public utilities; (3) existing and proposed uses of the property; (4) proposed public areas, if any; and (5) justifications and reasons for any exceptions requested.

**Certificate of Compliance** applications may be required to include a site plan that shows the parent legal lot of record and the boundaries of the subject unit of real property within the parent lot, with metes and bounds descriptions clearly labeled.

2.  **A Grading Plan**

A preliminary grading plan that indicates existing and proposed contours across the building site and the limits of grading must be submitted. Existing contours shall be shown with dashed lines and proposed contours shall be shown with solid lines. The amount of proposed excavation and fill in cubic yards and the location of proposed deposition and borrow sites for each major element of the project must be indicated as well as the total area of disturbance proposed for the project and the limits of grading. The grading plan shall be drawn at the same scale as the site plan. The total amount of off-haul shall be identified in cubic yards.

3.  **A Drainage Plan**

A preliminary drainage plan, prepared by a qualified civil engineer or licensed architect, showing existing and proposed drainage for the site, structures, driveway and other improvements must be submitted. The plan must indicate the direction, path, and method of water dispersal for existing and proposed drainage channels or facilities. The drainage plan must indicate existing and proposed areas of impervious surfaces. Hydrologic calculations may be required to determine whether there would be any additional surface run-off resulting from the development. The drainage plan shall be drawn at the same scale as the site plan.

4.  **A Utilities Plan**

The location of all public and private utility connections and methods of extension (overhead or underground) must be indicated. Name and label the width of the right of way, and show and label the edge of pavement and dimension the width of the road surface.

5.  **A Septic System Plan**

If the subject property is not served by a sanitary sewer district, the location of any existing or proposed septic system, including dimensions and sizes of the septic tank, disposal fields, reserve area, wells and water systems on the subject and adjoining lots, springs or waterbodies (if any) must be clearly and accurately depicted consistent with the site plan. The applicant must submit sufficient evidence regarding the ability of each of the lots involved in the project to accommodate such a system. The septic system plan must include a calculation of the existing and proposed floor area for the project, by structure and by occupancy code, as defined by the most recently approved version of the California Building Code.

6.  **Development Envelopes**

Proposed envelopes for existing and future structures, locations of road and utility alignments, and septic leachfield areas must be shown on the site plan.

7.  **A Site Boundary Survey**

A site survey must be prepared and signed by a registered civil engineer or licensed surveyor whose name, address and phone number are indicated (a qualified registered civil engineer is someone who was licensed prior to 1982 with a license number no higher than 33965). Surveys shall show all property lines, boundaries, rights-of-way, easements, location of structures and other improvements. A site survey shall always be required in the following circumstances: (1) in conjunction with a Variance application to allow a proposed main residence or addition to encroach into a required setback on a conventionally-zoned property; (2) Design Review to allow a proposed detached accessory structure or addition to encroach into a required setback on a conventionally-zoned property; and (3) legalization of any structure that is located less than the minimum required setback distance on a conventionally-zoned property. A site survey may also be required in other situations, such as for a structure that is located within 5 feet of a property line on a planned-district-zoned property.

8.  **A Site Topography Survey**

The topographic survey information must be prepared by a qualified registered civil engineer or licensed surveyor whose name, seal, and signature appear on the plans. (A qualified registered civil engineer is someone who was licensed prior to 1982 with a license number no higher than 33965.) For property with an average slope of 15% or less, two foot contour intervals must be indicated, except for Master Plan where a five foot contour interval is acceptable. For a property with an average slope greater than 15%, five or ten foot contour intervals are acceptable. All natural features such as creeks, flood zones, slides, faults, and rock outcrops, and human-made improvements must be shown. For properties that contain a creek (perennial, intermittent or ephemeral), the plans must show the creek bank contours, approximate centerline of the creek, the low flow channel, and top and toe of both banks of the creek. The scale of the topographic survey must be sufficiently large to show the details of the plan clearly (preferably one inch equals 10 feet) and shall match the site plan. All elevations referred to shall be based on the National American Vertical Datum (NAVD) except that an assumed datum may be used if the entire project is above an elevation of 25 feet NAVD. The existing and proposed average lot slope consistent with Section 22.82.050.C.1 of the Marin County Code shall be provided.

9.  **Site Staking**

A staking plan showing development features such as the edges of hardscape site improvements, building footprints, driveways, parking areas, swimming pools, water tanks, the edge of building envelopes and the limits of grading and development envelopes shall be prepared by the project architect, designer, civil engineer or qualified professional and the stakes shall subsequently be installed. The stakes shall be located at approximately 25-foot intervals, shall be approximately 1.5 feet high, shall be painted a bright color on the top, and shall be labeled to indicate the feature that they delineate. The schedule for installing the stakes must be coordinated with the Planning Division staff. The applicant shall submit written notification that the stakes have been installed. Community Development Agency staff has the discretion to require that the staking be placed by a licensed surveyor or qualified civil engineer.

***ARCHITECTURE - The following items are typically completed by an architectural professional.***

10.  **Project Information**

All sheets of all maps and plans should not exceed 24 inches by 36 inches and must include the following information:

- North arrow. North should be labeled at the top of every site plan, floor plan, grading plan, and landscape plan sheet. A plan north reference should be used in cases where the property or improvements are not easily aligned to a North-South-East-West axis.
- Scale reference. Scales used for floor plans and elevations should not be less than 1/8 inch to 1 foot, preferably 1/4 inch to 1 foot. Scales used should be consistent between different drawings.
- Contact data. Name, address, and phone number of the property owner, applicant, architect, engineer, or surveyor must be provided on the plans.

Project data must be provided on the site plan, based on applicable definitions in Marin County Code, including the following information:

- Existing and proposed lot area (both the dry land area and the total area must be provided for lots that are partially submerged)
  - Existing and proposed building area
  - Existing and proposed floor area
  - Existing and proposed floor area ratio
  - Minimum proposed setbacks from each major component of the project to all property lines or access easements (whichever is more restrictive)
  - Maximum height of the proposed development
  - A written description of the project
- For Countywide Plan/Community Plan/Rezoning applications, the written description must include the general location and acreage of the subject area, the existing and proposed Countywide Plan/Community Plan/Rezoning designations, and the reason(s) why the change is requested.

- For Use Permits, the written description of the project must include the type and nature of the existing and proposed uses (see Item 21, “Operational Characteristics”).
- For Coastal Permits, the written description of the project must also indicate whether the development will affect diking, filling or dredging of open coastal waters, wetlands, estuaries, or lakes or would extend onto or adjoin any beach tidelands, submerged lands or public trust lands. Incidental improvements, such as septic tanks, water wells, roads, grading, etc., should also be discussed in the written statement for a Coastal Permit application.

11.  **Floor Plans**

Fully dimensioned floor plans for all levels of existing and proposed structures must be submitted. The garage and all food preparation facilities, windows, doors, and stairways must be indicated. Existing and proposed floor area calculations shall be provided. For projects that involve an addition, the existing floor area shall be outlined with a dashed line and the proposed addition shall be shaded. Areas proposed for demolition shall be hatched. Floor area calculations must be based upon the dimensioned floor plans and the definition of floor area as contained in Section 22.130.030 (Definitions) of the Marin County Code.

12.  **Building Elevations**

Fully dimensioned elevations of all existing and proposed structures and buildings, including roof ridgeline, finished floor, and foundation line elevations based upon the same datum as the topographic information, must be provided. Exterior building materials, including but not limited to siding, roofing, and glazing, must be indicated. If an addition to an existing structure is proposed, elevations of the existing structure, as well as those of the addition, shall be provided. The elevations of the proposed development shall include dashed lines indicating the outline of the existing building facades and rooflines. The elevation drawings should show the height of all sides of the structure in relation to the topography of the adjoining finished and/or natural grades. The preferred scale of ¼ inch per foot should be used for all architectural plans. All exterior lighting must be shown on the plans.

**Floating Home Adjustments** and **Architectural Deviations** must include an accurate delineation of the water line at high tide with the floating home elevations.

13.  **Cross Sections**

A cross section through the proposed structure that is based on accurate topography and indicates the finished floor, foundation line, and roof ridge elevations must be submitted. Existing and finished grades must be indicated. A site cross section may be required to show the relative elevations of proposed structures to adjoining roadways and impacts to surrounding properties.

**Floating Home Adjustments** and **Architectural Deviations** must include an accurate delineation of the water line at high tide.

14.  **Materials, Colors, and Details**

One sheet of the plans must include photos of color chips and exterior building material samples for the painting, roofing, siding, window casings, and trim. The plans may indicate elevations to match existing colors and materials. The photos of the colors and materials must be accurate representations of the true colors and labeled for proper identification. Complete details, including dimensions, building materials, and colors for all proposed retaining walls and fencing must be submitted. Cut sheets showing the exterior lighting fixtures and other site design elements must be shown on the plans.

15.  **A Landscape/Revegetation Plan**

A landscape or revegetation plan must be submitted. This plan shall: 1) indicate existing and proposed trees and other plant materials by scientific and common names; 2) indicate whether each proposed tree or plant is native to California, the Bay Area or Marin; 3) indicate the existing size or container size at the time of planting and the height at maturity; and 4) indicate the method and general location of irrigation. The landscape plan shall identify the trunk location, dripline, and common and scientific names of all existing trees on the subject property with a 6-inch or greater trunk diameter measured at a height of 4.5 feet above grade. For more densely vegetated or wooded areas or in tree clusters, only the perimeter outline of the dripline needs to be shown. However, significant trees within the clusters must be shown if they are proposed for removal. Plans must make existing versus proposed vegetation graphically distinguishable by connecting proposed plants and trees, on center, with a solid line leading to the label. Only those elements of the proposed landscaping that are related to the project must be shown. In general, it is not necessary or advisable to show ornamental landscaping in interior portions of sites. The landscape plan shall be drawn at the same scale as the site plan.

16.  **A Vegetation Management Plan**

A vegetation management plan that addresses any vegetation modification and management requirements established by the local fire district for minimum brush and tree clearance to create defensible space around the structure shall be prepared by a qualified arborist, forester, landscape architect or designer. The vegetation management plan shall include the following information:

- A. Existing vegetation types (grass, low shrubs, high shrubs, and trees) within the Defensible Space area. (See County WUI Ordinance for definition of Defensible Space.) Every tree within the Defensible Space with a trunk that is greater than six (6) inches in diameter at 4.5 feet above grade should be accurately depicted as to trunk and canopy location, diameter, and tree species.
- B. Vegetation management proposed for all vegetation types in the Defensible Space. In particular, proposed removal/substantial pruning must be detailed for every tree shown.

**DOCUMENTS – The following information can be compiled by the property owner in consultation with a qualified professional.**

17.  **A current Preliminary Title Report (2 copies)**

The preliminary title report must reflect the current status of the property and include all recorded easements, provide proof of ownership, and be issued from a Title Company.

18.  **Second Units Information**

A copy of a Homeowners' Exemption that has been filed with the Marin County Assessor's Office must be submitted.

For existing second units, evidence must be provided indicating when the second unit was constructed, including, but not limited to, Tax Assessor's records, affidavits signed under penalty of perjury from previous owners/renters, construction receipts, and/or utility bills. In addition, a housing inspection report, prepared by a Building Inspector based on a site inspection, indicating whether there are Building Permits required for upgrades to meet minimum health and safety standards shall be submitted.

19.  **Telecommunications Facilities**

A completed *Guide to the Marin County Telecommunications Facilities Policy Plan Application Requirements and Checklist* and all the information listed therein must be submitted.

20.  **Historic Checklist**

For properties in the coastal zone, the Local Coastal Program's Historic Review Checklist must be completed for all new construction, alterations, and additions in historic areas designated in the Local Coastal Program and for individual pre-1930 structures located in the coastal zone but outside of the boundaries of the historic areas. The checklist applies to all structures, including signs.

21.  **Operational Characteristics (for non-residential uses)**

Information regarding the proposed use of the project must be prepared by the applicant, including but not limited to the following items:

- A. The maximum number of staff on site at any one time.
- B. The hours of operation, including hours open to the public as well as hours closed to the public where operations are taking place that could affect exterior lighting, noise, odors, traffic or parking.
- C. Projected peak hours of operation, with the total number of staff, customers and other visitors on the site indicated.
- D. The schedule and projected peak hours of operation for special events, with maximum number of staff, customers and visitors that would be in attendance.
- E. The schedule, frequency and nature of expected deliveries to the site.

- F. Noise levels proposed for the operation of the project, which specify what is causing various noise levels.
- G. The path of travel for pedestrians and vehicles at the site.

22.  **Property Information**

The applicant shall submit the following information:

- A. A complete chain of title extending back to the "parent" legal lot of record from which the subject unit of real property was created in its current size and configuration, as well as all recorded subdivisions, recorded surveys and adjudicated settlements that affect the subject property.
- B. A signed statement from a title officer or qualified surveyor indicating the date as well as the deed or other instrument number, which created the subject unit of real property.
- C. Copies of the Assessor's Records for the subject property (usually only necessary to determine the legal status of development).

23.  **Evidence of Water Supply (2 copies of reports)**

Where water is to be supplied by the establishment of a mutual company, the applicant must submit sufficient evidence substantiated by adequate tests and/or engineering data regarding the quantity, quality and safety of the proposed water supply.

Where water is to be supplied by wells, springs or other sources of water, the applicant must submit sufficient evidence substantiated by adequate tests and/or engineering data to indicate whether adequate water can be obtained from wells, springs or other sources of water for each lot involved in the project and for fire protection.

## **POTENTIAL SUBMITTAL REQUIREMENTS**

***Please note that the following additional information may be required by staff depending on the scope of the proposed project, site specific constraints, and complexity of environmental review.***

***ENGINEERING AND SURVEYING - The following items are often best completed by a civil engineer or surveyor.***

24.  **Story Poles**

A story pole plan showing the locations and heights of all story poles that are necessary to clearly and accurately demonstrate the maximum heights of roof ridges and edges for all proposed structures shall be provided. The plan should be prepared by the project architect, designer, civil engineer or qualified professional, and the story poles shall subsequently be installed. The schedule for installing the story poles must be coordinated with the Planning Division staff and should generally not be done until all other necessary items of information for the project have been submitted. The applicant shall submit written notification that the story poles have been installed.

The story poles must be connected by orange construction netting and shall clearly and accurately demonstrate the maximum roof height and perimeter of the structure. The construction netting must be at least 1.5 feet wide and must be installed at the base perimeter and at the ridgeline of the poles to represent the height, mass, and bulk of the structure to the maximum extent feasible. The story poles must be constructed in such a manner that they will be able to withstand the elements until the end of the planning permit process. If high winds make it unsafe to install construction netting showing the roof ridges, then the tops of the poles may be painted orange, and orange tape may be substituted for the netting. Community Development Agency staff has the discretion to require that the story poles be placed or certified by a licensed surveyor or qualified civil engineer.

25.  **Photometric Study**

A photometric study showing existing and proposed ground-level lighting intensity in foot-candles for the subject property, and the surrounding properties that would be affected by on-site lighting shall be prepared by a lighting expert.

26.  **Preliminary Geotechnical Report (2 copies)**

A geotechnical report can be prepared by a certified engineering geologist, a soil engineer, a geotechnical engineer or a civil engineer practicing within the area of his or her competence, which identifies seismic and geologic hazards, and recommends construction measures and other precautions to reduce the risk of these hazards to acceptable levels. The term geotechnical report may encompass documents referred to as soils report, soil investigation report, soils stability report, preliminary soils report, and other similar terms.

A preliminary geotechnical report may be divided into two parts:

- A. Soils reconnaissance. The soils reconnaissance shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems and proposed methods of eliminating or reducing these hazards and problems. The soils reconnaissance shall also estimate the retreat rate of any bluff that could threaten improvements within 100 years.
- B. Final soils investigation and report. This investigation and report shall include a field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling and other earthwork, foundation design, pavement design and subsurface drainage.

The report shall also recommend any required corrective action for the purpose of preventing structural damages to the development. Further, the report shall recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

27.  **Hydrological Report (2 copies)**

A hydrological report shall be prepared by a qualified hydrologist, geomorphologist, or engineer. The hydrological report shall provide calculations of pre-project and post-project amounts of storm water runoff. Further, the report shall assess whether the proposed project would increase the likelihood of downstream erosion, channel instability or flooding in the area, or other potentially significant impacts to the environment. If the study finds that the project could result in a significant impact, then a further evaluation of potential mitigation measures may be required. The hydrology report may be subject to peer review at the Director's discretion.

28.  **Stormwater Control Plan**

A Stormwater Control Plan shall be prepared by a certified by a registered civil engineer, architect, or landscape architect. For detailed guidance on how to prepare the Stormwater Control Plan, please refer to the publication entitled, "Guidance for Applicants: Stormwater Quality Manual for Development Projects in Marin County." This publication is available at the Planning Services Counter and at [www.mcstoppp.org](http://www.mcstoppp.org) (please refer to the Marin County Stormwater Pollution Prevention Program's [MCSTOPPP] website under "Resources for New Development"). A Stormwater Control Plan template is available on the webpage as well. A preliminary Operations and Maintenance Plan for the Stormwater Control Plan may also be required.

29.  **Constraints Map**

A composite constraints map that shows the proposed site boundaries and improvements overlain by environmental constraints and adequate buffers surrounding significant environmental features shall be prepared by the project architect or civil engineer in consultation with other technical specialists working on the project. These buffers shall be based on County environmental protection polices, where appropriate, and on the environmental studies required for the application. Buffers shall be accurately mapped and may include, but are not limited to Tree Protection Zones, Wetland Conservation Areas, Stream Conservation areas, Ridgeland and Upland Greenbelt Areas, flood zones, geologically unstable or otherwise hazardous areas, and adequate distances from special

status species or hazardous areas. Appropriate Tree Protection Zones may be determined by an arborist, or an assumed distance of one foot diameter per each inch of trunk diameter at breast height may be used. Slope percentages for different portions of the site shall be provided in the following increments: 0 to 15%, 16% to 24%, 25% to 34%, >34%.

***DOCUMENTS – The following information can be compiled by the property owner in consultation with a qualified professional.***

30.  **Photo-Simulations (2 copies)**

Photo-simulations of the proposed project shall be prepared by a qualified professional or firm that is acceptable to the County. The photo-simulations shall be based on a Digital Terrain Model that accurately reflects the existing and proposed grades and shall show the mass of the proposed residence and the location of the proposed driveway. A “normal” camera lens (42 to 50 millimeter, corrected for any deviations resulting from digital sensor size) shall be used for the underlying images, and the representations of the proposed development shall be overlain to scale on the images. Two photo-simulations shall be prepared for each vantage point required and approved by the Planning Division to show the impact of the development without any proposed landscaping and also to show the impact of the development with the proposed landscaping (assuming five years of average growth). The applicant shall submit documentation providing information on the scope of work, the location of the proposed vantage points, the time that photographs would be taken, and the firm chosen for the project for planning staff’s review and approval prior to the analysis being initiated. The photo-simulations are subject to peer review at the Director’s discretion.

31.  **Acoustical Study**

An acoustical study shall be prepared by a qualified acoustical engineer. The study shall quantify the maximum noise levels that would affect the project or result from the proposed operation of the project or any noise generators. The noise shall be quantified using standard acoustical engineering methods and shall indicate the time of day, duration, and regularity of the noise for regular operations and special events resulting from a project.

32.  **Arborist’s Report**

An arborist’s report that has been prepared by a qualified arborist must be submitted. The arborist’s report shall provide an evaluation of the trees that meet the definition of a “protected” or “heritage” tree in Chapter 22.130.030 of the Marin County Development Code or could otherwise be considered significant vegetation (as indicated in the Coastal Zone), and which could potentially be affected by the development or fuel reduction requirements. The arborist’s report shall, at a minimum, indicate the health of the trees in this area, and evaluate any adverse effects to the trees that would occur due to the project. Specifically, the arborist’s report shall recommend appropriate Tree Protection Zones for trees that would remain on the property and appropriate locations for replacement trees to be planted. If the report finds that the project could result in a significant impact, then a further evaluation of potential mitigation measures may be required. The report shall also indicate whether there are exotic trees on the site and whether any exotic trees are invasive. The arborist’s report is subject to peer review at the Director’s discretion.

33.  **Agricultural Management Plan**

An agricultural management plan to address the on-going agricultural use of the property must be prepared by the applicant. The plan must: (1) identify and assess useable agricultural land on the property; (2) identify and assess the potential, existing, and proposed agricultural uses suitable for the site; (3) provide for long-term management and preservation of the agricultural lands and outline a plan for sustainable agricultural use(s); (4) analyze water supply and water demand; (5) analyze the extent to which proposed development supports and affects the continued and future agricultural use of the land; and (6) provide a marketing/business plan. The plan shall also provide a brief description of the farmer or rancher's background in agricultural operations.

34.  **Biological Site Assessment**

The biological site assessment must be prepared by a qualified biologist and provide evidence regarding the presence of sensitive biological resources, determine the property's habitat value relative to any special status species, and provide conclusions regarding how the project may affect those resources. In addition, the biological assessment shall evaluate the habitat value of any watercourses adjacent to the proposed project, and whether the project would result in adverse effects to the riparian vegetation surrounding the watercourse or the water quality of the watercourse. If there are wetlands adjacent to the project, then a wetland delineation shall be submitted, and the boundary of any riparian vegetation shall be clearly identified in the report. The report shall also indicate whether there are any exotic species of plants on the site and whether any species are invasive. If the report finds that the project could result in a significant impact, then a further evaluation of potential mitigation measures may be required. The biological assessment is subject to peer review at the Director's discretion.

NOTE: in those cases when a biological site assessment is required, Marin County reserves the right to directly hire a biologist of the Planning Division's choice. The cost of the contract and the Division's standard contract administration fee shall be submitted by the applicant.

35.  **Archaeology Report**

An archaeology report shall be prepared by a qualified and State registered professional archaeologist. At a minimum, the archaeology report shall be based on a field survey and records search, and shall indicate whether there is evidence of archaeological resources on or in close proximity to the project site and evaluate the project's potential impacts to those resources. If the report finds that the project could result in a significant impact, then a further evaluation of potential mitigation measures may be required. The archaeology report is subject to peer review at the Director's discretion.

36.  **Historical Study**

A historical study prepared by a qualified architectural historian must be submitted. At a minimum, the historical study shall assess whether the location of the project site or the existing structures on the project site could be considered a significant historical resource. The report should evaluate the project based on Countywide Plan policies regarding historical significance and on the Local Coastal Plan Historic Review Checklist in the Coastal Zone. If the study finds that a structure or location is a significant historical

resource, a further evaluation of potential preservation measures may be required. The historical study is subject to peer review at the Director's discretion.

37.  **Traffic Study (2 copies)**

A Traffic Study will evaluate existing levels of service at intersections around the project site, the proposed level of service including the project, calculate existing peak PM trips and PM peak trips added by the project, and determine existing parking demand and the parking demand created or added by project.

38.  **Transportation Management Plan (2 copies)**

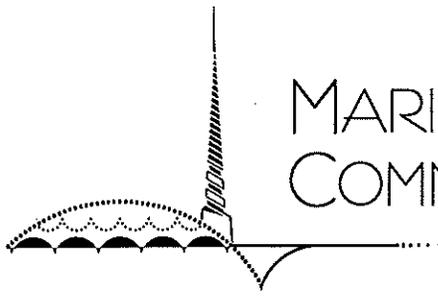
A Transportation Management Plan (TMP) that addresses all modes of transportation as well as parking for the proposed project shall be prepared by a qualified traffic engineer or traffic planner. The TMP shall provide objectives and strategies for normal operations as well as special events, and show improvements that would be necessary to achieve these objectives and strategies. The TMP shall provide details for traffic management including methods such as using single-occupancy vehicles, bicycles, pedestrian travel, school buses, public transit, and car-pooling. Quantifiable rates of the different methods shall be provided for both regular activities and special events. Pick-up and drop-off locations and routes for all vehicular travel shall be identified. Pick-up and drop-off times shall also be identified and coordinated with regular and special event schedules. Staff activities regarding traffic and parking management shall be described. Detailed requests for any waivers of standard requirements necessary shall be requested with adequate material to support the request.

39.  **Affordable Housing Plan**

The Affordable Housing Plan must include the following information:

- A. Number, affordability level, unit type, tenure, number of bedrooms, location, size, and design of all inclusionary units;
- B. Construction schedule and phasing of inclusionary units in relation to market-rate units;
- C. Provisions for income certification and screening of potential purchasers and/or renters of inclusionary units, resale control mechanisms, and ongoing monitoring and administration;
- D. Any incentive requested pursuant to Chapter 22.24 (Affordable Housing Incentives), including the additional information specified in that Chapter; and,
- E. Such additional information as may be required by the Director to ensure conformance of the project with Marin County's affordable housing requirements and the Countywide Plan.





# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

## **Project Management Procedures for Development Review Services (Current Planning Program) (July 2011)**

The vision of a well-managed Agency that strives for the highest levels of customer service and accountability was articulated by the Community Development Agency (Agency) in 2007 in the document entitled "Reinventing the Community Development Agency – A Strategic Assessment and Blueprint for Change." The report contained a detailed list of initiatives for implementing best management practices (BMPs) for streamlining the Agency's business and permit processing practices. BMP #31 recommended the establishment of a project management system for development review services with the goal of managing the length of time that is required for processing planning and building permits. Some examples of measures that would carry out the BMP include:

- Establishing cycle time objectives for the length of time for processing current planning permits;
- Designating a project manager who has the authority to resolve delays in the permit review process associated with the review by other departments and divisions; and
- Requiring project managers to pro-actively process the application.

Although BMP #31 is predicated on the installation of a permit tracking system, certain components of the project management system can be implemented at the present time. This document establishes the procedures needed to provide effective and efficient development review services provided by the Current Planning Section.

**PROBLEM STATEMENT:** Navigating through the labyrinth of County permits is perceived by property owners, design professionals, engineers, and others as a costly and time-consuming endeavor, with little accountability placed on staff. County staff does not feel empowered when tasked with implementing permit review processes and administering regulations that were developed to address different program priorities, resulting in staff working within their respective silos. Consequently, the efforts of well-intentioned staff do not overcome the fundamental systemic inefficiencies that result in permit review delays, imposition of conflicting permit requirements, and poor coordination between departments, which lead to low customer satisfaction, poor customer service, and perceived lack of value provided from the permitting process.

**PURPOSE STATEMENT:** To articulate the Agency's vision for providing timely, predictable, and coordinated permit review services and to reinforce the Agency's commitment to excellence in customer service by establishing procedures for delivering effective and efficient project management services by the Current Planning Section.

**GOALS:** Implementation of the project management procedures contained in this policy is intended to accomplish the following goals:

- To empower the Project Planner with the decision-making authority within the review process;

- To clarify the Project Planner's authority to delegate review tasks to appropriate staff and to ensure that those tasks are completed in a timely and cost effective manner in order to consistently achieve a high level of quality;
- To establish clear procedures and reasonable deadlines for permit review by responsible departments;
- To facilitate resolution of issues quickly and fairly; and
- To provide clear lines of communication, both internally (across departments) and externally (with the project applicant).

**PROCEDURES:**

1. The Project Planner ("Planner") is responsible for and has the authority to ensure that the review of the development application complies with all timelines and procedures established under County and State law. The Planner shall have primary responsibility and authority for the following functions:<sup>1</sup>
  - Manage cost accounting to ensure that review services are provided efficiently;
  - Conduct general consultation and/or pre-application meetings and reviews as appropriate;
  - Coordinate routing of plans to other reviewing agencies;
  - Determine the application's completeness;
  - Collect in a timely manner, integrate, and coordinate comments received from reviewing agencies;
  - Resolve intra- and inter-agency problems, miscommunications, and other obstacles that lead to delays;
  - Review agency comments for appropriateness and adequacy for the project or the stage of review;
  - Analyze the project for conformance with applicable policies and regulations;
  - Coordinate citizen input and comments and respond to issues and concerns raised;
  - Work with the project applicant and reviewing staff from different County departments to solve problems and revise the project as appropriate to bring it into compliance with applicable policies and regulations;
  - Be an advocate for a timely process: i.e., maintain timelines and see that they are met;
  - Facilitate speedy review and proper notification of omissions or problems with the project;
  - Be a presenter at public meetings;
  - Coordinate with key decision-makers;
  - Prepare administrative decisions and/or staff reports; and
  - Review the building permit and provide condition compliance clearances.
2. The Planner has the authority to ensure deadlines are met for all reviewing agencies to comment on the adequacy of the application materials (for completeness) and the merits of the application (if it meets all submittal requirements). The following cycle time targets for reviewing project transmittals will be implemented as part of a pilot program. The cycle time targets for second and subsequent review cycles will apply when the resubmitted application does not involve substantive changes.

	Agency Comments Due	Comments to Applicant Due
First Review Cycle	10 business days	30 calendar days
Second Review Cycle	10 business days	25 calendar days
All Subsequent Review Cycles	5 business days	20 calendar days

<sup>1</sup> Source: Adapted from "The ABZs of Planning Management," 2<sup>nd</sup> Edition, Paul C. Zucker (2007)

3. Where there is a disagreement or conflict between reviewing agencies governing adequacy of the application materials or merits requirements, the Planner shall be responsible for facilitating a discussion with the appropriate staff and supervisor in order to seek resolution. The final authority on the appropriateness of completeness requirements rests with the Planner, following consultation with the appropriate staff from the reviewing agency.
4. The Planner is authorized to resolve any inter-agency problems and make decisions in order to maintain a timely review process; however, the authority does not extend to whether the application meets the provisions of those sections of County Code that are administered by another County department or discipline unless approved by a supervisor or manager for the reviewing agency. The interpretation and explanation of those code sections rest with the administering agency or department.
5. The Planner and staff from reviewing agencies shall apply a proactive mindset that is focused on problem solving in the review of development applications.

**Being Proactive Means:**

- *Taking on an anticipatory and change-oriented state of mind.*
- *Identifying and alerting the applicant to issues early on in the review process.*
- *Finding ways to change how a task is performed in order to increase efficiency, rather than maintaining the status quo. "Because that's how we've always done it" is not in our vocabulary.*
- *Building on staff's expertise of policies and regulations to exercise flexibility in certain instances where greater efficiencies will result.*

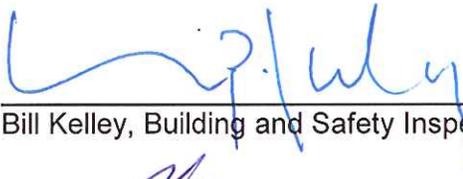
**Being Proactive Does Not Mean:**

- *Inappropriately reacting or adjusting one's responses to a situation.*
  - *Passively waiting for something to happen without advocating for a timely process. ("I can't continue processing the permit until I hear back from so-and-so department.")*
6. Comments shall be framed in a constructive tone to enable the applicant to understand the nature of the comment, where to obtain additional information about the appropriate code or policy, and what alternative(s) may be available to correct the deficiency.
  7. The Planner is responsible for compiling all comments received into the project status letter and to ensure that there are no internal inconsistencies in the comments received from reviewing agencies.
  8. Clear lines of communication, both internal (between reviewing agencies) and external (from/to the applicant) shall be maintained. When requested, meetings/phone conferences between the planner and the applicant should normally be scheduled within 5 business days of the request. Meetings with multiple staff or during times when the planner is absent from work for a period of time may take longer to schedule.

**EVALUATION:**

The effectiveness of the project management guidelines for development review services shall be reviewed periodically and adjustments made to respond to such factors as customer and staff feedback, improvements in permit tracking and communications technology, and organizational changes.

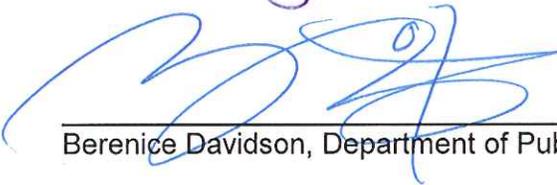
We agree to coordinate our development review services to support the Planning program's project management policy and to expect our staff to proactively conduct their review of permits with the mutual goal of providing customer service that is both effective and efficient.

  
\_\_\_\_\_  
Bill Kelley, Building and Safety Inspection

7/20/11  
Date

  
\_\_\_\_\_  
Rebecca Ng, Environmental Health Services

7/20/11  
Date

  
\_\_\_\_\_  
Berenice Davidson, Department of Public Works

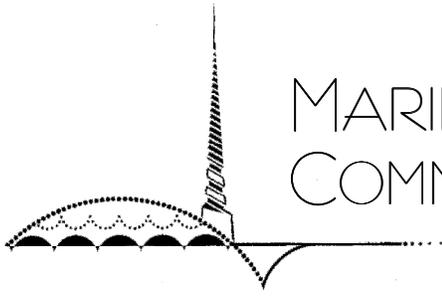
7-20-11  
Date

\_\_\_\_\_  
Scott Alber, Marin County Fire Department

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Tom Lai, Planning Division

7/20/11  
Date



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

March 31, 2010

To: Tom Lai  
Permit Enhancement Group

From: Jeremy Tejirian, Principal Planner  
Curtis Havel, Customer Service Coordinator

**Subject: Description of State and local authority for land use regulation and process map for project planning**

Legal authority and procedural requirements at both the State and local level establish the parameters within which the County may act on land use and development issues within its jurisdiction. Provided below is a summary and comparison of the legal authority and procedural requirements for land use and development regulation at the State and local level, with a focus on interagency coordination requirements and due process requirements.

CALIFORNIA STATE STATUTORY REQUIREMENTS

The legal basis for all land use regulation is the police power of the County to protect the public health, safety, and welfare of its residents, as set forth in common law and the California Constitution. Courts generally uphold the exercise of land use regulations so long as they are not arbitrary and capricious, substantially advance a legitimate government interest, and do not deny the owner of economically viable use of his land. In order to legally exercise its police power, a jurisdiction cannot adopt ordinances that are contrary to State law and must respect constitutional and statutory mandates, such as adopting a valid General Plan, conducting the required hearings, making the necessary findings, and following the California Environmental Quality Act. The following laws provide most of the legal framework for the County's exercise of its land use regulatory authority:

1. Establishment of local planning agencies, commissions and departments. Gov't Code section 65100 et. seq.
2. General and specific plans. Gov't Code section 65300 et. sec.
3. Zoning regulations. Gov't Code section 65800 et. sec.
4. Subdivision Map Act. Gov't Code section 6641 et. sec.
5. California Environmental Quality Act (CEQA) Pub. Res. Code section 21000 et. sec.; CEQA Guidelines Cal. Code Regs. Title 14 sections 15000 – 15387
6. Coastal Act. Pub. Res. Code section 30000 et. sec.
7. Brown Act. Gov't Code section 54950 et. seq.
8. Permit Streamlining Act. Gov't Code 65920 et. seq.
9. Mitigation Fee Act. Gov't Code section 66000 et. seq.

Courts have held that a jurisdiction's general plan is the "constitution for development" in that jurisdiction. A comprehensive update to Marin County's general plan, the Countywide Plan, was

adopted by the Board of Supervisors in 2007. Since the Countywide Plan is the constitution for development in the unincorporated areas of Marin, decisions affecting land use and development must be consistent with the policies contained in Countywide Plan. Certain exceptions to this may exist in the Coastal Zone, where development is regulated by the Coastal Act and the Local Coastal Program.

State law governs the manner in which jurisdictions process certain types of applications, including subdivisions, conditional use permits, variances, coastal development permits, lot line adjustments, and certificates of compliance. The State's procedural requirements for various applications can be distinguished between the following types of decisions:

- Ministerial decisions, such as building permits, are not subject to the Planning and Zoning law's procedural requirements, including the Permit Streamlining Act (PSA), and are statutorily exempt from CEQA
- Discretionary decisions such as design reviews and variances, are subject to the Planning and Zoning law's procedural requirements, including the PSA, are subject to the Brown Act when they require public hearings, and are subject to CEQA.
- Legislative decisions, such as rezonings, are not subject to the same procedural requirements in the Planning and Zoning law as discretionary projects, including the PSA, but are subject to the Brown Act because they involve public hearings and are subject to CEQA (or its functional equivalent).

A majority of the applications that the Planning Division processes are discretionary in nature. Discretionary projects, including subdivisions, are subject to the PSA only if "the application includes a statement that it is an application for a development permit." Gov't Code section 65943(a). A development project is a project that requires a permit for any construction but is not a permit to operate, such as a conditional use permit or a special event permit.

The PSA requires an agency to create a detailed list of information that an applicant must submit in order for the application to be deemed complete. The agency has thirty days to determine whether an application contains all the information that is required by the list of materials, and to notify the applicant if additional information is required. Only information is required for a determination or completeness; the applicant cannot be required to modify the project to conform to policies and regulations as part of the completeness process. If the agency fails to notify the applicant that additional information from the list is required within thirty days, then the application is deemed complete by operation of law, and the agency cannot require further information except to determine the potential environmental consequences of a project. Provided that the project is categorically exempt from CEQA, the agency must issue a decision on the application within sixty days of the time it is determined to be complete, unless proper public notice has not been distributed. A one-time 90-day time extension period may be granted at the applicant's request. If the agency fails to issue a decision on a categorically exempt duly noticed discretionary project, then the project is deemed approved by operation of law.

The Brown Act requires that an agenda of any hearing must be posted in a location that is freely accessible to the public at least seventy two hours before the meeting is held, and requires that anyone who has requested a public notice be provided that notice at least seven days before the hearing. Further, the Planning and Zoning law (Gov't Code section 65090 et. sec.) requires that public notices of hearings be distributed at least ten days prior to the hearing in the following ways:

1. Notice shall be mailed or delivered to the owner and the applicant.
2. Notice shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities or services may be significantly affected.
3. Notice shall be mailed or delivered to all property owners within 300 feet of the property.
4. Notice shall be either (A) published in a newspaper, or (B) posted in three public places in the unincorporated area of the County.
5. Notice shall be mailed or delivered to any person who has submitted a written request for notice with the Planning Division. The Planning Division may charge a fee for this service and may require that the request be annually renewed.

Pursuant to Gov't Code section 65905, public hearings must be held for variances and conditional use permits (or equivalent permits), for appeals of variances and conditional use permits, and for use permit revocations. There is no requirement in the Subdivision Map Act for a public hearing on tentative map applications. However, Curtin's Land Use and Planning Law states that the California Supreme Court has held that due process requirements of the US and California Constitutions require notice and opportunity for hearing if map approval will constitute a substantial or significant deprivation of the property rights of other landowners. (Horn v. County of Ventura and Kennedy v. City of Hayward). Other State laws require public hearings for County initiated mergers and street name changes.

Due to the particular requirements of the Coastal Act, some coastal development permits are issued by local jurisdictions and some are issued by the Coastal Commission. Further, some coastal development permits issued by a local jurisdiction can be appealed once the jurisdiction has issued the permit.

Public Resources Code (Coastal Act) section 30624.9 (Minor development; waivers of permit application hearings; notice) states the following:

- (a) For purposes of this section, "minor development" means a development which a local government determines satisfies all of the following requirements:
  - (1) Is consistent with the certified local coastal program, as defined in Section 30108.6.
  - (2) Requires no discretionary approvals other than a coastal development permit.
  - (3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- (b) After certification of its local coastal program, a local government may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:
  - (1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
  - (2) No request for public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).
- (c) The notice provided pursuant to subdivision (b) shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the commission any action taken by a local government on a coastal development permit application.

We have not been able to find any statutory standard that issuance of a coastal development permit requires a public hearing, but we assume from the section quoted above that it is expected that all coastal development permits for “major” projects would require a public hearing. There is no requirement for a local jurisdiction to provide other types of notice to public agencies, except as required by the Zoning and Planning Law for all public hearings.

Within five business days of a local jurisdiction issuing a coastal development permit, the jurisdiction must send notice of the decision to the Coastal Commission. The Coastal Commission’s factsheet entitled the “Coastal Commission permit appeal frequently asked questions” indicates that all local appeals must have been exhausted before an appeal to the Coastal Commission, unless the local jurisdiction charges a fee for appeals.

Decisions on discretionary projects must be based on substantial evidence in the record. Substantial evidence normally includes plans, technical reports, maps, and staff reports. Substantial evidence is required, but not sufficient to approve a project. In order to approve a project adequate findings must be made. For findings to be adequate they must be based on substantial evidence in the record and must bridge “the analytical gap between evidence and ultimate decision or order” as set forth by the California Supreme Court in the Topanga Ass’n for a Scenic Community v. County of Los Angeles case. Decisions on legislative projects and ministerial projects do not require findings. Modifications to projects required by conditions of approval must be based on findings to avoid being arbitrary and capricious. Further, in order to be consistent with the US constitution, permit conditions, especially dedications and exactions, must be reasonably related to the impacts of a project and must also be roughly proportional to the impacts of a project, as set forth by the US Supreme Court in the Nolan v. California Coastal Commission and the Dolan v. City of Tigard cases.

#### MARIN COUNTY REQUIREMENTS

Decisions on planning applications are issued in conformance with the Countywide Plan, various Community and area plans, the Local Coastal Program, the Development Code, the Interim Zoning and Subdivision Ordinance. The Development Code and the Interim Zoning and Subdivision Ordinances specify the County’s procedural requirements, which frequently go far beyond State requirements. Our internal administrative practices go even further beyond State requirements. The Planning Division maintains a submittal checklist that meets the requirements of the PSA with respect to providing applicants with a detailed list of information they will need to submit to determine that their discretionary application is complete. This process is summarized in the attached flow chart.

Public notice is not provided for ministerial decisions, such as Building Permits, but is provided for all discretionary and legislative actions. Transmittals to responsible agencies and community groups are sent during the completeness review of applications, except for Minor Design Reviews, as part of the County’s internal process prior to when a public notice is distributed. For discretionary actions requiring a public hearing, at least 10 days before the hearing, the County publishes a notice in a newspaper, mails a notice to the applicant, mails a notice to each local agency expected to provide essential services to the project, mails a notice to all property owners within 300 feet of properties with a zoning with a minimum lot size under 20,000 square feet or 600 feet for properties with minimum lot size over 20,000 square feet, and mails a notice to anyone who has requested one, and local community groups. In addition, the County posts a notice of the hearing on or adjacent to the site within ten days before the hearing. The following planning applications require public hearings:

- Rezoning

- Master Plans
- Major Variances
- Use Permits, Use Permit Amendments, Use Permit Renewals, and Use Permit Revocations
- Coastal Permits that are in the CCC's appeal jurisdiction
- County initiated Mergers
- Street Name Changes
- Floating Home Adjustments
- Appeals
- All other applications associated with the above applications for a given project

For administrative discretionary decisions that do not require a public hearing, at least 10 days prior to the decision being issued, the County mails a notice to the applicant, mails a notice to each local agency expected to provide essential services to the project, mails a notice to all property owners within 300 feet of properties with a zoning with a minimum lot size under 20,000 square feet or 600 feet for properties with minimum lot size over 20,000 square feet, and mails a notice to anyone who has requested one, and community groups. In addition, the County posts public notice on or adjacent to the site within ten days before the decision is issued. The following types of applications are administrative and do not require public hearings unless they are associated with another application that does require a public hearing:

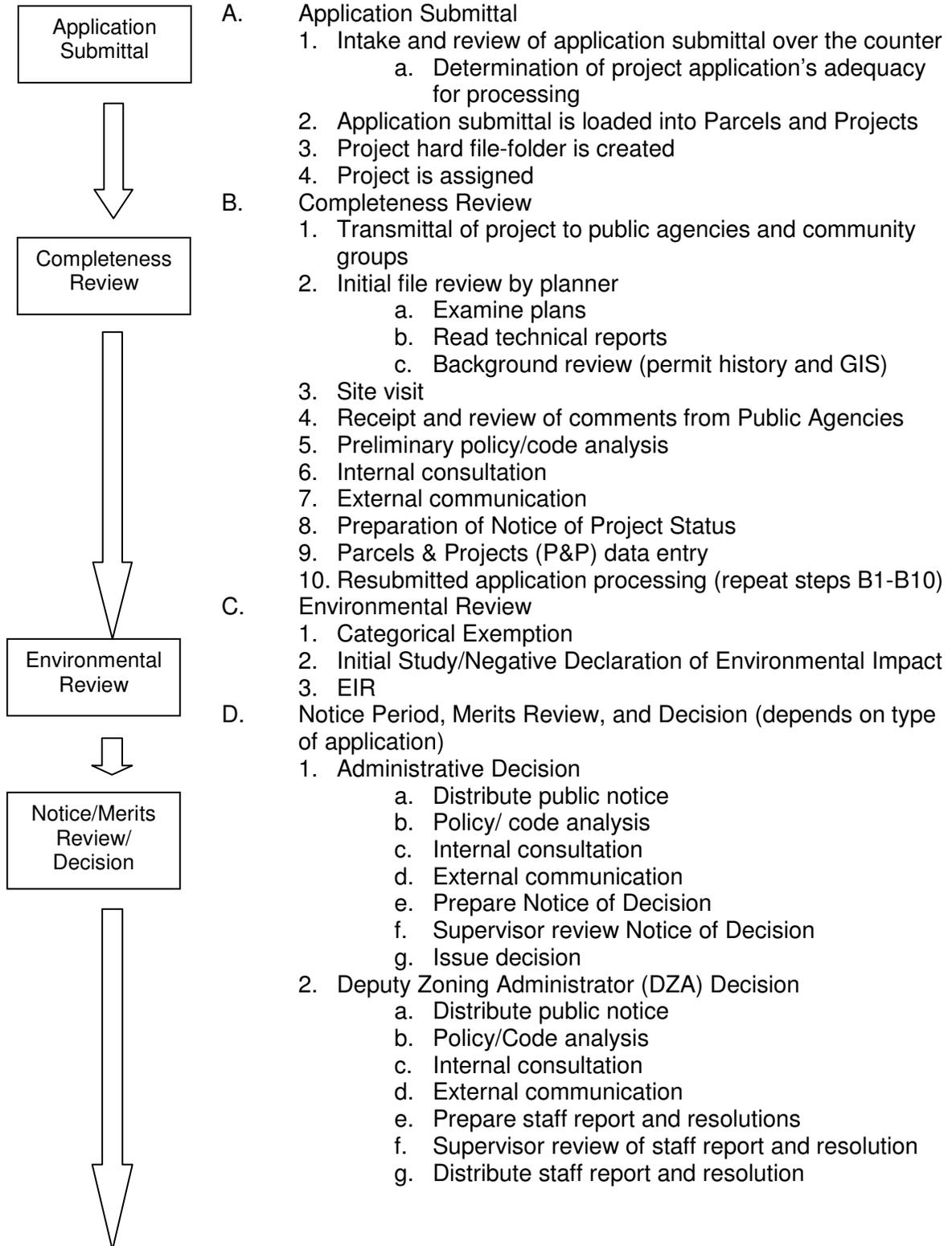
- Design Reviews
- Minor Design Reviews
- Temporary Use Permits
- Large-family Daycare Permits
- Second Unit Permits
- Minor Variances
- Tidelands Permits
- Applicant initiated Mergers
- Floating Home Architectural Deviations
- Lot Line Adjustments
- Certificates of Compliance
- Precise Development Plans
- Coastal Permits outside of the CCC appeal jurisdiction

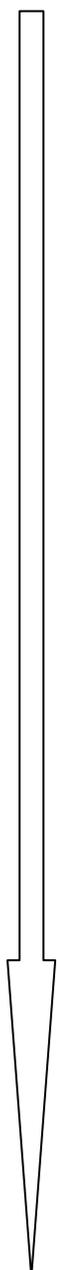
Once a decision is rendered on any type of application, the decision is mailed to the applicant, and an appeal period is provided.

#### PROCESS SUMMARY

Attached is a summary of the processing steps that typical discretionary applications go through before a decision is issued. A typical new residence or addition to a new residence in a conventional zoning district outside of the Coastal Zone that does not require discretionary review would be reviewed by a Senior Planner in the Planning Division for compliance with the zoning development standards and then be forwarded to the Building Division for Building Permit Review. A typical new residence or addition that is subject discretionary review could be required to go through a public hearing process or could be subject to an administrative decision, depending on the type of application that is required and whether the administrative decision is appealed.

**PLANNING PROCESS FOR DISCRETIONARY APPLICATIONS  
FLOW CHART AND PROCESS DESCRIPTION**





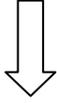
- h. DZA reviews staff report, resolution, and administrative record
- i. DZA site visit
- j. Preparation of supplemental memorandum
- k. Public hearing
- l. DZA and staff review minutes and finalize resolution
- 3. Planning Commission (PC) Decision
  - a. Distribute public notice
  - b. Policy/code/appeal analysis
  - c. Internal consultation
  - d. External communication
  - e. Prepare staff report and resolutions
  - f. Supervisor and Deputy Director review staff report and resolution
  - g. Distribute staff report and resolution
  - h. Preparation of PowerPoint Presentation
  - i. PC reviews staff report, resolution, and administrative record
  - j. PC site visit
  - k. Preparation of supplemental memorandum
  - l. Public hearing
  - m. Deputy Director and staff review minutes and finalize resolution
- 4. Board of Supervisors (BOS) Decision
  - a. Distribute public notice
  - b. Policy/code/appeal analysis
  - c. Internal consultation
  - d. External communication
  - e. Prepare agenda request form, staff report and resolutions
  - f. Supervisor and Deputy Director and Director review staff report and resolution
  - g. Distribute staff report and resolution
  - h. Preparation of PowerPoint Presentation
  - i. BOS reviews staff report, resolution, and administrative record
  - j. BOS site visit
  - k. Preparation of supplemental memorandum
  - l. Public hearing
  - m. Deputy Director and staff review minutes and finalize resolution

Appeal

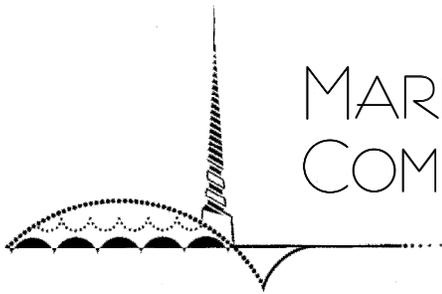
Post Decision



- E. Appeal Process  
See PC and BOS Decisions above for description of appeal process.
- F. Post-Decision Review and Administration
  - 1. Decision distribution
  - 2. Hard-file close-out
  - 3. Data entry into P&P
  - 4. Communication with public
  - 5. Building Permit review



6. Substantial Conformance
7. Conditions Conformance
8. Landscape inspections/site inspections



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION  
 AMENDMENTS TO MARIN COUNTY CODE TITLE 22**

Item No.: 4.  
 Staff: Thomas K. Lai, Assistant Director  
 Leelee Thomas, Principal Planner  
 Jeremy Tejirian, Principal Planner

**RECOMMENDATION: Conduct a public workshop and continue the workshop to July 11, 2011**

**INTRODUCTION**

On June 24, 2003, the Marin County Board of Supervisors adopted the first comprehensive update of the County’s zoning and subdivision regulations, combining Marin County Titles 20 and 22 into a unified Development Code. The Development Code applies to all unincorporated areas of Marin County outside of the Coastal Zone. Properties in the Coastal Zone remain under the prior Titles 20 and 22 (which are referred to as the Interim Code), pending the update to the Local Coastal Program and approval of the Development Code by the California Coastal Commission.

As further described in the Background section below, a series of focused amendments to the Development Code was subsequently adopted to address specific issues and priorities. Over the course of several Planning Commission meetings that have been scheduled in June, July, and August of 2011, planning staff will present to the Planning Commission a package of code amendments that has a broader scope than all of the prior amendments that were considered since 2003.

The first of these workshops is intended to provide the Commission with an overview of these amendments and to place the amendments into their proper context with regard to the broader goals that they are intended to help achieve. Following the conclusion of the orientation workshop, a complete set of amendments will be provided for review prior to the subsequent workshops that will focus on specific issues and code sections. During each workshop, public testimony will be invited and the Planning Commission will be asked to provide staff with direction regarding the recommended amendments. After the workshops have been completed, staff will return to the Planning Commission with a package of code amendments that have been revised in response to the feedback received during the previous workshops and a Resolution recommending that the Board adopt the Development Code amendments. The final Planning Commission meeting(s) on the Development Code amendments will be held to consider adoption of the recommended Resolution.

The proposed amendments to the Development Code are intended to: (1) clarify, correct, and update applicable sections in order to improve readability and ensure that the Code meets all legal requirements under State law; (2) modify administrative procedures for processing applications and appeals; (3) expand the applicability of streamlined review for applications that are subject to Design Review and Master Plan; (4) implement selective programs from the Countywide Plan to allow/require housing in

non-residential areas and to restrict the potential density and floor area ratio to the lowest end of the Countywide Plan's designation range for certain properties; (5) update regulations for affordable housing and second units; and (6) modify requirements governing legal non-conforming structures.

## **ENVIRONMENTAL REVIEW**

The amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the CEQA Guidelines because the amendments would implement the Countywide Plan and would not result in new information or new environmental impacts that were not previously evaluated in the certified Environmental Impact Report for the Countywide Plan.

## **BACKGROUND**

Since adoption of the Development Code in 2003, the Board of Supervisors has approved eight sets of text amendments and two sets of amendments to the zoning maps. The following provides a summary of the text amendments that were approved.

### **1. Second Units**

On September 16, 2003, the Board of Supervisors adopted Ordinance 3380 which implemented new requirements under State Law (Government Code Section 65852.2) governing residential second units. The amendments updated the County's second unit regulations that were originally established in 1982 by establishing a ministerial review process for second units and allowing the establishment of new second units in certain communities where they were previously prohibited. A ministerial action is an objective decision which does not require subjective judgment, and is not subject to public notification, comment, or appeals.

### **2. Affordable Housing**

On October 28, 2003, the Board of Supervisors adopted Ordinance 3393 which implemented programs from the Countywide Plan's Housing Element that called for the County to strengthen the existing inclusionary housing ordinance and to expand it to apply to new non-residential development. The amendments to the inclusionary housing ordinance expanded the application of the ordinance to subdivisions resulting in two or more lots, lowering it from the 10-unit threshold. The percentage of required affordable housing units was increased from 15% to 20%, and the affordability restrictions were updated to exclude households earning moderate incomes. The inclusionary housing ordinance was also clarified to establish a clear preference for provision of the units on-site, with lower preferences given to off-site units, and the lowest priority given to payment of in-lieu fees. Additionally, for the first time, the County established an inclusionary housing ordinance that applied to new non-residential development (office, retail, industrial) by requiring the provision of affordable housing units for at least 25% of the number of new very low, low, and moderate income jobs that would be generated by the development. Like its counterpart, the non-residential inclusionary housing ordinance established preferences for the provision of on-site units, with the lowest preference being the payment of in-lieu fees.

### **3. General Update**

On June 13, 2006, the Board of Supervisors adopted Ordinance 3451 which encompassed the first set of general updates to the Development Code since 2003 in order to clarify, correct, and update the code. Key amendments addressed standards for solar and other renewable energy efficiency devices to respond to limitations on local governments' ability to impose aesthetics regulations,

updated standards for Eichler-type residences in Lucas Valley, updated floating home standards relating to story limitations and minor encroachments into required setbacks from the adjoining houseboats, and clarified definitions for grade and floor area. Finally, the inclusionary housing ordinance was updated to clarify the applicability for the payment of in-lieu fees to three- and four-unit subdivisions (where the application of the 20% inclusionary requirements would not yield one full unit), and to clarify the ordinance to state that the number of units that are subject to the inclusionary calculation excludes any lot that is already developed with a residence.

#### 4. General Update and Development Review Process Improvements

On June 3, 2008, the Board of Supervisors adopted Ordinance 3492 which: (1) encompassed the second set of general updates to the Development Code since 2003 in order to clarify, correct, and update the code; and (2) implemented a number of measures intended to streamline the development review process, with an emphasis on the Design Review process. This update allowed temporary Use Permit and Large Family Day-care Home applications to be processed administratively, established standards for certain architectural features to encroach into required setbacks, expanded the definition of building area to include carports, allowed buildings that have legal non-conforming setbacks to be raised to meet flood elevation standards, allowed second units in R2 (Two-family) zoning districts, updated the definition of vacant lot to address teardowns, allowed exceptions to standards for detached accessory buildings to be considered through Design Review rather than a public hearing Use Permit, and expanded Design Review requirements to address new hillside development and substantial additions in certain communities. The development review process improvements clarified and updated the Design Review requirements by establishing a three-tiered process with a ministerial review provided through a new "Design Review Exemption" and a streamlined discretionary "Minor Design Review" process, while maintaining the full Design Review process. Other process improvements included the establishment of a single appeal procedure for referral of certain applications directly to the Board of Supervisors.

#### 5. Affordable Housing and Density Bonus

On August 12, 2008, the Board of Supervisors adopted Ordinance 3497 which implemented new state requirements (SB 1818 and Government Code Section 65915) which modified the State's density bonus law from 2005. The amendments clarified the affordable housing incentives provided in the Development Code and the Countywide Plan, updated the density bonus regulations to comply with state law, and updated certain definitions.

#### 6. Green Building Standards

On May 4, 2010, the Board of Supervisors adopted Ordinance 3539 which amended the Design Review standards to ensure they are consistent with the recently-adopted Green Building Ordinance. The amendments replaced references to the green building standards for Design Review, updated the green building requirements for Minor Design Review to be more stringent, and reinstated those Design Review findings related to green building that were previously amended to reflect the County's interim rating system (Certified, Silver, Gold, Platinum, Platinum plus Carbon Neutral) that was used in the Development Code.

#### 7. Lucas Valley Community Standards

On May 4, 2010, the Board of Supervisors adopted Ordinance 3540 which approved amendments to the R1:BLV (Single-family Residential, Lucas Valley) zoning district to strengthen the community-specific regulations that were originally established in 1998 to protect the architectural integrity of the

Lucas Valley community, which is comprised predominantly of Eichler-type single-family residences. The amendments updated the Design Review findings to ensure that the unique design attributes of the Eichler homes are considered, distinguished between the height limits for Eichler-design residences and the non-Eichler-design residences that are located on Mount Palomar Court, Mount Tallac Court, Mount Wittenburg Court, and Mount Muir Court, clarified the height limit for detached accessory structures, modified the list of work that qualifies for an exemption from Design Review, and clarified and improved the overall readability of the R1:BLV ordinance.

## 8. Wind Energy Conversion Systems

On August 10, 2010, the Board of Supervisors adopted Ordinance 3548 which approved substantive revisions to the County's wind energy conversion systems (WECS) regulations to respond to new state requirements (Assembly Bill 45) to recognize the importance of wind energy as an alternative renewable energy resource in the state. The amendments updated the existing WECS regulations to reflect changes in technology and incorporated recommendations from contemporary studies and guidelines governing the siting and development of WECS. This was accomplished by establishing permit requirements and development standards for new categories of WECS (Small, Medium, and Large) and incorporating standards governing appearance, visibility, siting criteria, safety measures, avian and bat protection, and noise.

## PRIMARY GOALS

The primary underwriting goal of the proposed Development Code amendments is to ensure that the amendments are clear, affordable, simple, enforceable, and effective. Following these principles is intended to make the Planning Division's operations more efficient and effective and is one important part of offering the best customer service possible in a fiscally challenging environment.

### 1. Cost Controls

As part of the preparation of the countywide restructuring program, and at the direction of the Board and the Marin County Administrator's Office, the Community Development Agency (CDA) analyzed: (1) what specific services are mandated by Federal, State, and local law, (2) what levels of service are mandated by Federal, State, and local law for those services, and (3) if services are provided that are not mandated, what levels of service are mandated for those services. CDA also commissioned a user fee study of Planning fees in 2009 which found that the fee structure generally did not cover the direct and indirect costs of providing the services, resulting in a cost recovery of less than 50% of the Planning Division's expenses.

Legal authority and procedural requirements at both the State and local level establish the parameters within which the County may act on land use and development issues within its jurisdiction. Provided below is a summary and comparison of the legal authority and procedural requirements for land use and development regulation at the State and local level, with a focus on interagency coordination requirements and due process requirements.

#### a. State Requirements

The legal basis for all land use regulation is the police power of the County to protect the public health, safety, and welfare of its residents, as set forth in common law and the California Constitution. Courts generally uphold the exercise of land use regulations so long as they are not arbitrary and capricious, substantially advance a legitimate government interest, and do not deny the owner of economically viable use of his land. In order to legally exercise its police power, a

jurisdiction cannot adopt ordinances that are contrary to State law and its actions must respect constitutional and statutory mandates, such as adopting a general plan, conducting required hearings, making the necessary findings, and following the California Environmental Quality Act. The following state laws provide most of the legal framework for the County's exercise of its land use regulatory authority:

1. Establishment of local planning agencies, commissions and departments. Gov't Code section 65100 et seq.
2. General and specific plans. Gov't Code section 65300 et seq.
3. Zoning regulations. Gov't Code section 65800 et seq.
4. Subdivision Map Act. Gov't Code section 6641 et seq.
5. California Environmental Quality Act (CEQA) Pub. Res. Code section 21000 et seq.; CEQA Guidelines Cal. Code Regs. Title 14 sections 15000 – 15387
6. Coastal Act. Pub. Res. Code section 30000 et seq.
7. Brown Act. Gov't Code section 54950 et seq.
8. Permit Streamlining Act. Gov't Code 65920 et seq.
9. Mitigation Fee Act. Gov't Code section 66000 et seq.

Courts have held that a jurisdiction's general plan is the "constitution for development" in that jurisdiction. A comprehensive update to Marin County's general plan, the Countywide Plan, was adopted by the Board of Supervisors in 2007. Since the Countywide Plan is the constitution for development in the unincorporated areas of Marin, decisions affecting land use and development must be consistent with the policies contained in Countywide Plan. Certain exceptions to this may exist in the Coastal Zone, where development is regulated by the Coastal Act and the Local Coastal Program. The Local Coastal Program amendment process that the Planning Division is engaged in is not addressed in the package of proposed code amendments but instead will be reviewed by the Commission through the proposed Implementation Program to the Local Coastal Program Amendment (update) that is scheduled for later this year.

State law governs the manner in which jurisdictions process certain types of applications, including Subdivisions, Use Permits, Variances, Lot Line Adjustments, and Certificates of Compliance. The State's procedural requirements for various applications can be distinguished between the following types of decisions:

- Ministerial decisions, such as Building Permits and Certificates of Compliance, are not subject to the Planning and Zoning law's procedural requirements, including the Permit Streamlining Act (PSA), and are statutorily exempt from CEQA.
- Discretionary decisions, such as Design Reviews and Variances, are subject to the Planning and Zoning law's procedural requirements, including the PSA, are subject to the Brown Act when they require public hearings, and are subject to CEQA.
- Legislative decisions, such as Rezonings, are not subject to the same procedural requirements in the Planning and Zoning law as discretionary projects, including the PSA, but are subject to the Brown Act because they involve public hearings, and are subject to CEQA.

A majority of the applications that the Planning Division processes are discretionary in nature. Discretionary projects, including Subdivisions, are subject to the PSA only if "the application includes a statement that it is an application for a development permit." (Gov't Code Section 65943(a)). A development project is a project that requires a permit for any construction but is not a permit to operate, such as a Use Permit or Special Event Permit.

The Brown Act requires that an agenda of any hearing must be posted in a location that is freely accessible to the public at least 72 hours before the meeting, and requires that anyone who has requested a public notice be provided that notice at least seven days before the meeting. Furthermore, the State Planning and Zoning law (Government Code Section 65090 et seq.) requires that public notices of hearings be distributed at least 10 days prior to the hearing in the following ways: (1) mailed or delivered to the owner and applicant; (2) mailed or delivered to each local agency that is expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities or services may be significantly affected; (3) mailed or delivered to property owners within 300 feet of the property; (4) published in a newspaper or posted in three public places; and (5) mailed or delivered to any person who has submitted a written request for notice.

Pursuant to Gov't Code section 65905, public hearings must be held for Use Permits (or equivalent permits), for appeals of Use Permits, and for Use Permit revocations. Variances may be exempt from public hearing requirements pursuant to Gov't Code section 65901. Further, the California Supreme Court has held that due process requirements of the U.S. and California Constitutions require notice and opportunity for hearing if Tentative Map approval will constitute a substantial or significant deprivation of the property rights of other landowners. (*Horn v. County of Ventura* and *Kennedy v. City of Hayward*). Other State laws require public hearings for County initiated mergers and street name changes.

b. Local Requirements

Decisions on planning applications are issued in conformance with the Countywide Plan, various Community and area plans, and the Development Code. The Development Code specifies the County's procedural requirements, which frequently go beyond State requirements. The Planning Division's internal administrative practices go even farther beyond State requirements in some cases. The Planning Division maintains a submittal checklist that meets the requirements of the PSA with respect to providing applicants with a detailed list of information they will need to submit in order for a discretionary application to be determined to be complete.

Public notice is not provided for ministerial decisions, such as Building Permits, but is required by the Development Code for all discretionary and legislative actions. Transmittals to responsible agencies and community groups are sent during the completeness review of applications, except for Minor Design Reviews, as part of the County's internal process prior to distribution of a public notice. For discretionary actions requiring a public hearing, at least 10 days before the hearing, the County publishes a notice in a newspaper, mails a notice to the applicant, mails a notice to each local agency expected to provide essential services to the project, mails a notice to all property owners within 300 feet of properties with a zoning with a minimum lot size under 20,000 square feet or 600 feet for properties with minimum lot size of 20,000 square feet or greater, and mails a notice to anyone who has requested notice along with local community groups. In addition, the County posts a public notice on or adjacent to the site more than ten days before the hearing. The following planning applications require public hearings:

- Rezoning
- Master Plans
- Major Variances
- Use Permits, Use Permit Amendments, Use Permit Renewals, and Use Permit Revocations
- County initiated Mergers
- Street Name Changes

- Floating Home Adjustments
- Appeals
- All other applications associated with the above applications for a given project

For administrative discretionary decisions that do not require a public hearing, at least 10 days prior to the decision being issued, the County mails a notice to the applicant, mails a notice to each local agency expected to provide essential services to the project, mails a notice to all property owners within 300 feet of properties with a zoning with a minimum lot size under 20,000 square feet or 600 feet for properties with minimum lot size of 20,000 square feet or greater, and mails a notice to anyone who has requested notice along with community groups. In addition, the County posts a public notice on or adjacent to the site more than ten days before the decision is issued. The following types of applications are administrative discretionary projects and do not require public hearings unless they are associated with another application that does require a public hearing or if the Director schedules the application for a hearing due to controversy and policy issues raised:

- Design Reviews
- Minor Design Reviews
- Temporary Use Permits
- Minor Variances
- Tidelands Permits
- Applicant initiated Mergers
- Floating Home Architectural Deviations
- Lot Line Adjustments
- Precise Development Plans

c. Procedural Changes

The recommended amendments to the Development Code would better align the Development Code's procedural requirements with Federal and State procedural requirements in order to give the Planning Division the operational flexibility necessary to better control planning permit costs. Several means are employed to meet this objective, including:

- Eliminating public hearing requirements whenever possible;
- Eliminating transmittal requirements whenever possible; and
- Eliminating public notice requirements whenever possible.

As proposed, the only discretionary projects that would continue to require public hearings would be Master Plans, Tentative Maps, Use Permits, County initiated Mergers, Street Name Changes, and appeals. Planning permits that do not require public hearings under State law, including Variances and Floating Home Adjustments, would no longer require public hearings.

Similarly, the proposed amendments would clarify that the only projects that would continue to require transmittals would be Tentative Map applications, and they would only be required to be transmitted after they have been deemed complete. The amendments would provide the Planning Division with flexibility to transmit projects when appropriate.

As indicated above, state law requires a public notice only for public hearings; administrative decisions do not require notice. In order to bring the Development Code into better alignment with State law, the proposed amendments would provide the Director with the option to send out

public notices for discretionary projects, but would not be required to do so. It is unlikely this would immediately lead to substantial changes in the Planning Division's procedures in the near future, but it would provide the Division with the flexibility to reduce the Division's costs should it be necessary. Furthermore, there is currently an initiative to make more information regarding applications with decisions pending available to the public on the Planning Division's website. With sufficient staff and funding available, web improvements could partially replace some of the benefits gained from continuing to provide public notices by postal mail for discretionary applications.

## **2. Reorganization**

Article I of the Development Code sets forth the basic framework of the code, specifically stating in Section 22.01.040.A.3 (Applicability of Development Code) that:

“Any land use permit or other approval required by Article II (Zoning Districts and Allowable Land Uses) or Article V shall be obtained. The preparation, filing, and processing of land use permit applications shall comply with Article IV (Land Use and Development Permits).”

However, as originally written and subsequently amended, the Development Code does not always follow the format specified in Article I. The processing requirements for several land use permits have been incorporated into Article III (Site Planning and General Development Regulations), which dilutes the clarity of the document and is not very user friendly. Specifically, standards for Second Unit Permits, Tree Removal Permits, Sign Permits and Sign Reviews, Large-family Daycare Permits, Floating Home Architectural Deviations and Floating Home Adjustments are all located in Article III rather than in Article IV. Although Article III is the appropriate location for standards for specific land uses, permit requirements should be located solely in Article IV.

In order to address this issue and ensure that the Development Code is as well organized and easy to use as possible, staff is recommending amendments that separate the land use standards from the land use permit requirements, and to relocate those permit requirements into Article IV.

## **3. Permit Thresholds**

### **a. Legal Non-conforming Structures**

Many of the County's requirements for improving developed properties are intended to discourage the long-term continuance of legal non-conforming development. During periods of economic prosperity and growth, it was not uncommon for property owners to tear down older residences in order to replace them with larger residences. While this resulted in reducing non-conforming situations, many owners in today's economy are no longer in the financial position to replace existing residences, even when they do not meet current zoning standards. Some of the most difficult circumstances arise when residences that do not comply with current zoning standards are damaged or destroyed by fire or flood. Annual limits to the value of improvements that are allowed to non-conforming structures can sometimes lead to deferred maintenance of existing structures, which adversely affects not only the residents of the property, but also the real estate value of surrounding properties.

In the proposed amendments, the fundamental approach is shifted to allow property owners to maintain and reconstruct non-conforming structures after they are damaged or destroyed. This is mainly achieved by removing some of the limits on maintenance and reconstruction in Chapter

22.112 (Non-conforming Structures, Uses, and Parcels) and by broadening the Variance Exemptions in Chapter 22.54 (Variances). For instance, the proposed expansion to the types of work that would qualify for Variance exemptions would allow property owners to modify their roofs to a certain degree, even when they are within a setback, and would also allow homeowners to raise their residences above a flood elevation, even if doing so would increase their floor area ratio above the allowed threshold.

b. Master Plans/Precise Development Plans

The formal requirements for Master Plans and waivers contained in Chapter 22.44 (Master Plans and Precise Development Plans) were established as part of the comprehensive update of the zoning and subdivision regulations in 2003. Thresholds for Master Plan/Precise Development Plans and Findings for their waiver to lesser entitlements, such as Design Review and Use Permit were established. While these measures have provided greater clarity with regard to the applicability of Master Plans and Precise Development Plans, they have also proven to be very inflexible and restrictive in cases where no further objectives will be achieved by requiring either a Master Plan or Precise Development Plan. Consequently, the proposed amendments will clarify the applicability of the Master Plan and Precise Development Plan thresholds governing floor area and eliminate certain findings that are currently required for a project to qualify for a waiver. In addition, the proposed amendments would expand the types of projects that are exempt from Master Plans to include affordable housing and conversion of principally-permitted non-residential uses.

c. Minor Improvements

In addition to changing the approach to non-conforming development, staff has identified a number of types of small scale development that currently trigger a discretionary application, but are relatively benign and do not adversely affect the character of local communities. Examples include installing bay windows that project into setbacks and conditioning floor area underneath legal parking structures that are adjacent to roads on steep lots. Staff has also re-evaluated threshold criteria for Design Review Exemptions (Section 22.42.025) and Minor Design Reviews (Section 22.42.055), and is recommending expanding these criteria so that more small scale development can be permitted without undergoing the full Design Review process. For instance, the size threshold for additions that may qualify for a Design Review exemption on planned zoning districts is proposed to be increased from 500 square feet to 750 square feet, while height and setback standards are proposed to be expanded to reflect greater variations in lot slopes and lot sizes. Staff is also proposing to expand the types of additions that may qualify for a Minor Design Review to include non-residential and agricultural structures that do not exceed 500 square feet in floor area.

d. Permit Requirements

Finally, where alternatives exist to more complicated permits, staff has evaluated the possibility of requiring a less complicated permit that will be adequate to achieve the purposes of the Development Code. Examples include streamlining the process for Use Permit Renewals in conformance with State law and relevant court cases and using Tentative Map Waivers more effectively. The requirements for Second Unit Permits have been reexamined, and several means of removing unnecessary development criteria have been identified. For instance, the prohibition of new second units within the service area of the Bolinas Community Public Utilities Districts is proposed to be eliminated. Primary agricultural structures that exceed height limits would require Design Review approval, rather than Variance. By reviewing all of the Development Codes

standards and requirements and making a series of minor adjustments, the cumulative affect to the amendments to permit thresholds will reduce the regulatory burden of the Development Code.

#### **4. Countywide Plan Implementation**

The proposed Development Code amendments would also implement a number of Countywide Plan policies and programs (Policy CD-1.3, Programs CD-1.c, CD-5.e, CD-6.a, DES-4.e) that call for restricting the maximum residential density and commercial floor area ratio for those portion or portions of properties that have sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems. Affordable housing projects would be exempt from these restrictions. In addition, the proposed amendments would update the tree ordinance (Chapter 22.27 – Native Tree Protection and Preservation) by changing the definition of a protected tree to eliminate the current exemption for the removal of up to five protected native trees per year on developed lots and codifying the list of protected native trees into Article VIII (Definitions) of the Development Code. This measure is intended to partially implement Countywide Plan Program BIO-1.d which called for strengthening the native tree ordinance.

#### **5. Housing**

The proposed changes related to affordable housing are intended to accomplish the following goals:

- Revise the County's inclusionary housing ordinance (Chapter 22.22 – Affordable Housing Regulations) to provide more clarity and to restructure the ordinance to provide more consistency with the rest of the Development Code;
- Modify the affordable housing regulations to address changes in State law which limit local jurisdictions ability to require inclusionary rental units; and
- Implement certain programs from the Countywide Plan and the 2009 Draft Housing Element.

The structure of Chapter 22.22 has been changed to make the chapter more consistent with other chapters in the Development Code and to clarify affordable housing requirements. The Chapter now identifies three major development types and the applicable affordable housing requirements for: new homes, lot creation, and non-commercial and mixed-use developments. In addition, the revisions provide a clear decision tree related to waivers of affordable housing requirements.

In response to recent changes in State law (Palmer and Patterson court decisions), the Development Code is proposed to be amended to remove the inclusionary requirement on market rate rentals, unless a developer receives concessions as identified in State Density Bonus Law. The changes also add a requirement for an affordable housing impact fee on market rate rentals.

Other amendments would implement programs previously reviewed by the Planning Commission. They include Countywide Plan programs to allow/require residential uses in commercial/mixed-use zoning districts subject to the Countywide Plan's floor area ratio cap and 2009 Draft Housing Element programs which promote second units, encourage the development of housing for low and very low income households by making the review process more efficient and clarifying permitted density, and implement State law changes related to homeless shelters and supportive housing by permitting homeless shelters in the C1 (Retail Business) and CP (Planned Commercial) zoning districts. In addition, proposed amendments would allow affordable housing as a principally-permitted use in agricultural and non-residential zoning districts, where they are currently permitted conditionally.

## **6. Summary of Other Major Amendments**

The following provides a summary of other major proposed amendments to the Development Code which include:

1. Defining community gardens and allowing this as a residential accessory use in all zoning districts where residential uses are allowed;
2. Clarifying definitions of parcels and lots for consistency with recent case law pertaining to lots created by antiquated subdivision maps;
3. Extending the initial term of approval for discretionary permits from two to three years, and extending the maximum number of extensions to unexpired tentative maps by one year (from 5 to 6 additional years) for consistency with the State Subdivision Map Act;
4. Allowing exceptions to the animal keeping standards (e.g. maximum limit for small animals in all non-agricultural zoning districts and limits on large animals in the RA (Suburban Agricultural) zoning district through the Use Permit process);
5. Expanding the definition of kennels to include all household pets, not just dogs;
6. Expanding the list of exemptions from Tidelands Permits to include routine maintenance dredging activities;
7. Eliminating the 3-room restriction on room rentals;
8. Providing the Director with the authority to schedule an applicant-initiated Countywide Plan and/or Community Plan amendment for a preliminary hearing by the Planning Commission and the Board of Supervisors to solicit public input and to provide preliminary feedback;
9. Modifying the appeal procedures to limit the scope of appeals to the issues raised and to clarify that permission is required only from the applicant/owner for any extensions of time for an appeal to be heard by the Planning Commission or Board of Supervisors; and
10. Extending the time limit for the Board of Supervisors to act on appeals from 6 to 8 regularly-scheduled meetings.

## **7. Local Coastal Program Amendments**

Subsequent to the Planning Commission's workshops to consider proposed amendments to the Local Coastal Program's Land Use Plan, staff began drafting amendments to Article V (Coastal Zones – Permit Requirements and Development Standards) of the Development Code, which address development in the Coastal Zone. Those draft amendments have been made public, and the Planning Commission will soon hold hearings to consider the draft amendments to Article V of the Development Code. Article V is written as a stand-alone article, discrete from other articles of the Development Code because it carries out the particular standards of the Coastal Act and the Local Coastal Program. While there is minimal overlap between the requirements set forth for the Coastal Zone in Article V and the other articles in the Development Code, amendments must also be made to Article III (Site Planning and General Development Regulations) and Article VIII (Definitions) in order to implement the Coastal Land Use Plan. Those sections of Article III and Article VIII that affect the regulation of coastal development will need to be reviewed by the Coastal Commission before being implemented by the County.

When completed, most of the changes made through this Development Code amendment process will be combined with the coastal-specific standards and definitions made part of the public review draft of the Local Coastal Program Amendment. However, it should be noted that the standards and definitions in the Coastal Zone must comply with sections of the Coastal Act and California Code of

Regulations. In some cases it may be prudent to have different standards and definitions in the Coastal Zone to address similar types of development issues. Wherever this is the case, staff intends to make the distinctions clear in the text of the code.

## **NEXT STEPS**

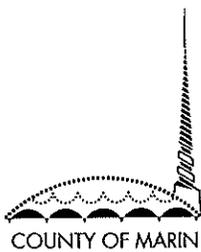
In the coming days, a complete draft of the recommended Development Code Amendments will be provided to the Planning Commission and posted on the Planning Division's website ([http://www.co.marin.ca.us/depts/CD/Main/comdev/CURRENT/devcode\\_amendments.cfm](http://www.co.marin.ca.us/depts/CD/Main/comdev/CURRENT/devcode_amendments.cfm)) for public review. The following workshops have been scheduled to consider the issues listed below:

- July 11, 2011 – Streamlining measures and certain Countywide Plan implementation measures
- July 25, 2011 – Housing issues including certain Countywide Plan implementation measures
- August 8, 2011 – Hearing on complete package of amendments, with Resolution recommending approval of the Amendments to the Board.

Before each of these Planning Commission meetings, staff will prepare and distribute a staff report that explains the recommended changes to the Development Code as they relate to particular topics, accompanied by the specific text of the amendments related to those topics. Staff will take the comments received from the public and the direction of the Planning Commission into account in preparing a final package of draft amendments for the Planning Commission to recommend to the Board.

## **RECOMMENDATION**

Staff recommends that your Commission conduct a public workshop, consider public comment, and continue the meeting to July 11, 2011.



COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

**Date:** June 27, 2012  
**To:** Tom  
**From:** Jeremy  
**Re:** Proposal for Redesigning the Current Planning Website

One of the most important components of the Current Planning section's work plan for fiscal year 2011-2012 is comprehensively redesigning the Current Planning website as a means to improve our customer service and institute administrative and procedural changes contemplated by the Permit Efficiency Group (PEG). The first task of modifying the Development Code to facilitate procedural streamlining measures has now been completed, providing us with the regulatory flexibility necessary to reduce transmittals and public notices. However, at the direction of the Planning Commission as supported by the Board, public notices for administrative decisions must continue to be provided until the website has been improved. The website must be improved so that the public can conveniently obtain reliable and up to date information regarding planning applications before a decision is rendered.

Due to this mandate, I have increased my involvement with the website improvements and brought together a small group of staff to collaborate in designing and instituting the changes to the website. I am sharing duties of accomplishing the Current Planning section's web site improvements with Curtis, who is also the lead staff person responsible for coordinating the upgrade of the Community Development Agency's online presence. Vivian is one of the key people on the web committee, along with me and Curtis, because of her experience designing websites and her knowledge of both project planning and customer service. Veronica brings her knowledge of project planning and working directly with applicants to the effort and Debra is an important part of the committee because of her knowledge of administrative functions, hearings, and Granicus. John Wilson is the CDA/DPW IST staff assisting with the technological aspects of the upgrade, and IST has a section dedicated to upgrading the web presence of the County overall, which we will be working with closely. Before her departure, Kristina assisted with research and preparing preliminary recommendations.

The initiative will proceed along three discernible phases: (1) planning; (2) production; and (3) implementation. Upon acceptance of this proposal, the planning phase will be complete. I do not anticipate at this time that we will need to budget for outside consultants or additional resources beyond those that IST is able to provide. However, as discussed in the sections below, the schedules and responsibilities of various staff will need to be changed at various points during the production and implementation phases in order complete the initiative on schedule.

Our goal is to have a beta version of the new website produced by December 1, 2012. The beta version will be tested during December, in preparation for a public roll out in January, 2012. This is an ambitious schedule, which is dependent on IST's ability to focus on the effort. However, since the website improvements are the bottleneck we must pass through before we are able to

carry out the procedural efficiency measures resulting from the PEG initiative and recent amendments to the Development Code, there will be financial consequences to significant delays.

## **PHASE 1: PLANNING**

*Target date for completion- July 15, 2012*

### **Preliminary research**

In 2011, a pilot program was carried out to test some ideas for making project plans available on the website. For every project that was transmitted to a Design Review Board, the project plans and transmittal memo were scanned and linked to a subscription page. The ability to view plans online was well received by the Design Review Board members, but lessons learned from the pilot program emphasized the importance of having clear lines of authority in making decisions on updating the website, instituting a well-organized set of procedures for staff to follow, and maintaining a consistently high level of quality with respect to accurate links and content.

Kristina took the second step in the preliminary research before the committee's initial meeting by comparing the websites for the planning departments of every city and town in Marin and every county in the Bay area. This was intended as a benchmarking exercise to identify the best practices used by other jurisdictions in the area. While several good ideas were demonstrated on other websites, overall San Mateo's website seemed to be the best to Kristina. However, it became apparent from her review that our department is not alone in needing to improve our web presence and no clear benchmarks could be ascertained from other agencies.

### **Web Committee meetings**

The committee has held three meetings so far, on January 4, January 17, and February 3, 2012. During the first meeting, Tom began by introducing his concept for separating the CDA's overall website into three main components that reflect the agency's purpose: Assisting communities (programs such as affordable housing, green business, and CDBG); planning for the future (programs such as long range planning, legislative and code updates); and development services (programs such as current planning, and EHS land use). While this concept has not yet been completely fleshed out, it provides a useful framework for the committee to understand the relationship between the Current Planning section's website and the website for the whole agency. In particular, it is a way that we can put our customers at the center of our business by communicating in a manner that they will understand.

During this first meeting, I discussed the approach for upgrading the website based on three priorities: Clarity of message and content; simplicity of function and design; and imputing brand value (i.e. people's tendency to judge a book by its cover). Many of the ideas in this approach come from the work of John Maeda, who defined simplicity as "subtracting the obvious and adding the meaningful." Understanding simplicity is critical in the effort to help people deal with a lot of information and to reduce the Current Planning section's costs. The easiest way to achieve simplicity is through the thoughtful reduction of components and clear organization of those components so that the website will be intuitively obvious to our customers. Time is also an important consideration to address, since its passing is often felt as increasing complexity. Since people tend to form an opinion about an organization by the signals that it communicates,

a consistently high level of quality in the design and operations of the website will be key to maintaining community support for the services that we provide.

I asked members of the committee to complete two assignments after the first meeting. First, I asked them to write brief profiles of typical customers and questions they may have and then write what underlying message we would want to send them as an organization in response to their inquiry. This exercise was intended to explore what messages the committee members felt were important to express to our customers. Second, I asked them to list a series of "gateways" on the website, meaning the most important links that would appear on the front page and establish certain lines of inquiry our customers would follow in obtaining the information they want.

During our second meeting, we began by discussing the messages that committee members felt it important to express to our customers. There was some consensus among the group around a few common themes. One important message to convey is that Marin is a great place to live; the people here have high standards for development and therefore we do as well. Another important message to convey to land development professionals and real estate sales professionals is that the information they need is available to them on the website. It is their responsibility to familiarize themselves with the process and the standards, but we are here to help them. Also, it is important to express to homeowners that there is a predictable, linear process that an applicant needs to follow to obtain approval. If an applicant meets certain clearly defined objectives, such as the information itemized in the submittal checklist and the Single Family Residential Design Guidelines, then he or she should be relatively certain that their application will be successful.

Perhaps the most important step taken during the second meeting was comparing people's ideas about the "gateways" and discussing the structure of the website. There was a fair degree of consensus regarding the gateways, although different people expressed them in different ways. Everyone felt there should be some basic introductory information on the front page, such as the hours for the public information counter and how to contact the counter. It seemed to me that the other gateways that received consensus support were:

1. A gateway leading to policy and regulatory documents, such as the Countywide Plan, community plans, and Development Code.
2. A gateway leading to application information, such as a fee schedule, submittal guide, and fact sheets. Two possible models for this gateway were discussed; one using our current information available at the counter and another using some of that information but also creating a new comprehensive application guide which would replace many of the fact sheets.
3. A gateway leading to information about various boards and commissions, such as the DZA and the Design Review Boards.
4. A gateway for applications under review, both for projects by town and for major projects.
5. Either a gateway or a tool on the front page making it easy for customers to look up zoning information for a particular property.

These gateways are the basis for the design of the website in the attached outline. Other ideas were also evaluated during the second meeting, which are further discussed below under "Alternatives Not Chosen".

During our third meeting, we invited IST's Terry Corde and Christine Camilleri, who are leaders of the group responsible for upgrading the County's online presence overall. They provided us with some background and insight into the process that they use to upgrade websites for agencies. Christine Camilleri will be the IST staff principally in charge of the project.

### **Departmental meetings**

After the third meeting of the web committee, I followed up with internal meetings with other members of the agency. As I noted above, two different models of building off the gateway for the applications were proposed. Since this is such an important aspect of the website, I met with Tom and Curtis to discuss it further. Tom's decision was to replace a number of our factsheets and the submittal guide with a new comprehensive planning application guide, and link the guide directly to the website as well as having it available to provide to customers at the counter. Tom also authorized me to research hiring design firms to prepare a sample set of complete application drawings, which would be available on the website as well as at the counter to assist applicants to clearly understand our expectations. Contracts for the sample plans have been finalized with three firms, and work on the sample plans will be initiated in July, 2012.

I met with Debra separately for an introduction to how Granicus works, and we discussed its potential application for DZA hearings at a meeting of administrative support staff on March 8, 2012. I met with the project planning team on February 7, 2012 to go over the website initiative, and received generally positive feedback with respect to the overall approach and the gateways that had been identified. I also met with the Code Enforcement section staff to discuss the website initiative, and received generally positive feedback. Although Code Enforcement and Environmental Planning will not be a direct part of the Current Planning website upgrade, our efforts may pave the way for their own updates in the future.

### **Alternatives Not Chosen**

The web committee considered a number of options for the gateways on the front page that are not being recommended or are not within the scope of this initiative.

#### **1. Frequently asked questions (FAQ)**

The whole Current Planning website will be designed to respond to frequently asked questions. Further, the County is changing its approach with frequently asked questions to be more interactive. For example, instead of having pages of questions and their responses, people are invited by prompts such as "I want to..." to enter a question, which is then keyed to an answer in much the same way as many "Help" sections provided for computer programs contain keyword search capabilities. Creating these types of keyword searchable databases of information is an extremely laborious process, as is keeping them continually up to date. When the CDA website is redesigned, there may be opportunities to use such a searchable database to cut across departmental silos and provide better customer service. For example, someone inquiring about building an 8-foot high retaining wall in their back yard could be pointed to information related to both the planning and building aspects of the project. This is an

idea that may be further considered within the scope of the redesign of the CDA website as a whole, but is beyond the scope of this initiative.

## 2. Permit history

Onbase has web capabilities, but IST has not fully explored their functions. However, it is expected that at some point in the future, customers will be able to query for permits online. While we considered recommending this as a placeholder for the Current Planning website, a tool for this capability would make more sense to add to the CDA's website when it is redesigned, because customers will often want to check for Planning and Building Permits, as well as septic and grading permits in some cases. This is an idea that may be further considered within the scope of the redesign of the CDA website as a whole, but is beyond the scope of this initiative.

## 3. Planning Commission information

While the Planning Commission is routinely involved with appeals and other issues related to Current Planning, the commission is also involved in long range planning initiatives, such as the LCP. Therefore, Planning Commission hearings cannot be considered a subset of Current Planning in the same way as are the Deputy Zoning Administrator hearings and most Design Review Board meetings. Therefore, the portions of the website dedicated to the Planning Commission will need to be improved as part of the redesign of the CDA website as a whole, but is beyond the scope of this initiative.

## **PHASE 2: PRODUCTION**

*Target dates for completion- December 1<sup>st</sup> completion of beta version for testing and January 7<sup>th</sup>, 2013 for roll out of the new website.*

In the attached "Current Planning Website Redesign" both the structure and functions of the future web site are specified. It should be noted that in some cases certain suggestions are indicated as "placeholders". These are improvements that hopefully can be implemented in the future, but we recognize that they probably cannot be completed before roll out or may not be possible to implement at all. To the extent possible, we will try to have the placeholders incorporated into the website in the initial roll out, but the production of most placeholders will need to be delayed. The specifications should be considered flexible enough that they can undergo minor adjustments during the process of working with IST on production.

Production will be carried out primarily by IST, with guidance from me and Curtis and input from committee members. Some of their steps are similar to the steps the web committee has taken, including clarifying the types of expectations customers may have of the website, how the websites of different departments relate to other websites within the same agency and the County as a whole, what the overall structure of the website should be, what content from the existing website should be maintained and what should be eliminated, and other operational steps such as introducing agency staff to the process for independently updating the content on the website.

The first step for IST will be for their staff to meet with me and Curtis to better understand our business process and the outcomes we want to achieve. Through the following steps, different

members of the committee will be assigned to work with IST staff on various aspects of design and implementation as necessary, but me and Curtis will remain their primary contacts.

During the beta testing of the website, staff will review it and provide feedback to me and Curtis. Further, the three consultants we have hired to prepare sample plans will also review the beta version and provide us with feedback from a designer's perspective. Finally, we will identify a few members of the public to test the beta version, so that we can obtain input from their perspective as well.

Due to the logistics of changing our permitting process, I am recommending that two separate versions of a new comprehensive planning application guide prepared in sequential stages. The planning application guide will provide an overview of the planning process and be integral in supporting the design and production for the new website.

### First Version

The first version of the planning application guide will be a somewhat abbreviated document that includes many of the key components of our process. Most importantly, it will reflect our current procedures for transmittals and notices.

The first version of the guide will be a temporary interim document intended only to give us a foundation to prepare a more detailed second version of the guide and to bridge an approximately four month gap between when we roll out the website and when we institute our procedural changes.

The first version of the guide will be published simultaneously with the roll out of the new website.

### Second Version

The second version of the planning application guide will be more detailed and will reflect our procedures after we have made the transition to a business model that relies more on the website than on transmittals and notices. The second version of the new guide will describe the planning process as we envision it after the website has been upgraded and we are ready to fully implement the recommendations resulting from the PEG initiative. Writing the guide is a significant undertaking, and the product will require more than one round of internal review before it is ready for publication.

The work plan for drafting the new planning application guide includes the following items:

- Writing a detailed outline separating the document into the following sections:
  - An overview of the planning process
  - Detailed descriptions of projects that are transmitted to other reviewing public agencies, and those that are not
  - Descriptions explaining when projects are subject to ministerial, administrative, or public hearing processes
  - Description of the scope of work expected for all permits and services we offer
  - Informational requirements about the submittal checklist (note: in the future, links to sample plans will also be made available on the website and at the counter)

- Information about fees associated with development projects, and an introduction to what happens after planning approval insofar as impact fees, building permits, and recording documents may be required
- Copying text from our existing factsheets into the document and editing those sections
- Drafting new sections and fleshing out sections that need more detail

Hard copies of the guide will be published in a binder format, where appropriate sections can be given to customers at the counter. An electronic copy of the guide will be made available on the website for customers to read or print.

While Curtis will take the lead on this effort, I will be closely involved due to my knowledge of how the planning process will change with the implementation of the recommendations resulting from the PEG initiative.

### **PHASE 3: IMPLEMENTATION**

*Target date for completion: July 2013*

Roll out of the new website will begin the implementation phase. Those primarily responsible for all tasks related to managing the most dynamic gateways will be the web committee team members for the first three months of operation (until April 2013). Given her knowledge and skills, Vivian will be in particularly high demand during the initial period of operation. The first three months will be an important period to evaluate the design and function of the website and make any midcourse corrections necessary to ensure that it is running smoothly and meeting our objectives. Staff schedules and priorities may need to be changed during this period. We will need to consult with John and his colleagues at IST regarding additional work that may be expected during this period. I expect that the Planning Commission's schedule will not be as busy as it has been this past year, which should allow Debra to increase the time she spends on the website. Project assignments and counter shifts may need to be reduced for Vivian during this period, but distributing some of her responsibilities to project planners should be possible on a temporary basis. Linda will be able to handle refunds without Vivian's assistance by that point. Project assignments may need to be reduced for Curtis and some of the other items on his work plan may need to be reprioritized so that he can focus on implementation. Some overtime may need to be authorized for committee members, but this will be avoided to the extent possible.

Based on input during the first three months of operation, I will work with committee members to write a procedural guideline for staff to use when responsibility for operating the website is distributed beyond the committee during April and May of 2013. I will also schedule training for administrative support staff and a gradual transition of day to day tasks from committee members to support staff.

The second version of the comprehensive planning application guide should be distributed for internal review no later than April 15, 2013. Once you have approved it, publication on the web and at the counter will signal the beginning of the transition in the way we process applications. The guide should be finalized by the end of May 2013 and ready for publication at the beginning of June 2013.

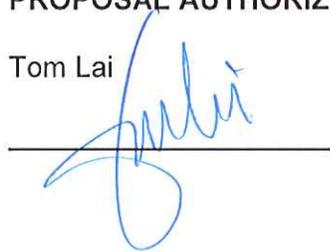
Following this schedule, the June 2013 will be the earliest we can begin to transition from our current practice of relying on transmittals, public notices, and hard copies of documents to our

new online business model of providing project information on the website. Outreach to our customers, community groups, and other agencies about the changes to our approach and procedures should be conducted beginning in May 2013 and continue during this transition period. This should enable us to successfully complete the transition by July 2013.

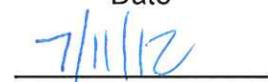
Over the long term, the Current Planning section must remain committed to continually improving the website as a central part of our operations. Those recommendations that have been added as placeholders should be considered and implemented as possible. Further, we may want to modify the Current Planning website when the CDA website is being comprehensively redesigned. We may want to increase the internal links on the website at that point and take advantage of capabilities made possible by COMET and GIS improvements. We must also dedicate staff time to ensuring that customers are able to easily find our website through searches of the County's website, Google and Yahoo, and social media sites as they arise.

**PROPOSAL AUTHORIZATION**

Tom Lai



Date



## **ATTACHMENT 1 CURRENT PLANNING WEBSITE REDESIGN**

The Current Planning section's website would be organized using a hierarchical structure as outlined below. Text shown in bold are the headings shown on the front page. The subsections beneath the headings are links that will allow customers to drill down to specific topics in which they are interested. Visual clutter on the front page would be reduced to an absolute minimum, to highlight the importance of what remains. However, the front page would include links to the CDA homepage, DPW, EHS, Housing, GIS/MarinMap, Enforcement, Environmental, Sustainability, and Long Range planning.

### ***What we do*** (text)

A brief description of what we do.

### ***How we can help you*** (gateway)

- I. Zoning for your property (tool)
  - A. A brief description of land use designation and zoning
  - B. A lookup table showing land use designation and zoning by APN or address
  - C. Placeholder: links to the section covering the relevant type of zoning district in Article II of the Development Code
- II. Planning applications and permits (gateway)
  - A. Introduction
  - B. Placeholder: Infographics on general and current processing times
  - C. Link to PDF of a "planning application guide" (under development)

The planning application guide would have explanations of the critical path in the planning process from cradle to grave, with an emphasis on major milestones along the way. It would take the place of many of our fact sheets and be organized into a binder with different sections that can be handed out at the counter or downloaded by section or in whole from the website.

1. Placeholder: Example of plans for a fictional project, made at our direction. The story behind the plans would be that the owner does a lot split, with plans prepared showing the lot split. A subsequent owner of one of the lots builds a new house on the new lot, with plans prepared showing the new house. After building the new house, the owner builds an addition to the house, with plans for the addition.
  2. Placeholder: Instructional video of staff explaining important features of the example plans step by step.
- D. Link to fee schedule

Examples on how the fees are being calculated would be provided, including all the additional fees that may apply on top of the actual permit fee, e.g. fire fee, CE, long range fee, etc..; examples on how to calculate multiple permits under one application.

- E. Link to fact sheets (each link would have an explanation of what the fact sheet is about and each fact sheet would be converted to html)

### III. Projects under review (gateway)

- A. List of major projects, which have County wide importance, with each project name a link to a project page. Project pages for major projects would have all the information provided for other projects, but may also contain additional information on a case by case basis and remain on the site for a longer period of time after a decision has been issued.
- B. List of towns in Marin where the County has jurisdiction, with each town a link. This page can also include a clickable map of the County showing all the towns, which will link to the town pages.
- C. Town links have project links for discretionary planning permits under review leading to project pages
- D. Project pages are maintained for 60 days after the final decision has been issued and contain:
  - 1. Project type
  - 2. Latest project plans
  - 3. Status of project (initial review, incomplete, under environmental review, under merits review, under appeal, expired)
  - 4. Links as indicated, depending on decision authority
    - Administrative decisions:
      - Agenda for DRB, as applicable
      - Administrative decision at issuance
    - DZA decisions:
      - Public notice
      - Agenda
      - Staff report, draft reso and all other attachments, supplemental memorandums with attachments
      - Final Reso
      - Link to DZA page
    - PC decisions (including appeals)
      - Public notice

Agenda

Staff report, draft reso and all other attachments, supplemental memorandums with attachments

Final Reso

Link to PC page

Granicus

- BOS decisions (including appeals)

Public notice

Agenda

Board letter, draft reso and all other attachments, supplemental Board letters with attachments

Final Reso

Link to Board hearing page

Granicus

5. Placeholder: community base map, with city boundaries and individual towns shown, and APNs under review highlighted. Highlighted APNs linked to project page.
  6. Placeholder: QR code on posted notices linked to town pages
- IV. Plans, policies, and regulations (gateway)
- A. Link to the Countywide Plan
  - B. Link to the LCPs
  - C. Link to list of the Community and Area Plans
  - D. Link to a list of the land use plans including the TFPP, Airport, etc.
  - E. Link to the Development Code
  - F. Link to the Interim Zoning Code
  - G. Link to the Interim Subdivision Code
  - H. Link to SFR Design Guidelines
  - I. Link to information on proposed updates to any of the above
- V. Boards, commissions, and public hearings (gateway)
- A. Link to County calendar  
Include a brief description of the County Calendar
  - B. Link to BOS hearing page

Include a brief description of the Board of Supervisors

C. Link to PC page

Include a brief description of the Planning Commission

D. Link to DZA hearing page

1. Description of DZA (text)
2. General information about DZA hearings (text)
3. List of hearing dates with titles of agenda items, with each hearing date linked as follows:
  - Agendas (with embedded links to project pages)
  - Granicus
  - Minutes from past hearing items (maintained for 6 months from hearing date and then removed)

E. Link to DRB page

1. General description of DRBs (text)
2. Link to Tam DRB
  - Description of Tam DRB
  - General information about Tam DRB meetings (with typical schedule and map)
  - Upcoming agendas, with links from agenda items to project pages (old agendas removed immediately)
3. Link to KPAB
  - Description of KPAB
  - General information about Tam DRB meetings (with typical schedule and maps)
  - Upcoming agendas, with links from agenda items to project pages (old agendas removed immediately)
4. Link to Strawberry DRB
  - Description of Strawberry DRB (with typical schedule and maps)
  - General information about Tam DRB meetings
  - Upcoming agendas, with links from agenda items to project pages (old agendas removed immediately)

***Placeholder: Popular Current Planning pages*** (tool)

As a functional element of the front page design, we may want to include hyperlink text of the titles of web pages within the Current Planning website by their popularity. The page titles would be listed in alphabetical order, with their relative font size dictated by an algorithm that would increase the font size by a particular increment based on the number of views the page receives, or the percentage of views a page receives out of all the page views for the website. Without much explanation, this would give customers an intuitively obvious means of linking directly to pages that other customers found useful. Otherwise, internal links on the website will be limited, especially at first, so that we can ensure the accuracy of all links and manage maintenance costs.

***Placeholder: Greening our business*** (text)

Information about what we do to promote sustainable development in our work as well as green business strategies by the Current Planning section such as reducing copying.

***How to reach us*** (text & map)

Information about the public information counter, including location, contact number and email, and scope of services offered.

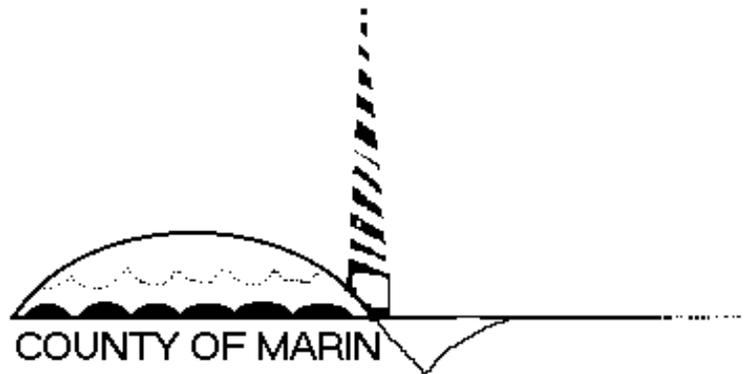
**COUNTY OF MARIN**

**Sample Plans**

**Request for Proposals**

For

**Design Team**



**Submittals Due**

on

**May 14, 2012**

at

Marin County Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

## **I. Introduction**

In an effort to improve our customer service, the Marin County Planning Division and Building and Safety Division intend to have a set of complete subdivision and development plans prepared to use as a public information tool. We would like to solicit proposals from design firms to prepare these plans according to the Planning Division's and Building and Safety Division's direction and specifications. As described in the project scope section below, the plans would be prepared for two fictional properties located in unincorporated Marin County for a sequence of discretionary planning permit applications and Building Permit applications. We expect to award the contracts in June, and for the work to be done during a period from July, 2012 through February, 2013.

## **II. Background**

The Current Planning section of the Marin County Planning Division is in the process of comprehensively upgrading our website to provide better information and services to our customers. As components of this initiative, we intend to write a comprehensive guide to the planning process and provide our customers with samples of plans to illustrate the information required for an application to be deemed complete. Plans for Building Permits will also be prepared for future website upgrades and for public information purposes.

## **III. Scope of Work**

### **General Scope of Consultant Services:**

Since most of the projects in the County's jurisdiction involve residential development, the plans would be drawn to help homeowners and their designers understand the Planning Division's, Building and Safety Division's, and Department of Public Works' informational requirements.

The plans would be prepared in AutoCAD layers and delivered in both AutoCAD layers and layered PDFs that can be used to develop online tutorials. The names of the design firms would not be shown on the plans and the County would own the copyright to the plans, with full privileges to disseminate and alter the plans as necessary to meet our objectives. However, the County would stipulate that the plans would never be used as construction documents.

All drawings for planning application and Building Permit purposes shall be prepared to illustrate current and typical residential construction drawing requirements and conventions as clearly and simply as possible for demonstration purposes. Initial drawings will be reviewed by Planning Division, Building Division, and Department of Public Works plan review staff for comment prior to re-submittal of subsequent drawings for each example. Final plans must be complete, meaning that they fully conform to the informational requirements in the revised submittal checklists. While in most respects the plans will be typical of plans prepared for private sector clients, additional notations will be requested on the plans to explain certain important topics. The plans would be drawn following a storyline that our customers can easily relate to and understand, as summarized below in a series of sequential example projects.

## Planning Application Storyline

### Example 1:

A family lives in a house on a relatively large property, and wants to split the lot into two lots (Lots 1 and 2). The homeowners intend to stay in their own house (Lot 1) but sell the new lot to another family that would build a new house on that vacant lot (Lot 2). There may be constraints to developing the property, such as a stream, woodlands, steep slopes, and existing easements. Fire hazards would be expected, but geotechnical and flooding hazards would not be constraints to development.

The initial project would entail a complete set of plans for a tentative map for the lot split, which may involve establishing a building envelope for the new vacant lot. No construction would be entailed with the tentative map (Land Division) application.

### Example 2:

The original owners sell Lot 2 to new owners, who apply for a Design Review to build a new house. The Design Review would entail a complete set of plans based on the survey done for the tentative map. The plans would involve civil engineering for the various site plans, landscape plans and vegetation management plans based on the civil engineering site plans, and architectural plans for the building(s).

### Example 3:

After the new house has been constructed, the owners of Lot 2 decide to build an addition. A complete set of plans for Design Review of the addition would be prepared. The plans for the addition would provide less detail than the plans for the Design Review for the original house.

### Example 4:

The owners of Lot 1 decide to build a new swimming pool, spa, and pool house, which are subject to a Minor Design Review. Complete plans are prepared, but they provide less detail than in any of the other sets of plans.

## Building Permit Application Storyline

### Example 1:

A family buys a vacant property with limited development constraints where they plan to build a new residence. The property would be different from the property being used for the Planning application. A Building Permit plan set would be prepared that meets all of the informational requirements of the Building and Safety Division and Department of Public Works. All of the Building Permit plans sets would be prepared by the project architect, and no civil engineering services or landscape design services are anticipated. No Planning applications would be required for the development, but the development

would need to meet zoning development standards such as setbacks, height limits and floor area ratio standards.

Example 2:

The property owners who originally built the residence on the vacant lot decide to build an addition. A Building Permit plan set would be prepared that meets all of the informational requirements of the Building and Safety Division and Department of Public Works.

Example 3:

The property owners decide to build a new swimming pool, spa, and pool house. A Building Permit plan set would be prepared that meets all of the informational requirements of the Building and Safety Division and Department of Public Works.

Web Site

In order for the plans to be as useful as possible, they should be drawn to facilitate easy explanation. Two means of accomplishing this would be to include labels and notations specifically calling out graphical features we expect of complete plans and to layer the information on the plans to demonstrate how they are conceived. For example, the first layer of the plans could be the existing site conditions, the second layer could show the proposed building footprint, and the third layer could be the proposed project with all necessary labels, shading and other graphical elements. The layers could be sequentially turned on as an illustrative device on the website.

An additional element of the scope is that you spend several hours reviewing the beta version of the future current planning section website when it is available, discuss your impressions with us, and provide written feedback on ways to improve the new design.

Provided below are descriptions of tasks related to different areas of technical expertise for the Planning application and Building Permit plan sets. Although these tasks are separated between different fields of expertise, fundamental to the success of this project is working together as a team so that the plans are fully integrated. All consultants will review a copy of the Planning Division's and Building and Safety Division's submittal checklists and provide comments and suggestions on the text and the requirements. After receiving these comments, we will have a meeting with the team to discuss the comments and next steps. The Planning Division will make revisions to our submittal checklist, and it will then be used as the basis for preparing the plans. For example, the submittal checklist will be revised to require that pictures of building materials and colors be shown on a plan sheet. Substantial changes to the content of the requirements are unlikely, so the enclosed submittal checklist should be sufficient for you to use to estimate costs. All designs will need to be consistent with the County's various policies, codes and design guidelines.

## **Scope of Consultant Services by Technical Expertise**

### Planning Permit Plan Sets

#### Civil Engineering/Surveying:

The initial work of inventing an appropriate site will be the responsibility of CSW/ST2. Three initial sketches of a site, differing in characteristics such as size, shape, and topography, shall be prepared for team review. The site must be drawn to allow us to illustrate certain aspects of design. For example, a 3 acre site with a road at the top on a hillside that slopes down toward a stream and becomes more heavily vegetated towards the bottom may provide an opportunity to show how to draw parking and turnaround areas, grading and drainage, measuring structural height on a hillside, stream and woodland constraints, and fire protection. The initial sketches should be drawn with enough detail to allow for comparison, without being overly time consuming.

Once the site has been invented, full plans for a Land Division application will be prepared by CSW/ST2, and subsequently reviewed by the rest of the team and discussed at a meeting.

The subsequent Design Review for the new residence on Lot B will entail detailed site design work, with a high degree of coordination between team members. Drawing the site plans will primarily be the responsibility of CSW/ST2, and those site plans will serve as the basis for the project components designed by Geoffrey Butler Associates and Rana Creek.

As indicated below in the scope for landscaping/environmental design, we cannot yet tell whether a storm water control plan will be part of the project because the County's Low Impact Development standards are being revised. In the event that a storm water control plan is not part of the project, then CSW/ST2 will be responsible for the drainage plan. Designs for best management practices for drainage would be coordinated between CSW/ST2 and Rana Creek.

The complexity of the site plans would decrease with subsequent planning examples 3 and 4, with the possibility that no work or only very minimal work would be done by CSW/ST2 for these projects.

#### Landscape/Environmental Design:

Rana Creek will base their drawings on the Civil Engineering drawings. Landscaping plans will be drawn for the Design Review of the new residence in example 2, with particular attention being paid to choosing plant materials that are appropriate for the site conditions. The landscaping plans should illustrate that the Planning Division is generally uninterested in ornamental landscaping in interior locations on a site, but more attuned to screening development and promoting designs that are good for the environment. A vegetation management plan would be prepared for the Design Review of the new residence in conformance with the Fire Department's standards. A simple landscape plan would also be prepared for example 3, in order to meet more limited objectives such as tree replacement or screening the addition.

The Regional Water Quality Control Board is currently reviewing the County's storm water control requirements and we are not likely to have a clear idea of future regulations until the autumn of 2012. In the event that we have clarity about these future regulations and they require a storm water control plan for any of the examples, the scope of work for Rana Creek would include preparing the storm water control plan. This should be included as an optional element in the proposal, which the County may or may not pursue depending on the outcome of the Regional Board's review.

#### Architectural Design:

Geoffrey Butler Architecture and Planning will be responsible for all the architectural drawings for the project. The most substantial architectural work would be for example 2, including a new house and a garage. Architectural designs would also be prepared for the addition in example 3 and for the new pool, spa and pool house in example 4.

#### Building Permit Plan Sets

Architectural drawings for the purpose of securing Building Permits for the examples described above shall be prepared for a site that does not require discretionary (e.g. Design Review) Planning Division approval. Building Permit plan sets shall provide the detail and information typically required as itemized in the Marin County Community Development Agency Building Permit Submittal Check List.

Construction drawing submittal check list items pertaining to site plans, floor plans, building elevations, demolition plan and additional information items shall be evident in the completed plan sets for each Building Permit example as appropriate.

#### **Deliverables and Milestones**

Each firm will provide the deliverables listed below. Three full sized hard copies of the plan sets will be submitted and electronic AutoCAD drawings and layered PDFs of the plans will also be submitted of the final approved plan sets. AutoCAD drawings must have well organized and clearly labeled layers that can be integrated with the work of the other consultants and the County.

1. Comments on the submittal checklist used by the Planning and Building and Safety.
2. Complete Planning Permit plan sets for each example, as applicable for the firm's respective area of expertise, produced for public viewing in hard copy and online tutorials.
3. Complete Building Permit plan sets, prepared by Geoffrey Butler Planning and Architecture, produced for public viewing in hard copy and online tutorials.
4. Comments on the beta version of the Current Planning section's future website.

In general, we anticipate that three rounds of review will be necessary for the more complicated plan sets and two rounds of review will be necessary for the simpler plan sets. However, our objective is to have plan sets that are perfect, so the consultants will be responsible for revising the plans as necessary to meet the requirements listed in the submittal checklist. An approximate schedule is provided below, but it may be modified as necessary with the mutual consent of the County and the consultants.

June 2012 – kick off meeting with County staff and consultants  
June 2012 – comments on submittal check lists due  
June 2012 – sketches of alternative sites presented by engineering firm  
July 2012 – first round of review of tentative map plans  
August 2012 – second and third round of review of tentative map plans  
August 2012 – first round of review of Building Permit plans (all examples)  
September 2012 – First round of review of planning example 2  
September 2012 – second round of review of Building Permit plans  
October 2012 – second and third rounds of review for planning example 2  
October 2012 – third round of review of Building Permit plans  
November 2012 – first and second round of review of planning example 3  
December 2012 – first round of review of planning example 4  
January 2012 – second round of review of planning example 4  
February 2013 – web integration of materials  
February 2013 – consultant review of beta version of current planning website (schedule may vary depending on when the beta version is available for review)

#### **IV. Qualifications**

The consultants should demonstrate successful and verifiable experience in providing such services for projects similar to the examples described above for private sector clients. The design team shall include all design professionals needed (architectural, landscaping/environmental design, civil/surveying, etc.) in order to produce complete plans. Candidates should demonstrate exceptional problem solving, interpersonal, and communication skills.

#### **V. Schedule**

Issue RFP: May 5, 2012  
Submittals Due: May 14, 2012  
Selection: May 25, 2012

#### **VI. Proposed Fee**

The RFP response shall provide a budget for each consultant, including any optional tasks proposed. The budget shall be broken down by person, by hour, by task performed for all consultant personnel. No sub-consultants will be necessary to complete the project.

The County will pay consultant fees according to the following schedule:

1. 25% of contract amount upon award of contract.
2. Additional fees for all work performed to the satisfaction of the County by December 1, 2012.

3. All remaining fees owed for work performed to the satisfaction of the County at the end of the contract.

## **VII. Proposal Validity**

All consultant proposals constitute an offer to contract, which will remain open for a period of at least ninety (90) days from the date of receipt by the County.

## **VIII. Submittals**

Proposal submittals should include the following:

- For each firm on the proposed design team, describe history, expertise, and other narrative information important to making a selection.
- Proposed design team organization chart. Include all key personnel and for each provide firm name, role, and contact information.
- Resumes of the proposed key design team professionals.
- A summary of past experience as it relates to the requirements of this RFP. Include summaries for no more than three specific projects. Local residential projects of a similar size and complexity to the examples are preferred.
- Descriptions and explanations of how the tasks would be completed.
- Acceptance of the scope of services described above and the approximate schedule in the RFP.
- A price proposal. Each consultant should break the costs down by task, with optional tasks, such as the stormwater control plan from Rana Creek, broken out separately. Geoffrey Butler should clearly distinguish the costs between the plan sets for the Planning Division and the plan sets for the Building and Safety Division and total the prices separately.
- Explicit acceptance of County's Professional Service Agreement terms including all insurance requirements. The Professional Liability Insurance deductible amount shall be provided.

Responses should be brief, concise and address each of the RFP elements.

All proposals, materials and documentation submitted shall be retained by and become the property of the County. The consultant is responsible for all costs of responding to this RFP.

If the consultant fails or refuses to produce the work, or any separable part thereof, as to insure that the items specified will not be completed and/or delivered within the time specified in the contract, the County may, by written 30-day notice to the consultant, terminate its right to proceed with the work or such part of the work as to which there has been a delay. The Proposer shall be liable to the County for any damages to the County resulting from the Proposer's failure or refusal to complete/deliver the items within the specified time.

## **IX. Submissions and Inquiries**

**Submit 3 copies** of the proposal to the address listed below. All communications will be through email and hard copy and directed to:

Jeremy Tejirian, AICP

Principal Planner  
County of Marin, Suite 308  
3501 Civic Center Drive  
San Rafael, CA 94903  
jtejirian@marincounty.org

**X. Selection Process and Criteria**

The following criteria will be used to evaluate submittals:

- Experience and ability of proposed team
- Project experience – successful experience on preparing similar plan sets
- Quality of RFP response

**XI. General Conditions**

The issuance of this RFP constitutes only an invitation to present responses. The County reserves the right, at its sole discretion, to determine whether or not any aspect of the response satisfactorily meets the criteria established in the RFP. The County reserves the right to seek additional information and/or clarification from the respondent, the right to confer with any respondent submitting a response and the right to reject any or all responses with or without cause. In the event that the RFP is withdrawn by the County for any reason, the County shall have no liability to any respondent for any costs or expense incurred with the preparation of this RFP or related work. The County reserves the right, at its sole discretion, to waive any irregularities or informality. The County may conduct interviews with any respondent it deems necessary.

In order to minimize the potential for a conflict of interest or unfair competitive advantage, respondents must be aware that if they enter into a contract with the County of Marin to provide services sought by this RFP, the County reserves the right, in its sole discretion, to disqualify them from later serving as a consultant, advisor or sub-consultant to others for the project for which the consultant, advisor or sub-consultant provided services to the County of Marin.

The County of Marin reserves the right to reject any and all responses for failure to meet the requirements contained herein, to waive any technicalities and to select the responses which, in the County's sole judgment, best meets the requirements of the project.

The County of Marin Standard Contract is attached to this RFP. By submitting a proposal without exceptions, the Proposer accepts all terms and conditions contained in that agreement.

**XII. Attachments**

1. Blank template of the County's standard professional services contract
2. Planning Application Submittal Guide
3. Building Permit Submittal Check List