

COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

May 18, 2021



Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY

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

SUBJECT: Housing and Safety Element Update – Consultant Agreement; and related budget adjustments

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

Dear Supervisors,

RECOMMENDATION:

1. Review and approve consultant agreement with MIG in the amount of \$1,627,784 for the next Housing and Safety Element updates
2. Approve budget adjustments as detailed in the Fiscal Impact section below.

www.marincounty.org/cda

SUMMARY:

On October 20, 2020 your Board approved a work plan for the Community Development Agency to initiate the next Housing Element to plan for future housing needs for the planning period of 2022-2030. In order to meet deadlines established by the State, the Board of Supervisors will need to adopt the forthcoming Housing Element no later than December 31, 2022 and submit it to the State for review and certification. All cities and counties in the Bay Area are required to submit a Housing Element subject to this deadline. Under the State Planning and Zoning Code as revised by SB 379 (2015), the Safety Element is to be reviewed and updated to address climate adaptation and resiliency strategies upon the next revision of the Local Hazard Mitigation Plan or before January 1, 2022.

Based on the complexity of the new housing and safety legislation and current workload of staff in responding to the COVID-19 pandemic, the consultant agreement would provide expertise needed to draft housing and safety elements that would include strategies for maximizing public outreach while ensuring a timely submission of the Housing Element for certification by the State.

The MIG team has deep experience and knowledge of Marin County. MIG are partnering with Veronica Tam Associates (VTA), one of the preeminent experts on Housing Elements, to leverage statewide knowledge and experience necessary to address the County's needs. Their work will also be supported by the technical expertise needed to address transportation, economic, civil engineering, sea level rise and wildland fire safety issues. Structuring the Housing Element and Safety Elements as a coordinated effort is beneficial. It will reduce "outreach fatigue," and it will allow stakeholders to recognize the relationship between both plans and demonstrate how, once enacted, they will not function as disconnected elements.

BACKGROUND

Housing Element: Marin County, like other communities in California, is initiating a planning process under State law to identify how to meet our housing needs at all income levels. This process involves updating the County's Housing Element, which is a required component of the Countywide Plan (the County's general plan). The California Department of Housing and Community Development (HCD) dictates that among the seven mandatory elements of a general plan, one element must address local housing needs. According to State housing element legislation, all local governments must adopt land use plans and regulations that provide opportunities for, and do not unduly constrain, housing development. Because housing availability is a critical issue with statewide implications, and most housing decisions occur at the local level, State law requires housing elements to be updated on a regular cycle (the timeframe for the next Housing Element is 2022-2030). The State also mandates that housing elements, unlike other elements of the general plan, be reviewed and certified by the State. The State has previously certified six Marin County Housing Elements dating back to 1970.

Regional Housing Need Allocation: Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the number of housing units, by affordability level, that each jurisdiction must accommodate in the Housing Element of its General Plan (Government Code §65584). The Association of Bay Area Governments (ABAG), working through its Housing Methodology Committee (HMC), distributes a share of the region's housing need (also referred to as the Regional Housing Needs Determination, or RHND) to each city, town and county.

Marin County's RHNA is expected to increase significantly, from 185 units for the current Housing Element cycle to 3,510 units recommended for the upcoming cycle, by approximately 1,900%. Please see the information update provided to the Board on January 26, 2021.

Safety Element: SB 379 amended California's Planning and Zoning Law in 2015 to require all counties and cities to review and update their General Plan Safety Elements to ensure that they provide for the safety of their communities and plan for adaptation to climate change. The required review and update consists of three parts:

- A vulnerability assessment that identifies the risks climate change poses to the local jurisdiction and the geographic areas at risk from climate change.
- A set of adaptation and resilience goals, policies, and objectives based on the information specified in the vulnerability assessment.
- Feasible implementation measures designed to carry out the goals, policies, and objectives identified in the adaptation objectives.

Marin County has already made substantial progress to meeting these requirements through the investment in C-SMART, Bay WAVE, the Community Wildfire Protection Plan and other planning work. However additional work is required to update or develop goals, policies and objectives and implementation measures to carry them out. The Safety Element update will also address other legislative mandates to address fire risk, emergency evacuation, and flooding. Additionally, the simultaneous and coordinated development of the Safety Element and CEQA evaluations will ensure the resilience of development identified in the Housing Element.

Environmental Review: The agreement between the County and MIG includes work required to complete a program environmental impact report (EIR) for the proposed Housing and Safety Element. Program EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. Program EIRs look broadly at the implications of a wide range of actions and afford the following advantages:

- Provide a more comprehensive consideration of effects and alternatives than would be feasible and practical in an EIR on an individual project,
- Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
- Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with probable future environmental issues and cumulative impacts, and
- Frame and customize the environmental analysis to prepare for CEQA streamlining of future, individual project proposals.

Environmental Justice: The Housing and Safety Element updates will also address state requirements to consider environmental justice. Low-income communities and communities of color often bear a disproportionate burden of pollution and associated health risks. Environmental justice seeks to correct this inequity by reducing the pollution experienced by these communities and ensuring their input is considered in decisions that affect them. "Environmental justice" is defined in California law as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Cal. Gov. Code, § 65040.12, subd. (e).) Senate Bill 1000 (2016) requires environmental justice to be addressed in local government planning.

Public Outreach: Extensive public outreach is both a critical component of Housing and Safety Element legislation, and an important goal for the County. Engaging people of color, lower income and special needs community members is especially important since they are most at risk of being affected by the current housing crisis and have historically not been engaged in planning processes in the County. It is crucially important that the community is aware of the environmental hazards and risks that could affect their lives and livelihoods, and how those risks could grow and change in the future with climate change. Even more important is that they understand what can be done to manage and mitigate those risks, both on an individual and community basis, and how the update of the Safety Element can serve that need.

MIG has an innovative and comprehensive approach to community engagement. With their expertise, Staff is seeking to improve outreach efforts to involve all members of the community throughout the update process. To accomplish this, the MIG team will improve the access to, and quality of information provided to the public with a focus on empirical data through surveys and focus groups. In addition, MIG will draw on staff from its Equity Studio to support the community engagement efforts to ensure that diversity and inclusion are prominent in the approach and strategies. MIG will also seek to tap into established groups and meetings to intentionally reach specific groups and avoid redundant outreach meetings.

Timeline: The Housing Element update for the planning period of 2022-2030 is due to the State by January 2023. Changes in housing element legislation now include incentives for counties and cities to adopt a housing element on or prior to this deadline. The Safety Element is due upon the next revision of the Local Hazard Mitigation Plan or before January 1, 2022. To meet these deadlines and combine it with broad public outreach and required environmental review, staff is proposing the schedule as outlined in the Work Program presented to the Board of Supervisors on October 6, 2020.

EQUITY IMPACT: Under Assembly Bill 686, the Housing Element is required to include an assessment of fair housing to address barriers to fair housing choice and identify sites and programs that provide housing opportunity for lower income families and individuals near high quality schools, employment opportunities and public transportation. As a precursor to incorporating a fair housing assessment into the Housing Element, the County recently conducted an Analysis of Impediments to Fair Housing Choice (AI) which examined barriers to fair housing. The AI reflects both a federal prerequisite for state and local governments receiving block grants for housing and community development projects as well as Marin's commitment to the promotion of fair housing choice, and to affirmatively further fair housing.

VTA is currently working with HCD to develop a template for AB686 elements that would meet the expectations for Housing Element deliverables. VTA and MIG will utilize the data and conclusions from the County's AI and apply their expertise of the AB686 element so that the Housing Element is informed by this work in aspects that include Site Analysis and Goals and Policies. The County benefits from having this subconsultant on the team as they have a deep understanding of AB686 and how HCD will review this new component of the County's Housing Element.

Additionally, in 2016 Senate Bill 1000 was passed which requires jurisdictions with disadvantaged¹ communities to incorporate environmental justice policies into their General Plans. This update, or revision (if the local government already has environmental justice goals, policies, and objectives) must happen upon the adoption or next revision of two or more elements concurrently beginning in 2018. All jurisdictions are now required to identify lower-income communities that are disproportionately affected by pollution and other environmental justice issues. Once these communities have been identified, jurisdictions are now required to create goals, policies, and objectives to address environmental justice related issues. Staff will lead this effort and will coordinate closely with MIG staff.

¹ Mapping of disadvantaged communities in the State of California are being finalized and will be available this summer. Staff will evaluate applicability further once these maps are published.

FISCAL/STAFFING IMPACT: The Community Development Agency is requesting approval of the contract with MIG for \$1,627,784 to complete the Housing and Safety of the Countywide plan. Your Board has previously approved \$250,000 toward this effort, and we are recommending an expenditure increase of \$1,077,784 to fully fund the required updates. As shown below, grant funding totaling \$344,990 and prior year fund balance (900608) of \$82,779 will partially offset the increased cost. Of this amount, the \$300,000 LEAP grant was previously approved as a stand alone item on June 16, 2020 and will be transferred to the Housing Element Project. With your Board's approval, the remaining balance of \$950,015 is available in non-departmental and will be transferred to the miscellaneous project fund.

A summary of the funding resources proposed are outline in the table below:

Recommended Action (Misc. Projects)	Fund	Project String	FY 2020-21 Budget Adjustment
Increase	1010	Housing Element (40HSGELEM)	\$1,377,784
Decrease	1010	Local Early Action Plan Project 40LEAP	(\$300,000)
Total Expense Adjustment : \$1,077,784			

Recommended Action (Misc. Projects)	Fund	Type	Funding Description	FY 2020-21 Budget Adjustment
Increase	1010	Intergovernmental Revenue	REAP Grant	\$44,990
Increase	1010	Intergovernmental Revenue	LEAP Grant	\$300,000
Increase	1010	Interfund Transfer	Transfer from General Fund	\$1,032,794
Decrease	1010	Intergovernmental Revenue	Local Early Action Plan Project (40LEAP)	(\$300,000)
Total Revenue Adjustment: \$1,077,784				

Recommended Action (General Fund)	Fund	Type	Funding Description	FY 2020-21 Budget Adjustment
Decrease	1000	Prior Year Available Fund Balance (900608)	2010 Housing Element	(\$82,779)
Decrease	1000	Services and Supplies	Non-Departmental	(\$950,015)
Increase	1000	Interfund Transfer	Non-Departmental	\$1,032,794
Total Expense Adjustment: \$0				


REVIEWED BY:

- ☐ Department of Finance
☒ County Administrator's Office
☒ County Counsel
☐ Human Resources

- ☒ N/A
☐ N/A
☐ N/A
☒ N/A

SIGNATURE:

Leelee Thomas
Leelee Thomas
Planning Manager


Thomas K. Lai
Director

Munis BUA #433 (2021/11)

Attachment 1: Consultant Agreement with MIG

**COUNTY OF MARIN
PROFESSIONAL SERVICES CONTRACT
2015 - Edition 1**

THIS CONTRACT is made and entered into this 18 day of May, 2021, by and between the COUNTY OF MARIN, hereinafter referred to as "County" and MIG, hereinafter referred to as "Contractor."

RECITALS:

WHEREAS, County desires to retain a person or firm to provide the following service: Prepare updated Housing and Safety Elements for the County of Marin ; and

WHEREAS, Contractor warrants that it is qualified and competent to render the aforesaid services;

NOW, THEREFORE, for and in consideration of the Contract made, and the payments to be made by County, the parties agree to the following:

1. SCOPE OF SERVICES:

Contractor agrees to provide all of the services described in **Exhibit A** attached hereto and by this reference made a part hereof.

2. FURNISHED SERVICES:

The County agrees to:

- A. Guarantee access to and make provisions for the Contractor to enter upon public and private lands as required to perform their work.
- B. Make available all pertinent data and records for review.
- C. Provide general bid and Contract forms and special provisions format when needed.

3. FEES AND PAYMENT SCHEDULE:

The fees and payment schedule for furnishing services under this Contract shall be based on the rate schedule which is attached hereto as **Exhibit B** and by this reference incorporated herein. Said fees shall remain in effect for the entire term of the Contract. Contractor shall provide County with his/her/its Federal Tax I.D. number prior to submitting the first invoice.

4. MAXIMUM COST TO COUNTY:

In no event will the cost to County for the services to be provided herein exceed the maximum sum of **\$1,627,784** including direct non-salary expenses. As set forth in section 14 of this Contract, should the funding source for this Contract be reduced, Contractor agrees that this maximum cost to County may be amended by written notice from County to reflect that reduction.

5. TIME OF CONTRACT:

This Contract shall commence on May 18, 2021, and shall terminate on May 18, 2023. Certificate(s) of Insurance must be current on day Contract commences and if scheduled to lapse prior to termination date, must be automatically updated before final payment may be made to Contractor. The final invoice must be submitted within 30 days of completion of the stated scope of services.

6. INSURANCE:

Commercial General Liability:

The Contractor shall maintain a commercial general liability insurance policy in the amount of \$1,000,000 (\$2,000,000 aggregate). The County shall be named as an additional insured on the commercial general liability policy.

Commercial Automobile Liability:

Where the services to be provided under this Contract involve or require the use of any type of vehicle by Contractor, Contractor shall provide comprehensive business or commercial automobile liability coverage, including non-owned and hired automobile liability, in the amount of \$1,000,000.00.

Workers' Compensation:

The Contractor acknowledges the State of California requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code. If Contractor has employees, a copy of the certificate evidencing such insurance, a letter of self-insurance, or a copy of the Certificate of Consent to Self-Insure shall be provided to County prior to commencement of work.

Errors and Omissions, Professional Liability or Malpractice Insurance.

Contractor may be required to carry errors and omissions, professional liability or malpractice insurance.

All policies shall remain in force through the life of this Contract and shall be payable on a "per occurrence" basis unless County specifically consents to a "claims made" basis. The insurer shall supply County adequate proof of insurance and/or a certificate of insurance evidencing coverages and limits prior to commencement of work. Should any of the required insurance policies in this Contract be cancelled or non-renewed, it is the Contractor's duty to notify the County immediately upon receipt of the notice of cancellation or non-renewal.

If Contractor does not carry a required insurance coverage and/or does not meet the required limits, the coverage limits and deductibles shall be set forth on a waiver, **Exhibit C**, attached hereto.

Failure to provide and maintain the insurance required by this Contract will constitute a material breach of this Contract. In addition to any other available remedies, County may suspend payment to the Contractor for any services provided during any time that insurance was not in effect and until such time as the Contractor provides adequate evidence that Contractor has obtained the required coverage.

7. ANTI DISCRIMINATION AND ANTI HARASSMENT:

Contractor and/or any subcontractor shall not unlawfully discriminate against or harass any individual including, but not limited to, any employee or volunteer of the County of Marin based on race, color, religion, nationality, sex, sexual orientation, age or condition of disability. Contractor and/or any subcontractor understands and agrees that Contractor and/or any subcontractor is bound by and will comply with the anti discrimination and anti harassment mandates of all Federal, State and local statutes, regulations and ordinances including, but not limited to, County of Marin Personnel Management Regulation (PMR) 21.

8. SUBCONTRACTING:

The Contractor shall not subcontract nor assign any portion of the work required by this Contract without prior written approval of the County except for any subcontract work identified herein. If Contractor hires a subcontractor under this Contract, Contractor shall require subcontractor to provide and maintain insurance coverage(s) identical to what is required of Contractor under this Contract and shall require subcontractor to name Contractor and County of Marin as an additional insured under this Contract for general liability. It shall be Contractor's responsibility to collect and maintain current evidence of insurance provided by its subcontractors and shall forward to the County evidence of same.

9. ASSIGNMENT:

The rights, responsibilities and duties under this Contract are personal to the Contractor and may not be transferred or assigned without the express prior written consent of the County.

10. LICENSING AND PERMITS:

The Contractor shall maintain the appropriate licenses throughout the life of this Contract. Contractor shall also obtain any and all permits which might be required by the work to be performed herein.

11.

BOOKS OF RECORD AND AUDIT PROVISION:

Contractor shall maintain on a current basis complete books and records relating to this Contract. Such records shall include, but not be limited to, documents supporting all bids, all income and all expenditures. The books and records shall be original entry books with a general ledger itemizing all debits and credits for the work on this Contract. In addition, Contractor shall maintain detailed payroll records including all subsistence, travel and field expenses, and canceled checks, receipts and invoices for all items. These documents and records shall be retained for at least five years from the completion of this Contract. Contractor will permit County to audit all books, accounts or records relating to this Contract or all books, accounts or records of any business entities controlled by Contractor who participated in this Contract in any way. Any audit may be conducted on Contractor's premises or, at County's option, Contractor shall provide all books and records within a maximum of fifteen (15) days upon receipt of written notice from County. Contractor shall refund any monies erroneously charged.

12. WORK PRODUCT/PRE-EXISTING WORK PRODUCT OF CONTRACTOR:

Any and all work product resulting from this Contract is commissioned by the County of Marin as a work for hire. The County of Marin shall be considered, for all purposes, the author of the work product and shall have all rights of authorship to the work, including, but not limited to, the exclusive right to use, publish, reproduce, copy and make derivative use of, the work product or otherwise grant others limited rights to use the work product.

To the extent Contractor incorporates into the work product any pre-existing work product owned by Contractor, Contractor hereby acknowledges and agrees that ownership of such work product shall be transferred to the County of Marin.

13. TERMINATION:

- A. If the Contractor fails to provide in any manner the services required under this Contract or otherwise fails to comply with the terms of this Contract or violates any ordinance, regulation or other law which applies to its performance herein, the County may terminate this Contract by giving five (5) calendar days written notice to the party involved.
- B. The Contractor shall be excused for failure to perform services herein if such services are prevented by acts of God, strikes, labor disputes or other forces over which the Contractor has no control.
- C. Either party hereto may terminate this Contract for any reason by giving thirty (30) calendar days written notice to the other parties. Notice of termination shall be by written notice to the other parties and be sent by registered mail.
- D. In the event of termination not the fault of the Contractor, the Contractor shall be paid for services performed to the date of termination in accordance with the terms of this Contract so long as proof of required insurance is provided for the periods covered in the Contract or Amendment(s).

14. APPROPRIATIONS:

The County's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the Marin County Board of Supervisors, the State of California or other third party. Should the funds not be appropriated County may terminate this Contract with respect to those payments for which such funds are not appropriated. County will give Contractor thirty (30) days' written notice of such termination. All obligations of County to make payments after the termination date will cease.

Where the funding source for this Contract is contingent upon an annual appropriation or grant from the Marin County Board of Supervisors, the State of California or other third party, County's performance and obligation to pay under this Contract is limited by the availability of those funds. Should the funding source for this Contract be eliminated or reduced, upon written notice to Contractor, County may reduce the Maximum Cost to County identified in section 4 to reflect that elimination or reduction.

15.

RELATIONSHIP BETWEEN THE PARTIES:

It is expressly understood that in the performance of the services herein, the Contractor, and the agents and employees thereof, shall act in an independent capacity and as an independent Contractor and not as officers, employees or agents of the County. Contractor shall be solely responsible to pay all required taxes, including but not limited to, all withholding social security, and workers' compensation.

16. AMENDMENT:

This Contract may be amended or modified only by written Contract of all parties.

17. ASSIGNMENT OF PERSONNEL:

The Contractor shall not substitute any personnel for those specifically named in its proposal unless personnel with substantially equal or better qualifications and experience are provided, acceptable to County, as is evidenced in writing.

18. JURISDICTION AND VENUE:

This Contract shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue shall be in Marin County, California.

19. INDEMNIFICATION:

Contractor agrees to indemnify, defend, and hold County, its employees, officers, and agents, harmless from any and all liabilities including, but not limited to, litigation costs and attorney's fees arising from any and all claims and losses to anyone who may be injured or damaged by reason of Contractor's negligence, recklessness or willful misconduct in the performance of this Contract.

20. COMPLIANCE WITH APPLICABLE LAWS:

The Contractor shall comply with any and all Federal, State and local laws and resolutions: including, but not limited to the County of Marin Nuclear Free Zone, Living Wage Ordinance, and Board of Supervisors Resolution #2005-97 prohibiting the off-shoring of professional services involving employee/retiree medical and financial data affecting services covered by this Contract. Copies of any of the above-referenced local laws and resolutions may be secured from the Contract Manager referenced in section 21. In addition, the following NOTICES may apply:

1. Pursuant to California Franchise Tax Board regulations, County will automatically withhold 7% from all payments made to vendors who are non-residents of California.
2. Contractor agrees to meet all applicable program access, digital access and physical accessibility requirements under State and Federal laws as may apply to services, programs or activities for the benefit of the public.
3. For Contracts involving any State or Federal grant funds, Exhibit D must be attached. Exhibit D shall consist of the printout results obtained by search of the System for Award Management at www.sam.gov.

Exhibit D - Debarment Certification

By signing and submitting this Contract, the Contractor is agreeing to abide by the debarment requirements as set out below.

- The certification in this clause is a material representation of fact relied upon by County.
- The Contractor shall provide immediate written notice to County if at any time the Contractor learns that its certification was erroneous or has become erroneous by reason of changed circumstances.
- Contractor certifies that none of its principals, affiliates, agents, representatives or contractors are excluded, disqualified or ineligible for the award of contracts by any Federal agency and Contractor further certifies to the best of its knowledge and belief, that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal Department or Agency;
- Have not been convicted within the preceding three-years of any of the offenses listed in 2 CFR 180.800(a) or had a civil judgment rendered against it for one of those offenses within that time period;
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offenses listed in 2 CFR 180.800(a);
- Have not had one or more public transactions (Federal, State, or Local) terminated within the preceding three-years for cause or default.
- The Contractor agrees by signing this Contract that it will not knowingly enter into any subcontract or covered transaction with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
- Any subcontractor will provide a debarment certification that includes the debarment clause as noted in preceding bullets above, without modification.

21. NOTICES:

This Contract shall be managed and administered on County's behalf by the Department Contract Manager named below. All invoices shall be submitted and approved by this Department and all notices shall be given to County at the following location:

Contract Manager: Leelee Thomas
Planning Manager
CDA, Housing and Federal Grants
Dept./Location: 3501 Civic Center Drive, Room 308, San Rafael, CA 94903
Telephone No.: 415.473.6697

Notices shall be given to Contractor at the following address:

Contractor: MIG
800 Hearst Avenue
Address: Berkeley, CA 94710
Telephone No.: 510.845.7549

22. ACKNOWLEDGEMENT OF EXHIBITS

☒ Check applicable Exhibits

CONTRACTOR'S
INITIALS

EXHIBIT A.	<input checked="" type="checkbox"/> Scope of Services	DSI.
EXHIBIT B.	<input checked="" type="checkbox"/> Fees and Payment	DSI.
EXHIBIT C.	<input type="checkbox"/> Insurance Reduction/Waiver	
EXHIBIT D.	<input checked="" type="checkbox"/> Contractor's Debarment Certification	DSI.
EXHIBIT E.	<input type="checkbox"/> Subcontractor's Debarment Certification	
EXHIBIT F.	<input type="checkbox"/> Federal Provisions Exhibit / Attachment 1	

IN WITNESS WHEREOF, the parties have executed this Contract on the date first above written.

CONTRACTOR:

By: Daniel S. Iacofano
Name: DANIEL S. IACOFANO
Title: CEO

APPROVED BY

COUNTY OF MARIN:

By: Dennis J. Rodoni
Dennis Rodoni, President
Marin County Board of Supervisors

COUNTY COUNSEL REVIEW AND APPROVAL (required if template content has been modified)

County Counsel: _____ Date: _____

EXHIBIT A

Marin County Housing and Safety Elements Update

April 28, 2021

Revised: May 4, 2021

REVISED FINAL SCOPE OF WORK

1. Project Management and Coordination

For the duration of the project, the MIG project manager will coordinate with County staff, elevate policy issues and strategic decisions for consideration, oversee contract administration, and provide status reports as generally described below.

1.1 Project Kickoff and Document Review

We will conduct a kick-off meeting with County staff to refine the work scope and timeline, identify key project team roles, review the data needs list provided by the MIG Team (see below), and establish product review procedures. The project schedule will outline a work plan focused on achieving an adopted Housing Element, Safety Element, and programmatic EIR by January 2023 to comply with the statutory deadline.

MIG will review County documents to aid in understanding local conditions and housing needs within Marin County unincorporated communities. Any data gaps will be identified and resolved in coordination with County staff. A complete data needs list will be provided to the County prior to the kick-off meeting. This scope of work assumes the County will provide the MIG Team with the GIS data needed for sites identification and

1.2 Project Management and Ongoing Coordination

For the duration of the project, the MIG project manager will meet with County staff to ensure project coordination and collaboration. These meetings will occur mostly by phone/virtual meeting (in person as warranted) every two weeks or as needed (no less than monthly). During the meetings we will review project status and discuss issues, review documents, and plan presentations. This task also includes project administrative functions related to invoicing and status reports.

Deliverables: Project kick-off meeting, agenda and meeting minutes

Data Request

Project Management Meetings (monthly or as needed), meeting minutes

Monthly Invoices and Progress Reports

2. Community Outreach and Engagement

MIG recognizes that members of the community most in need of housing are often difficult to engage in housing discussions. MIG's approach emphasizes reaching these individuals so their input can help the larger community understand the importance of being able to live and work in your community. Similarly, community acceptance of a 19-fold increase in new housing units in the County will be difficult for many community members to accept, and we expect they will make their disagreement and concerns known regardless of State law requirements.

MIG will create an outreach strategy that protects the integrity of the Housing Element and Safety Element update process by: 1) ensuring information is available to support informed discussion; 2)

demonstrating that the County has engaged county residents on the appropriate range of policy discussions and provided opportunities for input; and 3) creating an outreach record that will support informed decision-making at the Planning Commission and Board of Supervisors. We will focus on reaching broad participation and activities which intentionally engage disadvantaged community members and those with the highest needs for safe and stable housing options. Since the housing targets are mandated by State law, outreach activities will be solution oriented and avoid questions about opinions related to their support for achieving specific mandates. We will identify the potential locations and strategies that can help the county achieve its mandates and solicit community opinion on the qualities and features of the locations and strategies that would be more likely to be accepted. MIG will document the results of the outreach efforts to provide transparency and decision support.

The County has already put substantial efforts into wildfire safety planning with a robust stakeholder process. MIG will seek to build on this effort. When possible, MIG will collect input for the housing and safety element using the same tools to minimize “public engagement fatigue” and use project resources efficiently.

The following assumptions were considered in the development of this task:

- 1) MIG assumes that meetings and activities will take place on-line. MIG recommends that even after restrictions related to in-person gatherings due to the Covid-19 pandemic are removed we continue to use digital tools due to the large geographic area covered by the process and the ease of participation created by a digital meeting.
- 2) MIG also assumes that the County will publicize the outreach activities using established communications channels and materials will be posted on the County’s website.
- 3) MIG is open to reallocating resources from one to task another, especially when multiple units are suggested.

2.1 Public Engagement Plan (PEP)

MIG will work with County staff to develop a public engagement plan that leverages the outreach tools described below to efficiently address project needs for the Housing Element, the Safety Element and the Programmatic EIR, as appropriate. The PEP will provide more specific details about the outreach objectives, activities, target audiences, methods, performance metrics and schedule. MIG expects the constraints related to fire danger to be prominent when housing issues are discussed and information about both elements and how they inform each other will be explicitly stated in the PEP. The PEP also identifies roles for MIG and County staff allowing for the appropriate materials development, review, and preparation for these activities. The PEP also serves to support overall project management activities since the activities are aligned with the preparation or completion of specific technical analyses. Some technical products, like the interactive map identified in Task 4.2-Existing Conditions and Constraints Atlas will serve double duty as a public engagement tool. The PEP will be a Word document suitable for updating as modifications are needed.

MIG will draw on staff from its Equity Studio to support the development of the plan to ensure that diversity and inclusion are prominent in the approach and strategies. MIG will also seek to tap into established groups and meetings to intentionally reach specific groups. The PEP will also identify where translation/interpretation assistance can be of greatest benefit. MIG will meet translation needs using the following methods:

- 1) MIG has staff fluent in Spanish who can translate materials and provide interpretation at workshops.

- 2) MIG will contract with a CBO partner to provide the requested services. They would be considered a vendor for budget and billing purposes.
- 3) MIG would use a third-party vendor who specializes in these services. This option can be preferred when timelines are short, and materials require formatting. The MIG budget includes an estimated allowance to cover these services.

Deliverable: A Draft and Final Public Engagement Plan in digital format will be provided to the County.

2.2 Branding

MIG understands that the County will coordinate with their Media Team to develop a project brand/identity for the project. MIG will provide input on project identity and will review County generated materials and provide feedback on one round of review of the branding materials.

Deliverable: MIG will review and provide feedback on initial concepts generated by the County and will review and comment on one final brand in multiple formats provided by the County. County will provide a powerpoint template for use and prepare any needed outreach materials.

2.3 Housing Stakeholder Group Meetings (up to Six Meetings)

MIG will facilitate up to six 1.5-hour meetings by videoconference. Meeting will be interactive and include breakouts, polling, and other tools. MIG will develop the meeting design and a draft agenda in collaboration with the County and provide facilitation and digital notetaking at the meetings.

The County will provide informational content with MIG reviewing for clarity. The County is responsible for composing the group, scheduling meetings, and maintaining direct communications with group members. MIG will provide a high-level summary of key points and action items.

MIG expects that the initial meeting will address both Housing Element and Safety Element issues and the requirements for both. Following this, MIG will develop focused agenda items around the Safety Element for the 3rd and 4th meetings. It is important the stakeholders understand the relationship between both elements and that they do not function in isolation of each other. Therefore, MIG expects to dedicate specific meeting time to understanding the Safety Element and how it influences the opportunities and constraints on where housing will be located. MIG will work collaboratively with the County and MIG Team specialists to attend appropriate meetings.

Deliverable: Facilitate up to six 1.5-hour videoconference group meetings, coordinate preparation of agendas, develop meeting design, facilitate meetings, and take digital notes.

2.4 Focus Groups (up to Six Meetings)

MIG will conduct up to six focus groups with participants and organizations representing members of the protected classes. Focus groups help us reach specific populations that can be identified through the PEP. We expect to do 1-2 in-language focus groups with Spanish speakers. Additionally, we can also have specific audiences with business owners, families with children, people from a specific geographic area, etc. MIG can be flexible on who is reached, especially if there is a gap in participation we should fill.

Each focus group will have between six to eight participants depending on how they are organized. The focus groups will be conducted online. MIG will design the agenda and identify questions that will be asked in each group. MIG will prepare a brief written report summarizing the key findings of each focus group. We expect four focus groups to be composed of invitational groups so that the County can hear from representatives of specific groups.

Two additional focus groups will be convened to hear direct input from members of the public so we can hear directly from those most impacted by high housing costs and limited options. MIG expects to work

with community-based organizations to recruit individuals to participate. MIG will screen the participants to confirm their interest and ensure we have diverse life experience and perspectives in the group. We expect to recruit primarily lower income participants and we will offer a stipend of \$50. One of the focus groups may be mono-lingual Spanish. MIG will seek assistance from local CBOs to promote the focus groups and they will receive a stipend of \$100-\$200 to support the recruitment effort. MIG has a diverse team that includes bi-lingual Spanish speakers who will support this effort.

Deliverable: MIG will provide to the County a proposed focus group design, draft agenda, facilitation, and digital notetaking for up to four two-hour focus groups. Summary document presenting the findings will be prepared.

2.5 Design Review Board Meetings (Three)

MIG will develop a templated approach to conduct virtual Design Review Board meetings in Kentfield, Tamalpais, and Strawberry to discuss both the Housing Element and Safety Elements. The meetings will cover similar content. MIG will work with the County to design an agenda and meeting approach that is transferable. MIG expects the meetings will be conducted by videoconference. The meeting will be led by County staff with facilitation and content support from MIG. MIG will also assist with sharing content, manage the comments and questions, and provide digital notes for use by the project team. Each meeting is expected to be up to two hours in length.

Deliverable: MIG will draft the meeting agenda and presentation that can be adapted to the 3 meetings. MIG will provide summary of notes created from the digital tools used in the meeting.

2.6 Community Service Districts: (up to Four Meetings)

MIG will help facilitate up to four meetings for the Community Service Districts which include: Bel Marin Keys, Marin City, Marinwood, Muir Beach, and Tamalpais. MIG will work with the County to make sure we are focused on the topics of greatest interest in each of these locations. The County and MIG will determine which districts will be combined so they can be covered in four meetings. County staff will lead the meeting supported by MIG. The meetings will share a similar agenda and seek similar input so the materials and data collection approach can be used for all four. We expect a lot of dialogue in these meetings. County staff will be accompanied by a MIG facilitator and notetaker.

Deliverable: MIG will provide the meeting agenda and presentation that can be adapted to the 4 meetings

2.7 Survey (Digital and Paper)

MIG will develop a countywide housing survey that includes up to 15 questions to get community input from the public, including those in unincorporated areas of the County. It will include questions about housing needs and preferences and solicit basic demographic information so we can determine who has been reached in the community.

The survey will be available in English and Spanish and use Survey Monkey or similar platform and its related reporting features. Depending on COVID-19 protocols, MIG will also work with organizations representing members of protected classes to distribute and collect print versions of the survey. For example, they might be distributed through food banks or other service providers. We expect the paper versions to have English on one side and Spanish on the other. Participants could drop the survey in a return box in the same location that day or the following week or snap a photo of the results and send them to a dedicated email. Returning the completed print surveys could be incentivized by entering respondents into a drawing to win one of several \$25 gift cards. MIG expects the survey to meet the

needs of those with limited time who still want to be active in their community. MIG will provide up to 200 double-sided copies of the survey.

MIG will provide a draft and final survey in digital format and in print. MIG will provide summary of digital results using survey platform reporting features. MIG will create a separate data set and enter the results into a survey platform to produce a similar survey report.

Deliverables: Provide 200 copies of English/Spanish survey and establish an on-line survey

2.8 Community Workshops (Online- up to 5)

MIG will conduct up to five community workshops. Due to the County's geography, MIG recommends the meetings be countywide and be conducted online to ensure broad participation. MIG expects the meetings to address specific needs and topics for the three elements. MIG assumes the County will publicize these meetings through its established channels. Some potential meeting topics:

- Intro to the process, with emphasis on the housing element- identify the safety element and how the two elements inform each other. Hear people's issues and concerns and potential ideas/suggestions for locating housing
- Begin to identify potential sites and their distribution
- Focused meeting on the safety element and how team is taking information into account with housing locations
- Present more specific information about housing sites for 3,500 units
- Public pre-review session- introduce draft elements and provide a guide for how to review and comment- what input is most helpful to staff and decision makers.
- A dedicated meeting for the Safety Element to ensure the public understands the need to update the Safety Element, especially as it relates to the Housing Element and the sites selection.

For each workshop, MIG will develop the meeting design and agenda, presentation materials and identify the appropriate digital tools. MIG will provide a facilitator and videoconference support and conduct a dry run for each workshop. MIG will provide a high-level summary of the workshop using the documentation provided by the digital tools used in the workshop. Should the workshop design require breakout rooms, MIG will see County staff support to supplement the team for that workshop.

Deliverables: MIG will provide to the County proposed workshop designs, draft agendas, facilitation, and digital notetaking. Summary documents presenting the discussions and recommendations will be prepared.

2.9 Consider-It On-Line Discussion Forum - <https://consider.it/>

To help manage the expected controversy and differing opinions, MIG will create an established on-line space for discussion using a digital tool called "Consider-it." This on-line tool that requires a smartphone or computer access for its use allows for a moderated dialogue to occur so that participants can share their point of view on a specific statement. The interface then aligns responses with commenters who share their same opinions and related reasons. It is designed to receive and channel those with a high level of interest-those who comment on-line and will participate in on-line discussions. A person could also participate if they had access at the library or CBO that provided services. It allows both a one-time commenter and an active commenter to safely "talk" in the same arena. This tool allows for rich on-line discussion beyond a one-time response to a survey by allowing respondents to see if others agree with them or not and, most importantly, understand why. It also provides significant data on key messages and information that shifts opinion. MIG could dedicate a discussion to the Safety Element as one of the five that is scoped.

To ensure productive discussions and prevent abuse by trolls, all users must register. The County and MIG can agree on the level of moderation needed and MIG will monitor the platform and share results for up to 5 statements tested using the platform. MIG and the County could change the statements and questions on a regular basis so the team could get feedback on preliminary ideas.

Deliverables: Consider-it Platform active during specific periods of the project. MIG will monitor the platform and share results for up to 5 statements tested using the platform.

Optional 2.10 Digital Outreach

MIG is highly skilled at developing brief and quick graphics, imagery, and short videos to capture interest and explain the Housing Element. This information can be adapted into a variety of formats to meet the outreach and planning needs. MIG will work with the County to identify the specific products that can be completed within the budget allocated to this task. MIG has suggested hours and created a budget allowance for this task.

An initial idea for the County to consider includes reaching out to youth and community groups to ask them to submit short 15-20 second video clips where they describe what “being home in Marin County” means to them. The video clips will bring in a human element and can be integrated into outreach materials and social media to promote the process.

Deliverables: Example deliverable: 5-10 short video clips by youth about housing that can be used to promote outreach activities.

3. Housing and Special Housing Needs

ABAG’s Regional Housing Technical Assistance Program is expected to provide jurisdiction-specific graphs and write-ups for all required data, including population, demographic, housing, market conditions, and regional comparisons to complete the Housing Needs Assessment.

Based on our experience using pre-set data such as SCAG’s HCD Pre-Approved Local Housing Data, one particular challenge is how the data are aggregated (e.g., age cohorts) compared to how the same data are presented in the 2015-2023 Housing Element. To provide a time-series comparison, we are holding hours under an optional task should we find it necessary to re-compile the data used in the Housing Element so direct comparison may be made. This effort may require using aggregated ACS datasets from which we extract data to be exclusive of unincorporated County areas. (The data for each city will be readily available, so our process would involve extracting city data to produce data for County areas.)

In addition, the Housing and Special Needs analysis will be supplemented with local data and analysis, including:

- Special housing needs populations, such as agricultural workers
- Affordable housing inventory and potential conversion to market-rate housing and preservation options for at-risk housing
- Housing conditions
- Short-term rentals

The MIG Team will develop a complete Housing Needs Analysis using both ABAG data package and additional data sources.

Deliverables: Administrative Draft Needs Assessment

4. Housing Constraints

4.1 Housing Element Constraints Chapter Analysis

The MIG team, including our civil engineering subconsultants, will identify constraints to housing development in Marin County in terms of governmental or regulatory constraints, capacity constraints, or high-cost items needed to support housing.

While ABAG's Regional Housing Technical Assistance Program is expected to provide all cross-jurisdictional comparisons necessary for this task, assessment of the County's housing constraints must be augmented with updated discussions unique to the County:

- Land use policy and development regulations, including specific plans, master plans, and area plans
- Provisions for special needs groups, especially those recently required by State law such as Low Barrier Navigation Center (AB 101), Supportive Housing (AB 2162), and Emergency Shelter parking requirements (AB 139)
- Inclusionary housing requirements and recent experience
- Growth management measures
- Incentives and flexibility
- Environmental constraints
- Infrastructure constraints

More importantly, new State law on Affirmatively Furthering Fair Housing (AFFH, AB 686) requires the Housing Element include analysis on:

- Fair housing enforcement and outreach
- Integration and segregation
- Racially and ethnically concentrated areas of poverty
- Access to opportunity
- Disproportionate needs

We have reviewed the County's 2020 Analysis of Impediments to Fair Housing Choice. Significant efforts are needed to augment the analysis contained in the AI to meet the Housing Element AFFH requirements. We understand that HCD is developing an AFFH Tool that replicates the one provided by HUD. It is currently at beta-testing stage and should be available to help compile data for this topic.

Deliverables: Administrative Draft Constraints Analysis .

4.2 Existing Conditions and Constraints Atlas

MIG proposes to create a web-based, map-intensive Existing Conditions and Constraints Atlas to establish baseline planning conditions countywide. The Atlas will serve four purposes: 1) to provide the public with a common understanding of the physical, environmental, social, and infrastructure conditions shaping the housing sites inventory analysis; 2) to allow the County/MIG team to document the reasons for selecting sites alternatives and ultimately, the housing sites included in the Housing Element; 3) to create the maps for the Safety Element (as integral to the current Countywide Plan elements or a new stand-alone element); and 4) to establish the EIR existing setting sections.

The Existing Conditions and Constraints Atlas will consist of GIS maps accompanied by brief, illuminating descriptions of the conditions mapped and how they affect planning decisions. For example, the map illustrating very high fire hazard severity areas will identify properties subject to building restrictions. Infrastructure maps will show where development might most easily occur due to existing water/sewer/drainage facilities. The Atlas will be hosted on a site established and managed by MIG and linked to the County's Housing Element webpage.

4.2.1 Collect and Assess Available GIS Data, Identify and Resolve Gaps

The County has an extensive GIS database accessible to the public via Marin County GeoHub. We anticipate that most of the data we need to create the Atlas exists today on the County's system. As a first subtask, we will create a list of all map layers we anticipate incorporating into the Atlas maps and identifying any which are not readily available via GeoHub or other nonpublic sources that County staff can provide to us. In our review of the GeoHub website, we note the extensive amount of information available regarding, for example, the environment and natural hazards, land use and zoning, service providers, and public facilities. For other information not available from the County, we will use data available through MIG's subscription to Urban FootPrint (a scenario planning application) and MapBox, an open-source mapping tool we will use to help assemble the Atlas.

4.2.2 Map Constraints and Demographic Data

Before we begin to create the draft materials for the Atlas, we will provide County staff with a comprehensive outline of the Atlas identifying all topics to be addressed. Staff will direct which to retain, which to eliminate, which additional topics to address, and the layers for which data have already been mapped and will be provided to the MIG Team. Based on that direction, we will create an extensive series of countywide and focus area maps identifying the environmental, infrastructure, public service, and other constraints on housing development. Critically, the maps will identify the topics required for the Safety Element. We will also use maps and graphics to illustrate key demographic data needed for the Housing Element. Examples of maps, map layers, and informational graphics include:

- Population and demographic data from the U.S. Census Bureau, including population characteristics, housing characteristics, race/ ethnicity, education attainment, and income
- Land use patterns and residential densities in unincorporated communities and Census-designated places
- Areas of opportunity
- Existing Census tracts
- Geologic hazards
- Topographic conditions
- Wildfire hazard zones
- Sea level rise predictions
- Natural resources, with a discussion of any special-status plant or wildlife species occurring or potentially occurring, jurisdictional habitats and other conservation/protected areas
- Watersheds
- Pollution exposure
- Noise contours
- Infrastructure facilities location and capacity, as provided by utility and infrastructure providers
- Existing and planned circulation network

4.2.3 Biological Constraints Analysis of Candidate Housing Sites

MIG will prepare a biological constraints analysis of up to 10 candidate housing sites that either contain natural, undeveloped land, or are immediately adjacent to undeveloped lands. The purpose of the constraints analysis will be to identify biological constraints to future development of each site.

The report will provide a description of the existing conditions of each potential housing site and the potential to impact biological resources, a description of resources that may be impacted, maps (including, but not limited to: general locational, vegetation (using the Marin County Fine-Scale Vegetation Map, if available; if this mapping is not available, MIG and the County will coordinate on selecting the appropriate available vegetation data), NWI blue line features within a project boundary, and soils), figures, and aerial images to support the text discussion, a brief regulatory requirements

discussion of federal, state, and local (Countywide Plan, and other local agencies) regulations protecting biological resources, and recommendations to reduce impacts of future development on the resources within each site. The report will be comprehensive enough to identify site constraints as well as to support the EIR impact analysis.

The report will be based on a review of existing literature and published documents, County land use and GIS mapping resources, a search of biological resource data bases. MIG biologists will conduct a high-level survey of each site to verify site conditions. This scope of work assumes MIG biologists will have physical access to each of the proposed housing locations.

Mapping budget assumes minimum of three maps per site – vegetation, waters, soils. Some parcels may have more maps if there is sensitive species habitat on site.

4.2.4 Preliminary Draft Conditions/Constraints Atlas

Using the maps and infographics as the foundation, MIG will prepare a preliminary draft of the Atlas for County staff review. This first version will be in a static, PDF form to allow County staff to easily review and comment on the maps and accompanying text. Introductory text will provide information about how the maps will be used to identify alternative housing sites to meet the RHNA. All data sources will be clearly cited.

County staff will provide one consolidated set of comments on the preliminary draft materials.

4.2.5 Administrative Draft Atlas

We will revise the Atlas to incorporate County staff's comments. At this point, we will prepare the online version so that staff can test its usability and suggest adjustments. We will conduct a working session with staff to run through Atlas together to identify desired changes.

4.2.6 Final Atlas

Based on discussion with County staff on the administrative draft Atlas, we will make final revisions to create the public version for online use.

Deliverables: Preliminary Draft, Administrative Draft, and Final Atlas

5. Existing Housing Element

We will use the County's 2020 Annual Progress Report as the foundation for review of the 2015-2023 Housing Element. Our review and assessment will focus on streamlining the 6th cycle Housing Element and identifying gaps in programs and services. The review will also include recommendations on how the new Housing Element requirements might be incorporated into existing programs.

6. Sites Inventory

We will prepare the sites inventory to demonstrate the County's ability to accommodate the RHNA for all household income levels and to comply with the now much more stringent requirements of State housing element law. Equally important, the sites inventory must be based on detailed and documented analysis of current land use policy and zoning, infrastructure availability, and Countywide Plan policies, requirements, and limitations—most significantly the existing environmental hazards, resource preservation objectives, climate adaption strategies, and community character goals. As we

describe for Task 3, the maps and mapping exercises conducted early in the program to create the Existing Conditions and Constraints Atlas will form the foundation for the sites inventory analysis.

MIG and VTA have developed a solid approach to housing sites inventory analyses that provides thorough documentation and reasoning, and that allows us to readily input the information into HCD's electronic sites inventory form for submittal with the element. The documentation is important not just for HCD but to present information of interest to the public, particularly regarding why certain sites may be selected versus others.

We anticipate an iterative approach to the sites analysis, working closely with County staff to discuss zoning strategies, options for infrastructure and public services delivery, and maybe even a weighted scoring system for potential sites (using factors such as transit accessibility, environmental constraints, adjacent land uses, proximity to job centers, etc.)

Before conducting the first hands-on public events, we will want to fully understand the challenge of accommodating the RHNA given existing land use policy, as we expect this will be the main question the public will ask: "Where can new housing development be accommodated beyond the current Housing Overlay Designation sites that were carefully selected years ago?" The location of potential housing sites for all RHNA income ranges will be critical information to share with the public early in the program—but not before it is fully vetted by County staff.

6.1 Preliminary Sites Inventory

The MIG/VTA team will prepare a preliminary sites inventory map using GIS and a summarized land inventory with parcel-specific listing (table) of individual sites as required by law. (We will use our own tool, supplemented if needed by ABAG's site selection tool.) The inventory will identify sites based on the criteria determined together with County staff and will include sites from the prior housing element that are still viable (e.g., not developed, meet new State law criteria regarding suitability). This preliminary map will show sites above the RHNA, indicating how each site meets agreed-upon objectives. These different scenarios will be used to discuss with staff priority sites that can be shared with the public, together with alternative sites.

W-Trans will assist the MIG team in assessing circulation at potential housing sites. Key topics would include anticipated compliance with VMT thresholds, availability of existing and planned facilities serving non-auto modes including transit, access conditions, traffic congestion constraints, and the ability for auto travel to be accommodated by existing infrastructure and planned infrastructure that is identified in the County's CIP. The assessment will be qualitative in nature, relying on available quantitative data (such as per-capita VMT metrics) where available. While detailed traffic level of service (LOS) calculations would not be completed as part of site assessments, traffic operation will be assessed through observation and review of prior LOS analyses including CMP network monitoring analyses overseen by TAM, as well as online congestion mapping sources including the Caltrans PeMS network. Up to 25 total housing sites would be assessed; it is anticipated that the evaluation will focus primarily on the largest sites, but smaller sites may also be included if they are in particularly constrained areas.

Performance-based VMT testing will be completed for up to three alternative scenarios based on output from the Transportation of Marin Demand Model (TAMDM). W-Trans would work with the project team to obtain housing unit data by traffic analysis zone (TAZ), and Kittelson would use the TAMDM model to produce custom model runs for the three alternatives. Based on the modeling results, the VMT per capita associated with each alternative overall will be determined, allowing comparison of alternatives from a VMT perspective.

W-Trans would provide minor assistance to the team during the process of selecting potential housing sites to include in the preferred alternative.

CSW|ST2 will provide a list of constraints to development that should be considered in screening sites for feasibility using a typical due diligence review such as zoning, offsite improvements, limited infrastructure capacity, site conditions, and environmental resources. Upon definition of opportunity sites, CSW|ST2 will evaluate the feasibility using a developer's due diligence investigation. They will identify site constraints, general infrastructure capacity, and any other known impediments to development.

While some counties might choose to avoiding placement of new land uses or new growth designations in high fire hazard severity areas, this strategy may preclude the attainment of the housing goals. One alternative is to require that technical studies or fire behavior modeling demonstrate would not place new development at unreasonable risk to extreme and catastrophic wildfire events. Instead, more compact, infill-focused land use and development strategy that also avoids or minimizes further expansion of the WUI and associated risks. Last, a policy might encourage cluster homes. Rather than a dispersed lot layout.

An Office of Planning and Research Technical Assistance Advisory states: Local agencies can develop technical studies, modeling, or mapping to determine avoidance areas during the fire hazard and risk assessment process. Potential avoidance areas should be considered during the analysis of land use alternatives and selection of a preferred alternative, as well as the environmental impact report prepared for the general plan update.

- Costs and benefits of mitigation at the building or parcel level versus the landscape or community level;
- Balancing urban greening and vegetative soil cover/erosion management vs. defensible space priorities where appropriate;
- Costs and benefits of replacing a community asset versus hardening and resilient design;
- Potential impacts of hazard mitigation measures on areas of special concern (e.g., cultural, environmental); and,

Fixed fire defense opportunities versus land management opportunities.

In the RFP, the County suggests that the scenarios include distribution of sites in each County supervisorial district, a focus on infill sites, use of ADUs, and adaptive reuse (together with current HOD sites). We expect that all these strategies will be needed to achieve the RHNA. To assist with public discussion of preferred sites and development approaches, our scope includes work by EPS to prepare pro forma analyses for prototypical development approaches—drawing from the Objective Design Standards toolkit now being prepared—on various sites. EPS will conduct development feasibility analysis to help assess the ability of different types of sites in different locations to support the envisioned housing development. The specific subtasks EPS will undertake along with expected collaboration/ input from MIG and County staff are as follows

6.1.1 Case Study/ Site Selection

EPS will conduct development feasibility analysis for 10 different case studies. MIG, in collaboration with County staff and EPS, will identify the 10 case studies. The case studies will be defined by their location in the County, the lot size, and the type of housing that is allowed under the Countywide Plan and design standards. Once an initial set of potential case studies/ sites have been identified, MIG, EPS,

and County staff will review to ensure they capture the appropriate range of locations and housing types.

6.1.2 Development Feasibility Analysis, Iterations, and Conclusions

EPS will develop financial feasibility analyses for all the case studies selected. The basic sequence of feasibility modelling and iteration will include:

- **Step 1: Housing Prototype Specification.** Based on input from MIG, specify the envisioned residential development prototype for each case study/ site, including parameters such as number of residential units, type of unit, density and height of units, and other parameters such as parking requirements.
- **Step 2: Feasibility Model Inputs.** EPS will conduct planning-level research to identify potential development values and development costs associated with the different development prototypes. Development values will be based on available information on local-area housing market conditions and development costs will be derived from published cost books covering different development types. It is assumed that County staff could provide input on unique additional costs that might occur in different areas of the County such as development impact fees.
- **Step 3: Initial Feasibility Model Run.** EPS will develop static pro forma analyses for each of the case studies/ sites identified. These pro formas will provide a planning-level assessment of the feasibility of the different housing prototypes on the different sites. More specifically, they will compare potential development revenues and costs to determine whether there is sufficient market opportunity/ return to attract developers. Recognizing the inevitable fluctuations in market conditions, the goal will be to determine if particular housing types are unlikely to be feasible.
- **Step 4: Feasibility Model Result Review and Iteration.** EPS will provide a tableset of results for review by MIG and County staff. The purpose of this review will be to review the outcomes, discuss their implications, and determine whether there are specific policies that could be considered. For example, the team would discuss whether there are modest adjustments to the current land use policies that could support the development of allowed residential housing types where the analysis indicates they are likely to be infeasible.
- **Step 5: Revised Feasibility Analysis.** Based on the outcomes of the discussions in Step 4, EPS will conduct iterative feasibility analysis to assess whether any of the identified potential policy changes would enhance the feasibility of housing for different case studies. These results would be presented to County staff and MIG for discussion and to determine whether any policy adjustments should be recommended.

6.1.3 Technical Memorandum

At the conclusion of the analytical tasks and discussions, EPS will prepare a technical memorandum that will both summarize the findings of the feasibility analyses and provide a more detailed description of the methodology and assumptions that underlie the analysis. It is assumed that this will be prepared in draft form and, after one round of consolidated comments, prepared in final form.

6.2 White Paper

Based on the analysis and discussion with County staff, we will prepare a white paper outlining the alternatives. This may include recommendations for adjusting current zoning standards, Countywide Plan/zoning map and code amendments, by-right programs, and other strategies to achieve the RHNA. The white paper information will be presented to the public and policy makers as part of the engagement program described in Task 2.

6.3 Draft Inventory for the Housing Element

The preliminary inventory will be refined based on public and policy-maker input and further analysis while we prepare the Housing Element.

Deliverables: Economic Development Technical Memorandum, Sites Analysis White Paper, Preliminary Sites Inventory

7. Goals, Policies, Programs, and Quantified Objectives

7.1 Housing Plan Review and Update

The MIG/VTa team will review and revise the Housing Plan section (goals, policies, and programs) to ensure compliance with State law, particularly with regards to new State laws. Prior to developing the Housing Plan, we will conduct working sessions with the County staff involved in housing program implementation and planning policy development to identify appropriate adjustments to the County's current housing plan in response to needs identified through the data analysis, community outreach, and study sessions with the Planning Commission and Board of Supervisors. Furthermore, we will discuss with staff the key contributing factors to fair housing impediments in the County and mitigating policies and programs required by AB 686.

Deliverables: Draft Goals, Policies, Programs, and Quantified Objectives

8. Countywide Plan Amendments and Rezoning

A plan to meet the draft RHNA of 3,569 units, the 2023-2031 Housing Element will need to consider environmental and land use constraints (approximately 84% of County is open space, watersheds, tidelands, parks, and agricultural lands), political and equity challenges, and policy constraints that limit development. We expect the County's capacity to accommodate this increased number of housing will require rezoning and amendments to the County's Countywide Plan and/or Development Code. Also, the public will want to understand whether this increase in capacity is simply to accommodate the new RHNA or represents land use policy changes for a longer planning horizon.

MIG proposes to complete code changes and mapping to support implementation of the Housing Element but recognizes the County may wait to complete the rezoning within three years of Housing Element Adoption. MIG is recommending the rezoning occur concurrent with the Housing Element Update to avoid:

- Having to prepare a subsequent environmental document in compliance with CEQA.
- Additional requirements that will be attached to opportunity sites, including: 1) rental projects with at least 20 percent affordable units must be permitted by right, 2) each site rezoned must require projects to have a minimum density of 20 units per acre, and 3) each site must allow at least 16 units. Additionally, if the County must rezone, at least half of the sites to meet the lower-income RHNA must be on sites that do not permit nonresidential or mixed-use

development, unless those mixed-use sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

As part of this task, MIG will prepare a series of land use alternatives that will lead to the creation of a new Preferred Draft Land Use Diagram, Draft zoning text amendments, and a Draft Zoning Map. As noted below, subtasks 8.1 and 8.4 are optional (as the County may elect to postpone these tasks) and 8.2 and 8.3 are required to ensure internal Countywide Plan consistency. This task includes the following components:

8.1 Prepare Draft Land Use Diagram and Buildout Numbers

After reviewing comments from the public, joint Planning Commission and Board of Supervisors Session, and County staff, MIG will prepare a preferred draft Land Use Diagram that will be analyzed in the EIR. MIG will also finalize the buildout numbers based on the Preferred Land Use Diagram. Our scope assumes two rounds of review of the Preferred Draft Land Use Diagram and associated numbers.

Deliverables: Administrative Draft and Draft Land Use Diagram and Buildout Table

8.2 Update Built Environment Element and Diagram

The need to accommodate the RHNA may possibly trigger the need to update the currently adopted Built Environment Element. MIG will update the document to reflect the Preferred Land Use Diagram and buildout numbers. This would include preparing any new land use designations and relevant goals and policies, as deemed necessary by County staff to ensure consistency with the Housing Element and Safety Element.

After adoption of the Land Use Element and Diagram, MIG would prepare the final documents and electronically transmit the files to the County. Our scope assumes two rounds of review of the Draft Built Environment Element and one round of review for the Final Built Environment Element and Land Use Diagram.

Deliverable: Administrative Draft and Draft Amended Built Environment Element and Diagram

Optional 8.3 Development Code and Map Amendment

If the County elects to undertake Development Code Amendments as part of this program, in concert with the Built Environment Element Update MIG would revise Title 22 (Development Code) and Title 22I (Zoning) of the Municipal Code to implement the Countywide Plan Land Use Diagram, Safety Element, and Housing Element. MIG assumes this scope of work may include revising or adding new housing and mixed-use districts, updating the Zoning Map, revising other chapters and/sections to help streamline future housing or mixed-use projects and accommodate the RHNA numbers, and other CWP policies that relate to restricting densities to the low end of density ranges within sensitive environmental or other constrained areas. Our scope assumes two rounds of review of the Development Code text amendments and Zoning map. MIG assumes a general cost of \$75,000 but the amount of work cannot be known until the CWP changes are known.

Deliverables: Administrative Draft and Draft Development Code and Zoning Code Amendments

9. Draft Housing Element and Public Hearings

9.1 Draft Housing Element for HCD Review

The MIG Team will prepare an administrative draft Housing Element for County staff review that incorporates the element components described above. County staff will compile comments/revisions into a single document using Word's track-changes function. We will meet with staff to discuss the edits

and then prepare a draft Housing Element to present to the Planning Commission and Board of Supervisors at a series of public hearings. Their charge will be to assure the draft Housing Element appropriately reflects policy direction and to identify any desired changes before the draft element is sent to HCD for its initial 60-day review period. We will incorporate Board-directed revisions and sent the official draft Housing Element to HCD.

Deliverables: Administrative Draft and Draft Housing Element for pre-HCD Review Public Hearings

9.2 Public Hearings

Before the draft Housing Element is sent to HCD for review, the element will undergo thorough review by the Planning Commission and Board of Supervisors to ensure the document reflects these decision-makers' policy direction, as informed by the extensive public engagement process. In the RFP, the County has asked that we plan and budget for six public hearings, with the option of adding up to four additional hearings on the draft Housing Element.

Given the tight timeline for the work program and the need for the final Housing Element to be adopted by January 2023, we recommend an alternative approach to hearings on the draft Housing Element. Rather than plan for six separate public hearings, our schedule and budget provide for one Planning Commission hearing and one Board hearing, each conducted over a series of three closely scheduled daytime meetings, with the option of having one session in the evening to accommodate residents who may not be able to attend daytime meetings. Essentially, this would be one continued hearing for each body, with the continuances scheduled as special meetings within two weeks of the initial hearing date.

MIG will prepare the presentations for the hearings. Two or three MIG Team members will attend each session, depending upon the topics to be covered.

Deliverables: Hearing Presentations; Final Documents to Incorporate Directed Revisions

9.3 HCD Coordination

During HCD's 60-day review period and before HCD staff prepares its letter regarding the draft Housing Element's consistency with State law, we will work closely with County staff to dialogue with HCD regarding any questions and changes they have. The goal is to address their concerns, if any, before they issue the preliminary compliance letter. As part of the discussions, we will prepare written responses to their comments that identify response options; this written correspondence will assist in the ongoing discussions and help to reach resolution.

Deliverables: Response Matrix to HCD Comments (two rounds anticipated)

10. Final Draft Hearings, Final Adoption and Certification

10.1 Public Hearings and Final Documents

Per the RFP, the MIG Team will participate in two public hearings on the Final Draft Housing Element. We anticipate this will include one hearing with the Planning Commission and one hearing with the Board of Supervisors following receipt of a conditional letter of compliance from HCD. County staff will be responsible for public notices and staff reports. MIG will prepare presentations for each of the

hearings and will respond to questions as appropriate. At least two MIG Team members will attend each hearing.

Following adoption of the Housing Element by the Board of Supervisors, MIG will prepare a final version, including any changes to the draft required by County Staff and officials, for transmittal to HCD for the certification review. HCD has the opportunity to review the Housing Element for up to 90 days—once the Supervisors has adopted it—to ensure the adopted element complies with the provisional certification letter previously issued. During this time, MIG will be available to respond to any specific concerns HCD may have. Because the scope of the revisions cannot be known at this time, we have provided an allowance for this task.

Deliverables: Hearing Presentations; Final Documents to Incorporate Directed Revisions

10.2 Final Document Translation into Spanish/Document Summaries

MIG understands that County staff will be working with ABAG to translate the final documents into Spanish. As identified in Task 2, above, MIG will prepare the Spanish translations for meeting materials and other dynamic deliverables.

11. Safety Element Amendment

State law requires the Countywide Plan to include a Safety Element (SE) for the protection of the community from unreasonable risks associated with various geologic hazards, flooding, and wildland and urban fires, and now climate change. State laws require the County to update the SE in conjunction with the following bills.

- **SB 379** (Government Code 65302(g)(4)) requires safety elements of general plans to be reviewed and updated to include climate adaptation and resiliency strategies. The review and update must consist of the following components: 1. A vulnerability assessment that identifies the primary exposure risks climate change poses to the local jurisdiction and the geographic areas at risk from climate change. 2. Set of adaptation and resilience goals, policies, and objectives based on the information specified in the vulnerability assessment. 3. Set of feasible implementation measures designed to carry out the goals, policies, and objectives identified in the adaptation objectives.
- **AB 2991** requires the SE to address CAL FIRE Board of Forestry and Fire Protection requirements to ensure robust fire hazard mitigation policies.
- **SB 1241**, requires the Safety Element to address wildland fire in a variety of ways. It specifically requires that “A set of feasible implementation measures designed to carry out the goals, policies, and objectives that avoid or minimize the wildfire hazards associated with new uses of land in areas of Very High Fire Hazard Severity Zone or for sites in any State Responsibility Areas, and designing infrastructure for a new development in those designated lands including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- **SB 99** requires Safety Elements to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes. It also addresses peak load water supply requirements, and minimum road widths and clearances around

structures, and similar items related protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildfires.

- AB 747 (Planning and Zoning, General Plan, Safety Element) requires jurisdictions to, after January 1, 2022, review and update the safety element of their general plan as necessary to identify evacuation routes and evaluate their capacity, safety, and viability under a range of emergency scenarios.

MIG and the County will decide about whether the Safety Element will ultimately be contained in one section of the CWP or use the integrated approach. The following scope focuses on changes required to meet the requirements of SB 379, SB 99, and AB 2991; it does not propose a comprehensive update.

The Countywide Plan creates an integrated approach to addressing Safety Element issues and incorporates goals policies and programs in Section 2.6, Environmental Hazards, Section 3.11, Public Facilities and Services, and Section 4.6, Public Safety. For the purposes of our proposal, we refer to the multiple elements and plans collectively as the Safety Element. We propose to continue this integrated approach but may need to create a new section(s) under the Natural Systems and Agriculture Element, or we may create new appendices for technical information not suited to the existing format of the Countywide Plan. Because resiliency planning is evolving and other required planning documents (local hazard mitigation plans, climate adaption plans, SLR plans, wildfire response plans, etc.) contain goals, policies, and actions, for the same hazards covered in the Safety Element, MIG will work with the County to establish a vision for the structure and content of the Safety Element that references other planning documents to ensure the Countywide Plan does not quickly become outdated and irrelevant as policies in other planning documents change.

11.1 Review Current Safety Element

To understand where updates need to be focused, MIG will create a matrix of existing Safety Element requirements. This matrix will then be reviewed against the current Environmental Hazards and Public Safety Sections of the Countywide Plan as well as the following documents to ensure compliance with State requirements.

- All reference materials pertaining to wildfire listed in the RFP Safety Element section
- 2018 Marin County Multijurisdictional Local Hazard Mitigation Plan (LHMP) update
- 2020 Marin County Community Wildfire Protection Plan (CWPP) prepared by FireSafe Marin and augmented by local fire history data.
- “Zonehaven” data under preparation by the Marin Wildfire Prevention Authority (MWPA)
- BayWAVE Sea Level Rise Vulnerability Assessment
- Marin Ocean Coast Sea Level Rise Vulnerability Assessment
- Marin Ocean Coast Sea Level Rise Adaptation Report
- Marin County Emergency Operations Plan and the emergency response data available

MIG and Wildland Resources Management staff will specifically review the available information on the levels of wildland fire hazard and the spatial distribution hazards. We will also consider analyses developed by the CAL FIRE Forest and Resource Assessment Program (FRAP) as well as the California

Public Utility Commission Threat maps. These analyses include review of existing documentation on Very High Fire Hazard Severity Zones (VHFHSZ), Marin County Wildfire Evacuation Zones, wildland urban interfaces, historic fire perimeters, vegetation and ecological conditions, water supplies, infrastructure, terrain, and weather conditions. Wildland Resources Management will develop a survey of other North Bay counties that have recently or are currently preparing an update to their Safety Element, to identify common practices and challenges.

MIG will also evaluate existing documents which address existing flooding and Sea Level Rise (SLR) projections and SB 379 requirements for flooding and SLR will be included in the matrix of current Safety Element requirements. MIG will prepare a Safety Element Assessment Memorandum that briefly summarizes our findings upon review of Countywide Plan and background materials.

The existing Marin CWP does not contain a standalone Safety Element but incorporates the Safety Element requirements across multiple Countywide Plan elements and supporting plans. MIG envisions substantial changes to the CWP to meet the new state requirements for Safety Elements. MIG will work with the County to determine the most efficient way of addressing State legislative requirements and develop a Safety Element outline. For the purposes of our proposal, we refer to the multiple elements and plans collectively as the Safety Element.

MIG will work with County staff through four coordination meetings to: 1. organize the existing CWP sections so they function as the Safety Element; 2. identify key issues to be analyzed in the Vulnerability Assessment and in the Safety Element; and 3. identify actions that will be used to formulate preliminary policies, objectives, and implementing measures. MIG will propose several organizational approaches that allow for easier subsequent amendments. In tandem with the memorandum, MIG will also identify a preliminary detailed outline of the proposed Safety Element.

Deliverables: Matrix of the current Safety Element Requirements
 Survey of North Bay Counties
 Safety Element Assessment Memorandum
 Detailed Outline of Proposed Safety Element

11.2 Vulnerability Analysis Assessment

MIG will prepare a vulnerability assessment that identifies the risks that climate change poses to Marin County. Pursuant to State laws and as referenced in the California Adaptation Planning Guide, MIG will utilize existing available documentation and data to update climate change vulnerabilities, specifically referencing the LHMP, CWPP, and BayWAVE and Marin Ocean Coast Sea Level Rise Vulnerability Assessments. Additional documentation and resources MIG may review, includes:

- Cal-Adapt tool and California Adaptation Planning Guide
- Types of assets, resources, and populations that will be sensitive to various climate change exposure
- Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged
- Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities available from the County

- Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services

Based on the findings from the vulnerability assessment, MIG will identify required updates and revisions to the Safety Element, inclusive of text and exhibits, to ensure consistency with other General Plan elements and compliance with State law. If not fully addressed in the multijurisdictional LHMP, we will work with the County to review current mitigation capabilities—e.g., programs, staffing, funding, and other resources—as well as current infrastructure that is potentially vulnerable during a disaster.

Likewise, we will identify the status of existing policy implementation to determine consistency with State laws related to climate change hazard mitigation and resiliency planning.

An Administrative Draft Vulnerability Assessment will be submitted for County review with two rounds of review. MIG will use the County's consolidated comments to prepare a Public Review Draft Vulnerability Assessment to be used in the public engagement process. Comments from the public and other entities will be used to prepare the Final Vulnerability Assessment. MIG will prepare up to 15 new relevant maps will be prepared for the Vulnerability Assessment to identify hazard zones and at-risk critical infrastructure systems.

MIG's budget assumes a specific level of effort for responding to public comments on the Vulnerability Assessment. Should the amount of public comment exceed the specified level of effort, MIG would notify the County of the need for additional services.

Deliverables: Administrative Draft Vulnerability Assessment
Public Review Draft Vulnerability Assessment
Final Vulnerability Assessment

11.3 Administrative Draft Safety Element

Using the detailed outline prepared in Task 11.1, MIG will prepare the Safety Element Update to ensure consistency with other Countywide Plan elements and compliance with State law. Wildland Resources Management will draft the wildfire section using the latest information and resources to be considered in the Safety Element. CSW|ST2 will evaluate development options related to flooding (both 100-year storm and sea level rise), wildlife, and geologic hazard. This will include an assessment to determine if existing evacuation routes have capacity to support future development scenarios. This information and the support of the civil engineering team will assist in identifying policies that may be adopted to reduce risks and improve resilience. The Safety Element will also address climate adaptation and resiliency, addressing extreme heat conditions, droughts, severe storms, and related climate change topics pursuant to SB 379.

MIG will evaluate the relevancy of existing goals, policies, objectives, and implementing program under the existing CWP. We will prepare updated goals, policies, and programs to address our findings from the Vulnerability Assessment (Subtask 11.2), existing documentation (Subtask 11.1), community outreach and engagement (Task 2), and State law. Wildland Resources Management will assist in the recommendation of a set of implementation measures. MIG will prepare up to 10 new

relevant maps will be prepared for the Safety Element to identify hazards areas and future growth areas. Maps generated in previous subtasks, including the Existing Conditions and Constraints Atlas (Subtask 4.2) and the Vulnerability Assessment (Subtask 11.2), may be added to the Safety Element.

An Administrative Draft Safety Element will be prepared and submitted to the County for review. Our budget assumes two rounds of review.

Deliverables: 1st Administrative Draft Safety Element
2nd Administrative Draft Safety Element

11.4 CAL FIRE Consultation and Board of Forestry and Fire Protection Review

As Marin County includes High Fire Hazard Severity Zones, the County must submit the Draft Safety Element to the CAL FIRE Board of Forestry and Fire Protection for approval. MIG will consult with a CAL FIRE representative from the Land Use Planning Program to ensure that relevant goals, policies, programs, and maps are integrated in the Safety Element before submitting to the CAL FIRE and Board of Forestry and Fire Protection for review and approval. Responses from the Board will be integrated into the Public Review Draft Safety Element (Task 11.6).

11.5 Public Review Draft Safety Element

Once edits to the Administrative Draft is complete, MIG will prepare a Public Draft Safety Element that is made available to the public and is presented to both the Planning Commission and the County Board of Supervisors (see Task 2) based on comments from the County including updated text and exhibits. MIG will prepare the notice/flyer announcing the release of the Public Draft Safety Element for public review. The Planning Commission and Board of Supervisors may direct revisions to the element update. MIG will make available the Public Draft Safety Element to the project website. Because the extent of the revisions cannot be known at this time, we have provided an allowance that assumes revisions will be minor (based on the fact that both bodies will have reviewed the element during the study session and our prior experience with such documents), as outlined in Task 2.

The release of the Public Review Draft Safety Element should be concurrent with the release of the Public Review Draft Housing Element, so that both documents can be available for public review at the same time, as feasible.

Deliverables: Public Review Draft Safety Element (electronic version only), Announcement for Public Review

11.6 Final Safety Element

MIG will address all comments received from Task 11.6 and prepare the Final Draft Safety Element for the Planning Commission and Board of Supervisors. In conjunction with the Final Housing Element Hearing, the Final Safety Element will be presented to the Board of Supervisors for adoption.

Deliverables: Final Draft Safety Element (electronic version only)

12. CEQA Documentation

The County has determined that a Program Environmental Impact Report (EIR) is the appropriate California Environmental Quality Act (CEQA) document to prepare for the 2023-2031 Housing Element and Safety Element update project. Based on the County's RFP, knowledge of state regulations, and the structure of the Countywide Plan, we believe the CEQA document will be focused on the following project components:

1. 2023-2031 new housing programs, identified sites, and proposed housing density needed to meet assigned RHNA
2. Implementation of the existing Housing Overlay Designation (per RFP)
3. Applicability of existing State Density Bonus Programs (per RFP)
4. Update of existing Natural Systems and Agriculture Element needed to meet new Safety Element requirements per AB379 and other state legislation.
5. Countywide Plan Built Environment Element updates to reflecting housing and safety elements updates
6. Amendments to the Zoning Code to implement new housing programs and Safety Element requirements

MIG's Approach and Work Program are consistent with the requirements outlined in the RFP and with Appendix D of the RFP. MIG will prepare a legally defensible Program EIR based on current CEQA Statutes and Guidelines and relevant case law.

The Program EIR will clearly articulate key CEQA components including baseline conditions, project objectives, Thresholds of Significance, clear impact statements for each potential environmental impact, and mitigation measures that are implementable and have a clear ability to minimize or eliminate the identified impact. The alternatives analysis will be based on identified project impacts, relevant case law, and the ability to meet the project objectives as listed in the project description.

MIG will assign several very experienced senior CEQA analysts to this project to ensure a depth of seasoned staff to work on the CEQA document. Because our CEQA and Planning services are in-house, we can ensure active communication between these disciplines, allowing MIG's CEQA technical experts (biologists, archaeologist, air quality/GHG/, and noise analysts) to inform the Housing and Safety Element Update process and ensure that environmental and CEQA issues are early planning considerations. With the integration of MIG's services, MIG and the County can identify an acceptable course of action, including the crafting of policies to avoid or reduce potential environmental impacts.

MIG welcomes the involvement of County legal counsel early and frequently in the EIR process to ensure our team has factored all considerations into the CEQA document. We understand that the County has solicited Goldfarb & Lipman to assist with the CEQA review and will prepare the CEQA Findings and any Statement of Overriding Considerations. To ensure close collaboration, MIG proposes a CEQA kick-off meeting with the County and legal counsel to highlight key environmental issues, potential project alternatives, areas of controversy, the system for maintaining the Administrative Record, etc. We will also prepare a CEQA Project Description that will be circulated for review to ensure the Project Description can support the full impact analysis needed for the project.

Due to the extensive requirements of the Housing Element, Safety Element and state requirements for the CEQA analysis, MIG has carefully considered the overall project schedule and the CEQA Work Program and has proposed a process that will enable MIG to implement an approach that is

expeditiously and economically, within the County's overall project schedule and contracted budget. The considerations include but is not limited to:

- Reviewing existing documents early in the project process to become familiar with the County environmental and regulatory setting through work on the Housing Element Site Identification process and the drafting of the Safety Element Vulnerability Analysis.
- Our team of CEQA analysts will assist in the preparation of the new Safety Element and will bring a CEQA lens to updating Safety Element policy and action programs. This will assist in early identification of potential environmental impacts or CEQA issues that should be brought to the County's attention or which need to be carefully addressed in the Program EIR.
- The CEQA analyst team will also assist in identifying potential environmental impacts that can be addressed through the revision of existing policy language or the development of new policy to address the potential impacts.
- A project description, the basis for all impact analysis presented in the EIR, will be developed and circulated early in the process to allow the County and legal counsel an opportunity to review and provide comments on.
- A technical team that includes W-Trans, who will draft a traffic study, which a number of EIR chapters will rely on. Considering the scheduling implications, MIG will work diligently with the County to identify candidate sites and proposed densities so work on the traffic report may begin as soon as possible.
- MIG will monitor approval requirements of the Forestry Board for the wildfire section of the Safety Element and the State Department of Mines and Geology for the geologic hazard section prior to circulation of the draft for public review.

Issues of Equity Addressed in EIR:

The EIR for this project will include discussion of environmental justice and equity where possible, but particularly related to the Land Use and Planning evaluation and review of the Countywide Plan for policies related to equity in terms of income level, race, age, and other demographic characteristics, and in the analysis of project alternatives. The environmental justice discuss in the EIR will be mainly for informational purposes and disclosure for the Board to consider in making their approvals.

MIG will evaluate EJ within the CEQA context of a project's consistency with policies adopted for the purpose of avoiding or mitigating environmental effects (Guidelines Section 15125 and Appendix G checklist); and that CEQA determinations of significance consider whether a project would "cause substantial adverse effects on human beings, whether directly or indirectly" (CEQA Section 21083[b][3]).

A detailed approach, including assumptions, that meets the requirements outlined in the RFP and with Appendix D of the RFP can be found in **Attachment X**.

12.1 EIR Initiation

MIG will initiate the EIR task following the project kick-off, this includes an early task of working on portions of the Safety Element Vulnerability Analysis and Housing Element Site Selection screening process, which will begin to inform the preparation of the EIR.

12.1.1 EIR Kick-Off Meeting with County Staff and Legal Counsel

MIG's CEQA Senior Project Manager will organize (schedule and prepare an agenda for) a kick-off meeting/conference call to discuss EIR structure, approach to controversial issues, potentially significant and unavoidable impacts (based on previous CEQA documentation), alternatives the EIR may consider, key milestones in terms of schedule, sources of information, and a date to circulate the Notice of Preparation (NOP).

12.1.2 Data Collection/Material Review

MIG's EIR team will gather and review existing documents and materials needed for the EIR analysis and begin to develop a bibliography organized by subject.

MIG will also conduct a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC) and conduct outreach efforts to Native American Tribes and Individuals identified by the NAHC as having affiliation with the project vicinity, as recommended by the NAHC. Follow-up outreach and scoping will be in the form of a letter sent via certified mail that will indicate the project area, briefly describe the nature of the proposed project, and request information recipients may have regarding additional Native American Tribal Cultural Resources, properties and/or archaeological sites that may be impacted by the proposed project. Results of the search and follow-up consultation will provide information as to the nature and location of prehistoric or Native American resources whose records may not be available at the NWIC.

12.1.3 Tour of Unincorporated County Communities

To facilitate MIG staff understanding of unincorporated communities within the County, key EIR staff will tour these communities, take photographs, and record general existing conditions of the communities as a baseline in analysis.

12.2 Notice of Preparation

CEQA requires a lead agency to send a Notice of Preparation (NOP) that an EIR is being prepared to the Office of Planning and Research/State Clearinghouse, each CEQA Responsible and Trustee agency (CEQA Guidelines section 15082), the County Clerk's office, and other interested parties. MIG understands the County will prepare the NOP and circulate it for the 30-day public review period per CEQA Guidelines section 15082. The intent of this notice is to invite the public and agencies to provide input on the content (e.g., resource areas of interest, issues, alternatives, mitigation measures) that should be explored in an EIR. The intent of this NOP process is to identify potential public concerns that may otherwise arise later in the review and eliminate from detailed study issues found not be important. During the public comment period, MIG understands the County will hold the required public scoping meeting. MIG's base fee includes preparation of a PowerPoint presentation and attendance at the public scoping meeting. As an optional task MIG's CEQA Senior Project Manager could lead NOP scoping meeting.

12.3 Prepare Project Description

Prepare Project Description

MIG will prepare a project description consistent with CEQA Guidelines section 15124 which will include a description of the project location and boundaries, a statement of the objectives sought by the proposed project, a description of the project's technical, economic, and environmental characteristics, a statement briefly describing the intended uses of the EIR, a list of agencies that are expected to use the EIR in their decision making, and a list of permits and other approvals required to implement the project. The project description will also be supported by tables, figures, maps, and photographs as necessary.

The Program EIR will include a description of the unincorporated Marin County lands and a general description of existing environmental conditions found within the County, supported with figures, maps, and graphics. The project description will present existing baseline conditions and will describe Housing Element and Natural Systems and Agriculture Element components of the project as described below.

Housing Element Discussion: The project description will include a discussion of existing Housing Element goals, policies and programs, identified housing sites and proposed density, number of housing units constructed within the existing housing cycle, and other relevant information related to the current conditions of implementing the existing Housing Element. The project description will then describe the new Regional Housing Needs Assessment (RHNA) for the 2023-2031 housing cycle, the new sites identified as potential housing locations identified by the Site Inventory Analysis, potential housing densities at each identified site, and new housing goals, policies, and programs. The project description will review implementation of two existing Housing Element Programs, the Housing Overlay Designation and applicability of State Density Bonus, as described in Appendix E of the RFP.

Safety Element Discussion: The project description will also present existing Countywide Plan policies pertaining to safety element required policies and then present new policies that must be integrated into the Countywide Plan to make the County's general plan document consistent with new state law for safety elements. This discussion will be organized by the structure of Countywide Plan and the requirements for safety elements as specified by California Resource Code, Title 7, Division 1, Chapter 3, Article 5, Section 65302(g) and will cover the following topics:

- Flood Hazard, including dam inundation
- Geologic Hazards
- Risk of wildland fire for land classified as state responsibility areas, as defined in section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in section 51177
- Climate adaptation and resiliency strategies applicable to Marin County
- Hazard Mitigation Planning

Drafting of the project description would occur once the County has approved draft Housing and Safety Element goals, policies, and programs, and when the proposed housing sites and densities can be described and characterized accurately. Project goals, policies, programs, or potential housing sites that are considered but ultimately rejected may form the basis of the alternatives discussion in the EIR and should be documented by the planning team. The project description will be detailed enough to support the impact analysis.

The EIR will also present a list of the County's project objectives which will be used to help identify alternatives to the project, a statement of the intended uses of the EIR, a list of agencies that are

expected to use the EIR in their decision making, and a list of permits and other approvals required to implement the project.

12.4 Prepare Administrative Draft Program EIR

MIG will prepare a Program EIR covering all CEQA Guidelines Appendix G (Environmental Checklist Form) topics and questions, incorporating the technical studies described in this proposal, and considering comments received during the NOP public review period. The Draft EIR will present a chapter for each area of potential impact, including (a) the environmental setting specific to the environmental topic (e.g., air quality, biological resources, cultural resources, land use and planning, transportation, public services, utilities, etc.); (b) applicable federal, State, regional, and local regulations; (c) evaluations of potential impacts resulting from implementation of Housing and Safety Element goals, policies, and programs; and (d) feasible mitigation measures to avoid identified impacts or reduce them to a less than significant level. Detail approaches to each of the topic impact areas are presented in detail in **Attachment X**. The NOP with public comments received will be included as an appendix to the Draft EIR.

The Draft EIR will identify a range of reasonable alternatives that would reduce or avoid the project's significant impacts while obtaining most of the project's objectives. The range of reasonable alternatives will be developed according to the CEQA Guidelines, relevant court rulings, and consultation with the County. The feasibility of an alternative may be determined based on a variety of factors including, but not limited to, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and site accessibility and control (CEQA Guidelines section 15126(d)(5)(A)). This chapter will also identify the environmentally superior alternative. As required by CEQA, if the environmentally superior alternative is the No Project / No Action Alternative, the EIR will identify an environmentally superior alternative among the other alternatives (CEQA Guidelines section 15126.6(e)(2)).

For MIG's base fee, MIG will analyze the No Project Alternative and two other alternatives selected in consultation with the County. MIG will analyze a fourth alternative (No Project and three other alternatives) as an optional task.

W-Trans will assist the team in summarizing how transportation-related CEQA impacts would differ in comparison to the proposed project for three project alternatives. This comparison would likely include a trip generation comparison of the alternatives and project. The relative VMT impacts associated with each of the alternatives will be qualitatively assessed based on the trip generation estimates along with the general locations of each alternative's housing sites, as well as TAZ-level per capita VMT estimates from available TAMDM model runs. Dedicated TAMDM model runs for each EIR alternative are not proposed.

A Draft Mitigation Monitoring and Reporting Plan (MMRP) will be published in the Draft EIR. The Draft MMRP will compile all mitigation measures included in the EIR to reduce or avoid significant impacts and will identify the timing of the measure, the entity responsible for implementing the measure, and the method for verifying implementation of the measure.

12.5 Prepare Public Draft Program EIR

MIG will respond to County comments (one consolidated set of comments) on the Administrative Draft EIR and prepare a Print Check Draft EIR. MIG will submit the print check draft for final review and

comment. Upon approval of the print check draft, MIG will prepare a Public Draft. No hard copies of the Draft EIR are proposed. Delivery of the Public Draft EIR to the State Clearinghouse and posting the Notice of Completion/ Availability (NOC/NOA) with the County Clerk's Office begins the 45-day public review period for the EIR. MIG will provide the County with a PDF of the EIR and all its supporting appendices for posting on the County's website and submission to the State Clearinghouse (SCH) through the SCH web portal.

12.6 Prepare Final EIR, Final EIR Amendment, and Final Mitigation Monitoring & Reporting Program

Following conclusion of the 45-day public review period and receipt of all oral and written comments on the Public Draft EIR, MIG will prepare an Administrative Draft Final EIR for County review. MIG will respond to the County's comments on the administrative draft Final EIR and produce a Print Check Final EIR. Upon approval of the Print Check document, the County will send the Final EIR out for public review. Upon completion of the public review period on the Final EIR, MIG will prepare responses to the public comments and agency comments and prepare a Draft Mitigation Monitoring and Reporting Program (Draft MMRP). For budgeting purposes, we have assumed ### hours will be needed to address comments and provided necessary modifications to the DEIR. If more time is required, it would be funded on a time and materials basis. The RFP states that outside legal counsel will prepare the CEQA Findings and Statement of Overriding Considerations; therefore, these tasks are not included in our scope.

12.7 CEQA Public Meetings/Hearings

MIG has included the following public meetings in our Work Program and budget. Additional meetings or hearings would be billed on a time and materials basis, including mileage if in-person attendance is required.

12.7.1 Notice of Preparation Public Meeting

As described in Task 2, MIG would attend one public scoping meeting (virtual) during the 30-day public comment period on the NOP. Our budget includes time to create a CEQA PowerPoint presentation and prepare for and attend the meeting. An optional task provides budget for MIG's CEQA Senior Project Manager to lead the NOP public meeting

12.7.2 Draft EIR Public Comment/Meeting (1)

MIG will attend one public meeting held on the Draft EIR to receive public comment. Our budget includes preparing a brief PowerPoint presentation, preparing for, and attending the hearings.

12.7.3 Planning Commission Hearings (2)

We have allocated budget for MIG CEQA staff to attend one public hearings before the Planning Commission; one for the Draft EIR and one for the Final EIR. Our budget includes preparing a PowerPoint presentation, preparing for, and attending the hearings.

12.7.4 Board of Supervisor Hearing (2)

MIG will prepare for and attend the Board of Supervisors hearing public hearings on the Final EIR. Our budget includes preparing a PowerPoint presentation, preparing for, and attending the hearings.

12.8 CEQA Project Management

This task comprises MIG's internal management and regular coordination and communication with Marin County and project team members to ensure MIG completes work tasks on time and within budget. MIG has allocated budget to manage and maintain the project's administrative record concurrent with EIR preparation.

12.8.1 Monthly Conference Calls with County and CEQA team

MIG will participate in monthly conference calls with the County and will also attend conference calls with the County and the planning team as needed. These regular conference calls will facilitate team discussion and ensure information sharing among the project team and the County. Call frequency and duration will be adjusted as needed during the course of the project, but the work scope and budget assume an average of two calls per month for a total of 44 conference calls. Our technical subconsultants will participate in calls as appropriate and strategically so as not to inflate the estimated cost budget.

12.8.2 Project Management

This task allows MIG to manage staff and subconsultants and includes implementation of MIG's quality control procedures (e.g., senior level review) of all deliverables.

12.8.3 Contract Management

This task included MIG's CEQA Senior Project manager management of the contract, schedule, and budget.



Marin County | Housing & Safety Elements Update

Total estimated project

Housing Element		Labor Cost
Task 1	Project Management, Initiation, and Coordination	\$164,140
Task 2	See Outreach Engagement	
Task 3	Assessment of Housing and Special Housing Needs	\$18,670
Task 4	Housing Constraints	\$37,120
Task 4.2	Existing Conditions and Contraints Atlas	\$81,830
Task 5	Existing Housing Element and Other Document Review	\$23,550
Task 6	Sites Inventory	\$181,240
Task 7	Goals, Policies, Programs and Quantified Objectives	\$23,520
Task 8	Countywide Plan Amendments and Rezoning	\$34,360
Task 9	Draft Housing Element and Public Hearings	\$99,165
Task 10	Final Draft Hearings, Final Adoption and Certification	\$73,780
Task 11	See Safety Element	
Task 12	See CEQA	
Subtotal		\$737,375
Direct Costs		\$18,452
HOUSING ELEMENT SUBTOTAL		\$755,827
Safety Element		
Task 11.1	Review Current Safety Element Components	\$22,470
Task 11.2	Vulnerability Assessment	\$20,240
Task 11.3	Administrative Draft Safety Element	\$68,900
Task 11.4	CAL FIRE Consultation and Board of Forestry and Fire Protection Review	\$17,420
Task 11.5	Public Review Draft Safety Element	\$21,190
Task 11.6	Final Safety Element	\$9,210
Subtotal		\$159,430
Direct Costs		\$4,768
SAFETY ELEMENT SUBTOTAL		\$164,198
Outreach & Engagement		
Task 1	Public Engagement Plan	\$16,600
Task 2	Branding	\$4,160
Task 3	Housing Stakeholder Group Meetings (up to 6)	\$15,000
Task 4	Focus Groups (1.5 hr each, up to 6)	\$16,755
Task 5	Design Review Board Meetings (3)	\$9,445
Task 6	Community Service Districts	\$13,060
Task 7	Housing Survey (Digital and Paper)	\$15,535
Task 8	Community Workshops (2-hour each, up to 5)	\$25,140
Task 9	Consider It	\$20,885
Task 10	Digital Outreach	\$9,460
Subtotal		\$146,040
Direct Costs		\$1,160
OUTREACH & ENGAGEMENT SUBTOTAL		\$147,200
CEQA		
Task 1	EIR Initiation and Coordination	\$20,270
Task 2	Notice of Preparation	\$9,340
Task 3	Determine Baseline Conditions & Prepare Project Description	\$19,825
Task 4	Prepare Administrative Draft Program Draft EIR	\$256,665
Task 5	Prepare Public Draft EIR	\$26,910
Task 6	Prepare Final EIR and Response to Comments	\$94,395
Task 7	CEQA Public Meetings & Hearings	\$22,420
Task 8	CEQA Project Management	\$52,800
Subtotal		\$502,625
Direct Costs		\$7,610
CEQA SUBTOTAL		\$510,235
CEQA Contingency		\$50,324
GRAND TOTAL		\$1,577,460
Grand Total with CEQA Contingency		\$1,627,784

EXHIBIT "B"
FEES AND PAYMENT SCHEDULE (required)

COUNTY shall pay CONTRACTOR as follows:

- (1) **BASE CONTRACT FEE.** COUNTY shall pay CONTRACTOR a contract fee of N/A per month not to exceed N/A during the term of the contract. CONTRACTOR shall submit requests for payment via invoice net 30 following provision of services.
- (2) **MILEAGE.** COUNTY shall not pay CONTRACTOR for travel by private, leased or hired vehicle as required by this Contract.
- (3) **TRAVEL COSTS.** COUNTY shall not pay CONTRACTOR for meals, lodging or other travel costs not included in this Contract. All costs above base contract fee (the not to exceed limit) are capped at N/A.
- (4) **AUTHORIZATION REQUIRED.** Services performed by CONTRACTOR and not authorized in this Contract shall not be paid for by COUNTY. Payment for additional services shall be made to CONTRACTOR by COUNTY if, and only if, this Contract is amended by both parties in advance of performing additional services.
- (5) **MAXIMUM CONTRACT AMOUNT.** The maximum term of this Contract is two years. The maximum amount payable to Contractor under this Contract for this period shall not exceed \$1,627,784.