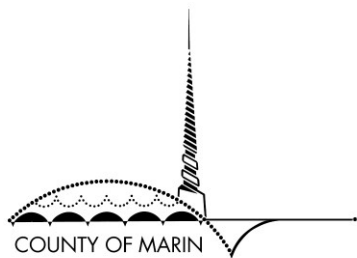


Attachment 6:
Planning Commission Staff Reports
Draft 2015-2023 Housing Element

This attachment includes the Staff Reports for Planning Commission public hearings on July 28, August 25, and November 17, 2014. These hearings were held for the review and consideration of the Draft 2015-2023 Housing Element and the Addendum to the 2013 Supplemental Environmental Impact Report (SEIR). All materials can also be found online at <http://www.marincounty.org/depts/cd/divisions/planning/housing/housing-element/hearings-and-meetings>.



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

**STAFF REPORT TO THE PLANNING COMMISSION
 MARIN COUNTY HOUSING ELEMENT UPDATE HEARING #1**

Item No: 5
 Workshop Date: July 28, 2014
 Planner: Leelee Thomas, Principal Planner
 Alisa Stevenson, Planner

RECOMMENDATION: 1. **Conduct public hearing; and**
 2. **Provide feedback to staff on policies and programs and identify sites to include in the Draft Housing Element.**

Purpose

The purpose of this hearing is to inform the Planning Commission about the Countywide Plan's Housing Element update, including feedback received from the public outreach process, and proposed policies, programs and housing sites. The Commission should consider the proposed Housing Element policies, programs and sites, and provide feedback within the context of achieving the Countywide Plan's housing goals of supporting a mix of housing types, densities, prices and designs.

Housing Element Update Schedule

The July 28, 2014 hearing is the first of three scheduled Planning Commission hearings on the Housing Element update. The focus of the first hearing will be on the available land inventory (sites list) and draft policies and programs. At the second hearing on August 25, 2014, the Planning Commission will continue review of the draft Housing Element in its entirety and consider submitting it to the State for review. At the third hearing on November 17, 2014, the Planning Commission will consider recommendation of the environmental review document and the draft Housing Element to the Board of Supervisors. The full 2014 schedule for completing the Housing Element update is as follows:

Event	Date/Timeframe
Initiate work on Housing Element	February
Board of Supervisors approve Work Plan	March 18
Stakeholder Meetings (2)	February – March
Meetings with Design Review Boards / Community Service Districts (4)	February – March
Meetings with other community organizations (4)	February – May
Community Workshops (5)	April - May
Housing Survey (online)	March – June
Affordable housing experts meeting	June
Planning Commission Hearing #1	July 28
Planning Commission Hearing #2	August 25
State review of draft Housing Element	September – November
Planning Commission Hearing #3	November 17
Board of Supervisors Hearing	December – January 2015 (tentative)
Submit Housing Element to State for certification	January 31, 2015

Housing Element Background

The State of California requires each city and county to adopt a General Plan containing at least seven chapters or elements, including one that addresses housing needs. Because housing availability is a critical issue with Statewide implications, State law requires that housing elements be updated every eight years. According to the State Department of Housing and Community Development (HCD), "Local governments must adopt land use plans and regulatory schemes that provide opportunities for, and do not unduly constrain, housing development." State policy acknowledges that most critical housing decisions occur at the local level, however housing elements must be reviewed and certified by HCD. This is unique to housing elements, whereas other sections of the general plan do not have to be reviewed by a State agency. Failure to receive State certification makes local governments ineligible to receive important sources of grant funding, and may expose the County to potential litigation.

State law requires that the Housing Element contain the following information:

- A review of the goals, objectives and policies of the existing Housing Element.
- Current demographic, economic and housing information for the locality.
- A quantified housing needs assessment.
- Analysis of the constraints to providing housing for all income levels.
- A discussion of opportunities for energy conservation in new housing developments.
- An inventory of assisted units at risk of conversion to market rate.
- An inventory of residential land resources, including suitable sites for housing, homeless shelters and transitional housing.
- Proposed housing goals, policies and programs.
- Quantified objectives for housing over the next five-year period.
- A description of diligent efforts toward participation by all economic groups in the update process.

The existing Marin County Housing Element addresses the period from 2007 through 2014. It was adopted by the Board of Supervisors on September 24, 2013 and then certified by HCD as complying with State law as of December 31, 2013.

Housing Element Public Outreach

CDA staff conducted extensive community outreach in early 2014 for the Housing Element update. The community engagement process was initiated with two small stakeholder meetings in late February and early March, followed by four meetings with local design review boards and community service districts, and four additional meetings with other community organizations. In April and May 2014, five interactive community workshops were held to present the Housing Element update process and gather input on sites from the community. A Housing Survey was available online between March and June 2014 to gather public opinions on housing needs in the unincorporated County. See Attachment 1 for a detailed report of the community outreach process.

Regional Housing Needs Allocation

The Regional Housing Needs Allocation (RHNA) is a State-mandated process to distribute planning responsibility for housing needs throughout the State of California. The RHNA is established by allocating a specific number of housing units to each region in the State. The Bay Area's regional housing need is first allocated by HCD, and the distribution for each local jurisdiction is then finalized by the Association of Bay Area Governments (ABAG) through a committee comprised of local representatives from the affected communities. Unincorporated Marin County has been allocated 185 units for the 5th RHNA cycle of 2015-2023. This is a significant decrease from the previous planning period; the total has been reduced from the 773 units allocated for 2007-2014. This reduction is based on regional planning policies aimed at focusing growth in major urban employment centers in the Bay

Area that have access to fixed transit. Refer to Table 1 for a distribution of the RHNA for unincorporated Marin by income level. Attachment 2 provides further background on the RHNA methodology.

Table 1: Income Distribution of RHNA units (2015 - 2023) for unincorporated Marin County

Lower Income Categories			Subtotal Lower Income	Moderate Income	Above Moderate Income	Total
Extremely low Income	Very Low Income	Low Income				
27	28	32	87	37	61	185

The County is required to demonstrate the feasibility of developing the required lower income units by having a sufficient amount of land zoned at the default density of 30 units/acre to accommodate the RHNA. Feasibility is also demonstrated through the implementation of Housing Element goals, policies and programs intended to facilitate housing development at all income levels. Local governments are not required to construct the housing units allocated by the RHNA process, but rather to demonstrate that there is adequate opportunity for the units to be developed based on zoning and general plan regulations.

Housing Needs

A survey of Census data and local resources indicate that the total housing need in the unincorporated County is much greater than the 185 minimum RHNA requirement. Many residents of unincorporated Marin are living in unsustainable living situations, including those who are overpaying and those living in overcrowded conditions. According to housing standards established by the US Department of Housing and Urban Development (HUD), households should pay no more than 30% of their income toward rent and utilities to have a sustainable living situation. According to Census data, more than 2,900 residents of the unincorporated County are lower income and currently paying more than 50% of their income toward rent. Census data also reflects that there are nearly 300 people in overcrowded living situations in the unincorporated area alone, and an estimated 1,600 disabled individuals who lack accessible affordable housing.

In addition to those paying more than they can afford for housing, the 2013 Point-in-Time Homeless Count documented that there are more than 900 people throughout Marin who are homeless, and more than 4,300 people who are at-risk of becoming homeless, many of whom are families with children.

Housing Element Land Inventory (2015-2023)

Housing Element statutes require the County to provide a land inventory of sites suitable for housing development that can accommodate Marin County's short-term housing development objectives at all income levels, as determined by the RHNA for the period of January 2015 to January 2023.

To meet the required need for the unincorporated County, staff recommends focusing on 15 sites from the 2007-2014 Housing Element. This approach to meeting the County's RHNA was included in the work program for the Housing Element update approved by the Board of Supervisors in March 2014. Because the RHNA requirement for 2015-2023 is significantly less than the previous cycle, not all of the 2007-2014 housing sites are needed to meet the current RHNA. With a RHNA of 185 units, there is flexibility to select sites from within this list. The Housing Element site inventory will only be identifying opportunities for housing development that already exist according to the Countywide Plan and zoning. Regardless of whether housing sites are included in the next Housing Element, they have potential to be developed subject to the County's land use authority.

Housing Element law allows a portion of local jurisdiction's RHNA to be satisfied through second units projected to be built during the RHNA cycle. Based on past development patterns, the County projects that 5 new second units will be permitted on an annual basis from 2015 until 2023 (40 units total during the RHNA cycle). Based on the County's surveys of second unit affordability levels, 6% of the projected second units will be affordable to very low income households, 50% will be affordable to low income households, and 22% will be affordable to both moderate and above moderate income households respectively.

The unincorporated County's RHNA of 185 homes includes 61 market rate homes, 37 moderate income homes and 87 lower income homes. Staff recommends the site selection and unit distribution detailed in Table 2 to satisfy this requirement. Three alternatives to the staff recommendation are also presented for consideration in Attachment 4.

To address the need for above moderate income homes, staff has relied on sites where development is currently being pursued, as indicated by development proposals, prior entitlements, court decisions or active applications. The first three sites listed in Table 2 have been identified to meet the above moderate income housing need. To accommodate the housing need for moderate income households, staff has relied on small infill sites which, based on location, size and design, are more likely to produce rental housing or condominiums which would be more affordable at the moderate income level.

To meet the lower income housing need, staff has evaluated sites utilizing a set of criteria based on the feedback from the Community Workshops held in April and May 2014, as well as criteria developed through the Housing Element Taskforce for the 2007-2014 cycle. Nine housing sites identified for lower income housing in the 2007-2014 Housing Element have been evaluated and compared using four categories of criteria: Livability, Economic Feasibility, Geographic Equity and Environmental Constraints. Each of these four categories were weighted equally. The highest possible score was 20, for which a site would have a score of 5 in each category. The nine sites evaluated to accommodate lower income housing need included:

- 100 Marinwood Avenue, San Rafael (Marinwood Village)
- 2400 Sir Francis Drake Blvd, Fairfax (Oak Manor)
- Woodland Avenue at Auburn Street, San Rafael (California Park)
- Seminary Drive, Mill Valley (Golden Gate Seminary)
- 441 Drake Avenue, Marin City (Marin City CDC)
- 204 Flamingo Road, Mill Valley (Old Chevron)
- 217 Shoreline Hwy, Mill Valley (Armstrong)
- St. Vincent's Drive, San Rafael (St. Vincent's & Silveira)
- 150 Shoreline Hwy, Mill Valley (Manzanita Mixed-use)

Livability Criteria

The livability criteria focus on access to amenities and services. Locating homes in areas with a high livability score would have less impact than if the homes were developed farther from transit and services. This includes fewer vehicle miles travelled, reduced greenhouse gas emissions, and greater convenience for residents. In addition, sites which score high in livability are likely to be more eligible for State funding sources, which prioritize housing located near services and transit. Livability criteria include the following five components:

1. Is the site within a ½ mile of a grocery store or farmers market?
2. Are accessible parks, open space or recreational facilities within a ½ mile?
3. Are transit services within a ½ mile of the site?

4. Is the site located in a walkable/bike-able area?
5. Are there opportunities for employment within 5 miles of the site?

Economic Feasibility Criteria

The economic feasibility criteria emphasize the feasibility of development of lower income housing. There is significant need for lower income housing in Marin and there are many challenges to developing housing for lower income households. According to non-profit housing providers, the most important factor in determining feasibility as it relates to construction and on-going operational costs is the number of units that can be developed on a site. Economic feasibility criteria include the following three components:

1. To meet operational cost efficiencies, is there potential to develop at least 25 units on the site?
2. Is the property likely to develop, as demonstrated by either the property owner pursuing development or the property being up for sale?
3. Is the zoning in place to meet State requirements for lower income housing?

Geographic Equity Criteria

The geographic equity criteria prioritize diversification of the housing stock. These criteria also respond to public input from the recent Housing Element community workshops, where it was frequently expressed that residents support providing housing at a mix of income levels, and that all of the County's lower income housing should not be concentrated in any one specific neighborhood. This also supports County goals of diversifying housing stock as articulated in Countywide Plan policy CD-2.1: *Provide a mix of housing*; and Program 16 of the County's Implementation Plan of the Analysis to Impediments to Fair Housing Choice: *Encourage and facilitate the development of more subsidized and affordable housing for families with children outside areas of minority concentration*. Geographic equity criteria included the following two components:

1. Is the site within 1 mile of other Housing Element sites?
2. Is the site located within a mile of existing affordable homes?

The locations of the three lower income sites listed in Table 2 meet or exceed the above criteria while achieving consistency with the focused growth strategy of the Countywide Plan.

Environmental Constraints Criteria

The environmental constraints criteria consider whether there are known environmental constraints on the site. These criteria were highlighted in public discussions as an important issue to consider during the Housing Element Community Workshops. The data comes from the Marin County Housing Element Supplement Environmental Impact Report and the Housing Element Task Force. Environmental constraints criteria included the following five components:

1. Is the average slope less than 15%?
2. Are there documented streams and/or wetlands on the site?
3. Are there known hazards on the site, such as flooding or contamination?
4. Are there sensitive species or habitats documented on the site?
5. Would the air quality contribute to documented significant health risks?

Sites Recommendation

The housing sites from the 2007-2014 Housing Element have been certified by the State, have been widely circulated and discussed by the public within the last year, and reviewed for compliance with the California Environmental Quality Act (CEQA). With a minimum RHNA requirement of 185 units, there is flexibility to select sites from within this previously certified list. In other words, all of the sites listed in the recently certified Housing Element are not necessary to meet the minimum requirement for the current Housing Element. Staff recommends the site selection and unit distribution detailed in Table 2, which utilized the site evaluation criteria to assess and compare sites considering a variety of priorities and objectives, as well as input from public workshops. The evaluation criteria were used to evaluate the lower income housing sites. The evaluation compared these sites in the four criteria categories discussed above and rated them against each other.

The unincorporated area of the County has few remaining options for developable parcels, especially for multifamily housing. Most sites are small and have significant constraints. Based on the limited availability of developable sites, creating an inventory of housing sites for RHNA purposes that most people would agree meet all of the criteria described above is unachievable. However, within this context, the proposed sites score well on balance in livability, are more economically feasible, provide a housing balance geographically, and have fewer environmental constraints. The staff recommendation in Table 2 includes the three lower income housing sites that rated highest compared to the others, as well as sites to meet the housing needs for above moderate and moderate income households.

Table 2: Housing Element Sites 2015-2023: Staff Recommendation

Sites to accommodate the Regional Housing Needs Allocation (RHNA)	Lower Income Units (subtotal)	Moderate Income Units	Above Moderate Income Units
Paradise Drive, Tiburon (<i>Easton Point</i>)			43
12 Tamarin Lane, Novato (<i>Tamarin Lane</i>)			3
1970 Indian Valley Road, Novato (<i>Indian Valley</i>)			5
150 Shoreline Hwy, Mill Valley (<i>Manzanita Mixed-use</i>)		3	
217 Shoreline Highway, Mill Valley (<i>Armstrong</i>)		10	
2400 Sir Francis Drake Blvd, Fairfax (<i>Oak Manor</i>)		10	
204 Flamingo Road, Mill Valley (<i>Old Chevron</i>)		10	
Seminary Drive, Mill Valley (<i>Golden Gate Seminary</i>)	40		
100 Marinwood Ave, San Rafael (<i>Marinwood Village</i>)	72		10
Woodland at Auburn, San Rafael (<i>California Park</i>)	40		
Second units*	21	10	9
TOTAL units allocated	173	43	70
<i>RHNA minimum requirement for 2015-2023</i>	<i>87</i>	<i>37</i>	<i>61</i>
<i>Units allocated above RHNA requirement</i>	<i>86</i>	<i>6</i>	<i>9</i>

Staff's recommendation includes additional lower income units above the County's required RHNA. This is because local jurisdictions are required by State law to ensure that the housing element land inventory can accommodate its RHNA through the end of the planning period (Government Code Section 65863). If the inventory only identifies enough units to meet the RHNA and one of the sites is developed with fewer units than the number in the inventory, then it creates a gap or deficit. Alternatively, the purchase of a site to preserve it from development completely would also create a deficit. State law requires the housing element inventory to make up for that lost unit potential if one or both of the above scenarios should occur before the housing element cycle expires. To make up for such a deficit, the County would need to repeat the process of identifying new sites to add to the inventory, followed by the entire review and certification process necessary to amend the housing element prior to the normal update deadline. By identifying more units than the required RHNA, the County would have the flexibility to accommodate such potential changes in the future without the need to amend the housing element later in the planning cycle.

Site Alternatives

Staff has also provided three additional site selection alternatives for consideration, which are included in Attachment 4. Alternative 1 carries forward all of the sites from the 2007-2014 Inventory, except the site located at 650 North San Pedro Rd because it was purchased in March 2014 to preserve it from future development. Alternative 2 would meet the RHNA for unincorporated Marin and provide increased flexibility beyond the staff recommendation by allocating the maximum possible units to the highest scoring sites with low income housing potential. Alternative 3 would meet the RHNA for unincorporated Marin assuming a reduced default density of 20 dwelling units per acre, and would be contingent upon adoption of proposed State legislation (Assembly Bill 1537) or State approval of a feasibility analysis for the 2015-2023 Housing Element.

Pending Legislation

A critical aspect of housing element legislation requires counties and cities to include an analysis of sites identified for housing. The sites must demonstrate density standards that can accommodate the housing need for all income levels, including for lower-income households. The sites must also demonstrate a feasibility to develop during the planning period. This latter criterion can be difficult to satisfy in the unincorporated County.

In 2003, the State established specific "default densities" for cities and counties to provide a proxy for affordability and for determining development feasibility for lower income housing. The default density for the unincorporated County is currently 30 units per acre. The County was assigned this density because it is located within a Metropolitan Statistical Area (MSA) with a combined population of more than 2 million that also includes San Francisco and San Mateo counties and has a jurisdictional population of over 50,000 (the population of the unincorporated county is currently 67,427).

During the recent Housing Element update for the 2007-2014 cycle, the County's metropolitan classification generated significant public discussion centered on the concern that the prescribed default density may lead to future housing developments that are out of character with a suburban community like Marin and lower density development patterns that are typical of many single-family residential neighborhoods in the unincorporated County. In response to these concerns, and consistent with the County's support, Assembly Member Mark Levine introduced Assembly Bill 1537 to allow Marin County and its cities with a population over 50,000 to have their default density classifications changed from metropolitan to suburban. This is intended to help Marin maintain its character while accommodating a diverse workforce and population. If signed into law, this bill would reduce the default density for the 2015-2023 housing element from 30 units per acre to 20 for these jurisdictions.

The legislation is currently pending review and if passed by the State Legislature and signed by the Governor, would go into effect January 1, 2015. If the Bill continues to move forward, Alternative 3 would provide an option for housing site selection at the lower 20 units per acre density for the 2015-2023 Housing Element (see Attachment 4). This bill is expected to be acted on by the State Legislature in August 2014.

Feasibility Analysis

To meet the statutory requirement of providing housing sites and establishing feasibility for housing for lower income households, local governments may either use the default density described above or provide an analysis demonstrating how lower densities can accommodate and facilitate the RHNA for lower income households. The analysis would include factors such as market demand, financial feasibility, and history of development projects that provide housing for lower income households.

If AB 1537 is not signed into law, the County could pursue a feasibility analysis to seek approval for a density below the current 30 unit per acre default density. It is noted, however, that conditions in the unincorporated county have not changed significantly since the County submitted an analysis in 2009. Based on data from the County Assessor's records, housing costs in the unincorporated County remain higher than many Marin towns and cities, there is a limited number of multi-unit rentals, comparable developments are limited, and most zoning is low density.

Policies and Programs

The Housing Element contains a series of programmatic activities that are proposed to support Countywide Plan policy objectives as well as statutory requirements. Housing Element goals are organized into three categories: land use principles, supporting a mix of housing, and institutional capacity. Since the 2007-2014 Housing Element was recently certified in December 2013, staff proposes to carry forward the existing policies and many of the programs.

Since 2007 when the previous Housing Element cycle began, several programs have been implemented by adoption in the Development Code or other action. Portions of other programs have also been completed, eliminated, moved or clarified. Attachment 5 provides an evaluation of programs contained in the 2007-2014 Housing Element and notes the implementation status of each program.

Nine new proposed programs have been added to the draft Housing Element for 2015-2023. Three of these were originally included in the 2009 draft but later deleted from the final Housing Element and deferred for consideration in the 2015-2023 planning cycle due to feasibility within the Agency's work plan. The new programs are discussed below. Attachment 6 is a comprehensive list of all programs, with ~~strike through~~ and underline showing changes proposed to the 2007-2014 Housing Element programs.

Programs Deferred from the 2007-2014 Housing Element, Proposed for the 2015-2023 Housing Element:

Evaluate Multi-family Land Use Designations. Conduct a comprehensive analysis of multi-family land use to evaluate whether multi-family zoning is appropriately located. Possible outcomes of this analysis could include:

- a. Adjust zoning maps as appropriate and redistribute multi-family zoning to locations suitable for multi-family development.
- b. Avoid designating or rezoning multi-family residential land for other uses or to lower densities without rezoning equivalent land for higher density multi-family development.

- c. Identify sites for multi-family, mixed-use, affordable workforce, and special needs housing, when undertaking community planning and zoning processes.

[adapted from Countywide Plan Program CD-2.e, p. 3-21]

Discussion: The scarcity and locations of multifamily zoning in the unincorporated areas cause significant barriers to the feasibility of lower income housing development. Most existing multi-family parcels are already developed. A cursory review found that there are approximately 2,500 parcels in the unincorporated County with multi-family land use designations that allow a range of low to moderate residential densities. Of these, 290 parcels are vacant, and approximately 190 are zoned for duplexes (MF2, 1 to 4 units per acre). The remaining 100 parcels are designated between MF3 (2 to 10 units per acre) and MF4.5 (11 to 45 units per acre). Most of these parcels are zoned at the lowest end of the density range. Only 16 vacant MF parcels allow density up to 20 units per acre. Only 5 vacant MF parcels allow up to 30 units per acre, which is the current required default density for Housing Element sites in the unincorporated County. One vacant parcel allows 40 units per acre.

Additionally, the location of multifamily zoning is often on sites with sloped topography, sensitive habitat or species, and other development constraints. These conditions translate to high development costs, limited access to public transit and services, and limited potential to meet the housing needs of Marin's lower income residents and workforce. A comprehensive evaluation of multifamily zoning is necessary to study the possibility of relocating these zones to areas that may be better suited for their intended purpose.

Require Multifamily Residential Development in Multifamily Zones. Require multifamily development in multifamily zones, including R2, RMP, and RMPC. Prohibit the development of single-family dwellings in multi-family zones unless the Director finds that multifamily development is infeasible or impractical based on physical site constraints, environmental constraints or in the case of the loss of an existing home due to emergency or natural disaster.

Discussion: This program encourages efficient use of limited land resources and facilitates the potential for moderate and lower income housing. Staff anticipates this program will primarily affect development in R2 (duplex) districts. Currently, single-family dwellings are a permitted use in R2, and allowed with a Master Plan in RMP and RMPC districts. The Development Code land use tables would be amended to reflect that single-family dwellings would not be allowed in R2, RMP and RMPC districts unless special findings are made. Provisions to allow existing homes to be rebuilt if they were lost due to natural disaster would be included. Existing detached single-family homes could also be remodeled and expanded subject to meeting development standards. In addition, the analysis would address fee issues such as Road Impact, School, Fire and Water that would be required and may significantly increase the cost of development.

Study Residential Density Equivalents. Evaluate options for calculating density through adjusted density equivalents based on bedrooms count or square footage rather than total number of units. Such an amendment to the Development Code would encourage development of smaller units, which corresponds to the demographic trend of increasing numbers of small households.

- a. Conduct an analysis to determine the feasibility of a density equivalent program. Identify appropriate density equivalent strategies for implementation and determine the fiscal impacts.
- b. Analyze how such a program might interact with inclusionary requirements, parking standards, and density bonuses.

- c. If it is determined feasible and appropriate, consider amending the Development Code to calculate density through density equivalents.

Discussion: Through the Marin Housing Workbook, research was conducted on sample practices utilized in other jurisdictions identified as applicable to housing conditions in Marin. One such sample practice in Santa Barbara suggested an alternate way of calculating residential densities. In that jurisdiction, studio units have a density equivalent of 0.50 units; one bedroom units a density equivalent of 0.66 units; two bedroom units a density equivalent of 1.00 unit; and three or more bedroom units a density equivalent of 1.50 units. Staff would study how unit size could drive density calculations rather than unit counts. The impacts of changes to the current method of density calculation would be analyzed, such as zoning considerations, density bonuses per state law, calculation for additions, equity issues of smaller versus larger units and inclusionary implications.

New Programs

Expand the Scope of Project Review. Consider requiring a socioeconomic analysis (SEA) for larger developments of more than 10 units to assess the costs and benefits of the proposed project and its potential impact on the local economy.

Discussion: The purpose of the SEA would be to help policy-makers and the public better understand the potential social and economic costs and benefits related to implementation of specific development. Socio-economic analysis seeks to quantify to the extent possible the social, economic and human health costs and benefits of different potential development scenarios to support rational, transparent and consistent decisions regarding land use.

Build Support for Affordable Housing. Address community opposition to homes for moderate and lower income families through education and outreach. Consider:

- Providing more information in planning documents about standards for affordable housing
- Using visual simulations
- Conducting interactive public workshops
- Coordinating housing providers and supporters
- Co-sponsoring an event for affordable housing week such as a tour of existing affordable homes

Discussion: At a recent workshop held with housing providers and funders, one of the most predominant barriers identified was the lack of community support for providing homes for moderate and lower income families. To effectively encourage and facilitate housing for seniors, disabled individuals, local workforce and lower income families, it was suggested that the County work proactively with local communities to help build support through education and outreach.

Increase Tenants Protections. Explore providing rental protections. Consider an ordinance to address rental protection such as:

- Noticing of rental increases
- Relocation costs
- Just cause eviction
- Rent stabilization
- Rent control

Discussion: Rents have increased dramatically over the past two years, leaving many renters feeling vulnerable and at risk. Renters' rights advocates have requested that the County explore adding rental protections which could alleviate drastic rental increases and reduce displacement. The County would explore best practices and could hold a community forum to discuss rental protections and explore the feasibility of adding protections as outlined above.

Establish a Housing Equity Commission. Consider adding a Housing Equity Commission whose role would be to advise on how to respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices and designs. The Commission would study best practices, and take action to develop support for housing for low and moderate income households in Marin.

Discussion: The Housing Equity Commission would: advise the Board of Supervisors with respect to the County's housing needs; make recommendations on housing policy and specific goals to meet the County's Housing needs; annually review the housing plans and budgets of County programs to ensure conformance with County housing policy; and work with diverse agencies involved with housing (such as Health and Human Services, Marin County Community Development Agency, and Marin Housing Authority) to insure coordination and the best use of limited resources. The Commission could also encourage public and private partnerships in promoting housing preservation and production.

Conduct Site Assessments on Housing Element Sites. The County will consider conducting a detailed biological site assessment of sites in the Housing Element used to accommodate the County's lower income RHNA to confirm the extent of, and to document site constraints. The site assessment would identify potential constraints including topography, the presence of agricultural resources and sensitive biological resources, including but not limited to wetlands, streams, special status species and sensitive habitats. The assessment would recommend buffers, mitigation measures or required setbacks, development timing, and other information, analysis, or modifications appropriate to protect the resource.

Discussion: Opportunity sites to accommodate the County's lower income RHNA are limited and development of lower income housing faces numerous barriers. This program is intended to provide additional information which could be used to identify any existing constraints on a site. The analysis could be used to reduce up front predevelopment costs and determine development feasibility for lower income housing.

Evaluate the Housing Overlay Designation. Analyze the Housing Overlay Designation (HOD) policy in the Countywide Plan for its effectiveness in encouraging the construction of housing for lower income workforce and special needs populations. Amend the Countywide Plan if it is determined that changes are necessary to make the program more effective.

- a. Amend Countywide Plan Policy CD-2.3 to remove the requirement that HOD sites shall not comply with the mixed-use criteria.

Discussion: The Housing Overlay Designation (HOD) policy was adopted as part of the Countywide Plan update in 2007 to encourage construction of housing for local workforce and special needs populations; however, in the past seven years there has been no construction on the HOD sites. Staff recommends an analysis be conducted to identify revisions to the HOD policy that could make it more effective. Examples of areas to analyze include the criteria used to evaluate potential HOD sites.

Under current policies, sites which are designated as both HOD and mixed-use are required to develop under the provisions of the HOD policy and not comply with the mixed-use policies which may require

housing to be included in new development. For example, on lots larger than 2 acres in size, the mixed-use policies require at least 50% of the new floor area shall be developed for new housing and on lots 2 acres and less in size; at least 25% of the new floor area shall be developed for new housing. Subprogram “a” above would apply this standard to HOD projects.

2007-2014 Housing Element Program Implementation

State density bonus law specifies that density bonus units shall be allowed over both the zoning and the General Plan land use designation. Where there is a discrepancy, the general plan density shall prevail. During the review of the 2007-2014 Housing Element, HCD staff questioned whether Countywide Plan (CWP) and Development Code policies related to State Density Bonus Law and housing opportunity sites are consistent with Government Code § 65915-65918. The following Housing Element program was added to the 2007-2014 Housing Element to address this concern and is scheduled for implementation with the adoption of the 2015-2023 Housing Element.

Program 1.q Clarify applicability of State Density Bonus. Evaluate policies in the Countywide Plan and Development Code for housing opportunity sites to ensure consistency with Government Code § 65915-65918. Amend the Countywide Plan and Development Code as appropriate.

Discussion: Countywide Plan Policy CD-2.3, Program CD-2.d and Figure 3-3 regarding the Housing Overlay Designation (HOD) state that housing units allowed through the HOD are inclusive of any applicable density bonus units. The HOD designation permits a specific number of units on the HOD sites identified in the Countywide Plan, and provides that development shall be at least 30 dwelling units an acre and is *inclusive of any density bonus units*. Specific sites could allow more units than the number of units recommended in the Countywide Plan if a density bonus is applied. However, once the cap of 658 units is reached the HOD would no longer be applicable. Three HOD sites are included in the site inventory of the 2007-2014 Housing Element: 100 Marinwood Ave, 2400 Sir Francis Drake Blvd, and Woodland Ave at Auburn St.

Recommendation: Amend the language in Countywide Plan Figure 3-3 to reflect that the 658 total potential units are inclusive of any applicable density bonus units. See proposed change to Figure 3-3 on the following page.

Figure 3-3 HOD Unit Allocations by Traffic Impact Areas

Traffic Impact Areas as Determined by Screenlines and HOD Site Criteria (See Map 3-2c)	HOD Unit Potential for Traffic Impact Areas (Including Density Bonus Units)	Suggested Qualifying Sites Within Traffic Impact Areas
Screenline 7:	Up to 110	<ul style="list-style-type: none"> ◆ Marinwood Shopping Center (50 to 100 units) ◆ Idylberry School (up to 10 units) ◆ Other qualifying sites
Screenline 8:	Up to 25	<ul style="list-style-type: none"> ◆ Gallinas Elementary School ◆ Other qualifying sites
Screenline 23:	Up to 88	<ul style="list-style-type: none"> ◆ College of Marin (up to 25 units – limited to student or workforce employees of the College) ◆ Marin General Hospital (up to 50 total units if associated with reconstruction or reuse, of which up to 25 units must be designated senior housing and up to 25 units designated for affordable, workforce employees, or special needs housing) ◆ Toussin (up to 13 units) ◆ Other qualifying sites
Screenline 22:	Up to 10	<ul style="list-style-type: none"> ◆ Oak Manor ◆ Other qualifying sites
Screenline 13:	Up to 50	<ul style="list-style-type: none"> ◆ California Park (San Rafael) ◆ Other qualifying sites
Screenline 17:	Up to 100	<ul style="list-style-type: none"> ◆ Strawberry Shopping Center ◆ Other qualifying sites
Screenline 19:	Up to 50	<ul style="list-style-type: none"> ◆ Fireside Motel
Screenline 21:	Up to 150	<ul style="list-style-type: none"> ◆ Marin City Shopping Center ◆ Other qualifying sites
	Up to 583	Units on named HOD sites
	Total: Up to 658	Total Potential HOD Units including Density Bonus Units

CD-2.d Implement the Housing Overlay Designation Program. The reviewing authority may allocate HOD units to suggested qualifying sites or other qualifying sites within Traffic Impact Areas shown on Map 3-2c up to a total of 658 units, including any applicable density bonus units. Housing Overlay units within identified Traffic Screenlines may be allocated to suggested HOD sites listed in Figure 3-3 if the HOD project meets the following standards:

RECOMMENDATION:

Staff recommend that the Planning Commission conduct a public hearing, consider public comment, and continue the hearing to August 25, 2014, on which date the Commission should recommend submittal of the Draft Housing Element for 2015-2023 to the State Department of Housing and Community Development for review.

Attachments:

1. Report on Community Outreach
2. Regional Housing Needs Allocation
3. Site Evaluation Criteria
4. Site Alternatives
5. Evaluation of 2007-2014 Housing Element Programs
6. Draft Housing Element Programs
7. Administrative Record (comments received)

The staff report and attachments are available online at: www.marincounty.org/HousingElement and www.marincounty.org/PlanningCommission.

A copy of the staff report is also available for public review at the Community Development Agency, Planning Division, from 8:00 am to 4:00 pm, Monday-Thursday (closed Fridays).

Attachment 1:
Housing Element Community Engagement
Summary Report
July 2014

Executive Summary

Five community workshops were held during evenings and weekends in different parts of the County to provide an update on the Housing Element and to discuss locations for future housing growth in the unincorporated area of Marin. The format of the workshops was intended to provide a hands-on method for the community to be actively involved in the process of selecting sites for the next Housing Element. It allowed community members the opportunity to share meaningful input about the specific sites being considered.

A major focus of the community workshops was to provide a venue for community members to share different perspectives on housing. From this perspective the workshops were extremely successful. Overwhelmingly, participants agreed that their small group discussions facilitated by a volunteer were engaging, constructive and civil. Many groups found that they could have respectful conversations even when there was a range of diverse opinions.

However, as discussed in more detail below, many participants felt that they did not have enough information about the specific sites and potential impacts to make an informed recommendation, and some distrusted the process.

Background

The State of California requires each county, city and town to adopt a General Plan containing at least seven chapters, or elements, including one on housing. Because housing availability is a critical issue with statewide implications, the law requires that housing elements be regularly updated. State policy acknowledges that most critical housing decisions occur at the local level. However, State law calls for housing elements, unlike other sections of the general plan, to be reviewed and certified by the State. Failure to receive State certification makes local governments ineligible to receive important sources of grant funding, and may expose the County to potential litigation. More information on the housing element update is available at www.marincounty.org/housingelement.

State law requires that the Housing Element contain the following information:

- A quantified housing needs assessment, including current demographic, economic and housing information for the locality.
- Analysis of the constraints to providing housing for all income levels.
- Proposed housing goals, policies and programs.
- An inventory of residential land including suitable sites for housing, homeless shelters and transitional housing.
- A description of diligent efforts towards participation by all economic groups in the update process.

Housing issues affect the entire community, including residents, employers, employees and the public and private sectors. The public participation requirement of housing element law¹ presents an opportunity to engage constituents in a dialogue. Successful public participation is important because a diverse cross section of the population can be engaged in defining the housing problem and in crafting community sensitive solutions.

The County initiated public engagement in February of 2014 with stakeholders meetings to gather advice on effective outreach, and followed this with a range of methods to involve the public, as described below. A Board of Supervisors Hearing was held in March to review the work plan for completing the Housing Element and to provide an overview of the public outreach plan.

1. **Stakeholders Meetings:** Two meetings were held with members of the public who had been very engaged in the previous housing element to seek input on ways to engage the public. Recommendations from these meetings helped guide the County's outreach and structure the community workshops. Many of their ideas were included, for example it was suggested that the County seek advice from the community, hold evening and weekend meetings, advertise in the Marin Independent Journal, and share stories from the community about housing in Marin.
2. **Design Review Boards, Community Service Districts and Community Organizations:** The Stakeholder meetings were followed by a series of meetings with local design review boards, community service districts and community organizations, where staff shared information on the housing element update, timeline and schedule and gathered suggestions on reaching residents of specific communities.
3. **Surveys:** The County launched the 2014 Marin Housing Survey online from late February through June 1. The Survey asked participants about their personal housing situation and needs, and what type of housing they would like to see in unincorporated Marin in the future. There were 579 community members that participated in the Survey and shared their perspectives.
4. **Experts Meeting:** Staff held a meeting with invited housing experts and providers to discuss barriers, challenges, and solutions to constraints that provide affordable homes for lower income households.
5. **Community Workshops:** The County held five community workshops during evenings and weekends in various locations throughout the County which are described in detail below.
6. **Planning Commission Hearings:** Following the workshops, staff began work on the draft housing element, which will be reviewed by the Planning Commission at hearings later this summer. The public has the opportunity to provide feedback, comments and address concerns during the hearings, both in person or in writing.
7. **Board of Supervisors Hearings:** The Board of Supervisors will review the draft Housing Element at hearings in the winter of 2014-2015. These hearings will have the same format as the Planning Commission, where the public will have the opportunity to provide feedback, comments and address concerns during the hearings, both in person or in writing.

¹ Government Code 65583(c)(7) "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort."

Community Workshop Overview

The Community Workshops were a different kind of public meeting than those typically held by the County; they were structured to have community members play active roles. The goals for the workshop were for participants to:

- Sit in the seat of a County decision-maker.
- Listen and share perspectives on housing, including discussing possible housing site.
- Receive an update about the Housing Element.

Staff began with an overview of the housing element and a short video on the need for housing, which was produced by the County to illustrate local needs for housing from the perspective of different community members. Following this, participants asked clarifying questions and then worked in small groups to share their ideas about housing. Participants were asked to be part of a creative process to identify sites where they thought future housing should be located. There were strong feelings on both sides of the issue, and the exercise gave participants a place to share those perspectives with fellow community members in the context of discussing the future of housing in unincorporated Marin.

Planning Exercise

The purpose of the exercise was twofold: for community members to share different perspectives about housing in Marin; and to collaborate in identifying locations for at least 185 homes in unincorporated Marin County. As part of the design of the exercise, staff held 4 test runs, which resulted in refining, improving, and simplifying based on feedback received. Volunteers who had received professional facilitation training helped guide the process during the exercise. These small group facilitators were there to encourage the dialogue and to insure everyone had a voice.

Materials

Workshop materials included:

- An instruction sheet explaining the exercise.
- A scenario card to record the group's recommendation on locating housing.
- A large table-sized map with the locations of the 15 sites under consideration.
- Location fact sheets (a one page description of key elements of each site).
- A sheet with information on the housing requirement for each city and town in Marin.
- Information on income levels in Marin.
- A sheet with sample photos of housing at different income levels in Marin.

Methodology

The planning exercise asked participants to use their collective knowledge to identify, among 15 sites evaluated in the previous housing element, which are best suited to accommodate our community's need for a minimum of 185 homes for this planning period. The participants nominated a Recorder to take notes and record the group's discussion and takeaways. Another participant used a Scenario Card to keep a running tally of the homes that were placed on the map. The groups had approximately 45 minutes for the planning exercise, followed by 15 minutes to debrief with their table. Finally, the Recorders shared their small group's takeaways with all the workshop participants, and staff typed these up on a screen so that participants could see their comments recorded.

Community Workshop Outcomes

Approximately 180 people attended the five Workshops. Although extensive outreach was done, attendance was much less than anticipated. The attendance ranged from the smallest at the Marin City Senior Center of about 20, to the largest of about 60 at the Mill Valley Community Center. A core group of about 5-8 attended multiple workshops.

There were a collective total of 32 small table groups at all five Workshops, ranging in size from one to eight members each. Of all groups, 14 groups (44% of the total) completed and turned in Scenario Cards to reflect their recommendations for placing homes. Three of these groups intentionally placed no homes, while the remaining 11 recommended a diverse range of housing types and locations.

Of the groups that made recommendations, the following sites were most frequently recommended for future housing: Marinwood Plaza, Oak Manor, California Park, St. Vincent's/Silveira, Easton Point, Golden Gate Seminary, and Marin City CDC.

However, the specific recommendations for the number of homes in each income category that should be placed at each site were inconsistent among the groups. This limited and varied input makes it difficult to draw definitive conclusions about the broader community's perspectives on future housing locations, types and numbers.

Feedback from Community Workshop participants

Participants were offered a variety of ways to provide feedback, including a debrief to the large group, notes from the small groups, and an evaluation form. This information is all available on the County's website at www.marincounty.org/housingelement. To summarize the input received, the themes within the feedback have been identified here.

At the first workshop held at the Marin City Senior Center, groups worked effectively together and felt that they had constructive and fruitful conversations about housing issues. Others had engaging conversations, learned about perspectives and histories, and talked about possibilities. By focusing on issues, the group was able to reach consensus and make progress through the exercise. Some participants felt that the County had not adequately represented the actual need for housing in Marin, especially for extremely low income households. They were concerned that the 185 homes required by the State was not sufficient to address the real needs of lower income residents and the local workforce. In addition, there was some frustration because participants wanted to see how and when homes would be built on the possible sites rather than simply planned for as required by State law. There was a common misunderstanding among participants who expected that the workshop would only focus on housing in Marin City.

The second workshop was held at the Unitarian Universalist Congregation of Marin in San Rafael. There was a diverse range of opinions and positions represented in the small groups. One group focused on logic and was able to compromise. Many groups were able to reach consensus, and people felt heard, even when participants disagreed. Some participants found the video portraying some of the needs for housing in Marin off-putting and subjective. Many felt that more information was needed on the sites and that there should be coordination between the County, cities and towns to consider holistic impacts of housing plans.

At the third workshop at Albert J. Boro (Pickleweed) Community Center in San Rafael, some participants found the exercise helped them understand why it is hard to make decisions about housing issues, and they needed more time to build trust and consensus in their groups. All felt that there was a variety of opinions and views shared. Some found it confusing and felt they were not informed enough to make recommendations. The dialogue was inspiring for some and challenging for others.

The fourth workshop was held at the Mill Valley Community Center. Overall the groups shared that they had active engaging conversations, strong-willed exchanges, and lively back and forth discussions. Overall, people listened to the varied perspectives at the table. One group felt the process was excellent and everyone had a lot to contribute. However, some group members shared that their opinions were not included in the large group debrief because they disagreed with the Reporter for their

group. Many participants expressed that the sites in Tam Valley should be removed from consideration and felt that there was not enough information on the other sites to make recommendations. They shared that the process was disingenuous and they felt pressured to make recommendations.

The fifth and final workshop was held at the Westminster Presbyterian Church in Tiburon. Groups felt that they had exciting; exhilarating conversations and that they really respected and listened to each other carefully. Many felt that they had civil discussions and that they agreed on most things, as most participants shared similar opinions. Some participants felt that there was not enough information on the sites to make recommendations and that it was not appropriate to comment on sites that are not in one's own community. Some participants thought alternatives to planning for housing should be explored and that an analysis should be conducted on the costs to communities if housing is developed on housing element sites.

Overall, participants in all workshops reported that they appreciated the opportunity to sit down and discuss their perspectives with fellow community members. Small group dialogs were considered worthwhile, informative, and even enjoyable in many cases. While many participants did not agree with the particulars of the planning exercise, it did not impede the crucial goal of eliciting thoughtful feedback from the community about the future of housing in unincorporated Marin.

2014 Marin Housing Survey

The 2014 Marin Housing Survey was open for public participation from late February through June 1. A total of 579 responses were received, of which 569 were submitted online through Open Marin (the County's online civic engagement forum) and 10 were received in the mail. The Survey asked participants to answer 13 questions about their own housing situation and needs, and about the housing needs of the greater community of unincorporated Marin.

The majority of responses indicate that housing costs and a lack of affordable housing opportunities are the most significant housing concern in Marin. Participants indicated that more affordable housing in the form of rentals, single-family homes for sale, and senior housing is the most needed type of housing. Over half of all participants reported that they are currently paying more than 30% of their income toward housing costs. However, more than 60% of respondents stated they have no plans to move from their current residence. Of those who do have plans to move, 28% said their reason for moving is the cost of their rent or house payment, and 37% stated they will be looking for a new home outside of Marin County.

While the majority of respondents agreed on the need for affordable housing options, there was less consensus about where such housing should be located and what form it should take. The majority stood at 35%, who said that they would prefer either multi-family housing in centralized locations or mixed-use housing in specific areas of unincorporated Marin. This was followed by 27% who preferred that single-family homes be built on vacant and under-utilized land.

Next Steps in the Housing Element Process

The community workshops were one of many ways the public can share thoughts and feedback on how the unincorporated County can best meet our housing needs. After the workshop, there are a numerous ways to continue to share input:

- Write an e-mail or letter
- Planning Commission hearings (summer 2014)
- Board of Supervisors hearings (late fall – early winter 2014)
- For more information, visit the website at www.marincounty.org/housingelement
- Contact staff at housingelement@marincounty.org

Background Materials:

The following additional background materials are available online at

www.marincounty.org/housingelement

- Stakeholders meetings, Design Review Boards, Community meetings.
- Housing Element Frequently Asked Questions
- Workshop materials
- Large group debriefs
- Evaluations and feedback
- Summary of public outreach
- 2014 Housing Survey and summary of results

Attachment 2: Regional Housing Needs Allocation

The Regional Housing Needs Allocation (RHNA) is a State-mandated process which distributes responsibility for housing needs throughout the State of California. The RHNA is established by allocating a specific number of housing units to each region in the State. The Bay Area's regional housing need is first allocated by the California State Department of Housing and Community Development (HCD), and the distribution for each local jurisdiction is then finalized by the Association of Bay Area Governments (ABAG) through a committee comprised of local representatives from the affected communities. Unincorporated Marin County has been allocated 185 units for the 5th RHNA cycle of 2015-2023.

Each jurisdiction in the Bay Area region (101 cities, 9 counties) has been allocated a share of the anticipated regional housing need (187,990 total units) across a range of income levels. According to ABAG, the regional housing need is determined by estimating both the existing need and the projected need for housing. Existing need is the amount of housing needed to address existing overcrowding or low vacancy rates. Projected need relates to housing needed for the growing population. This determination is based on population projections provided by the California Department of Finance (DOF), which also take into account the uncertainty regarding the economy and regional housing markets. For this RHNA cycle, HCD made an adjustment to account for abnormally high vacancies and unique market conditions due to prolonged recessionary conditions, high unemployment, and unprecedented foreclosure rates. As a result, the Regional Housing Need Determination (RHND) from HCD for this RHNA cycle is lower than the RHND for 2007-2014.

ABAG adopted the allocation methodology based on objectives developed to meet the overlapping goals of Senate Bill 375 (the Sustainable Communities and Climate Protection Act of 2008) and Housing Element Law. These objectives include increasing the supply, diversity and affordability of housing; promoting infill development and a more efficient land use pattern; promoting an improved intraregional relationship between jobs and housing; protecting environmental resources; and promoting socioeconomic equity.

Marin County Final Regional Housing Need Allocation (2014-2022)

	Very Low 0-50%	Low 51-80%	Moderate 81-120%	Above Moderate 120%+	Total
Belvedere	4	3	4	5	16
Corte Madera	22	13	13	24	72
Fairfax	16	11	11	23	61
Larkspur	40	20	21	51	132
Mill Valley	41	24	26	38	129
Novato	111	65	72	167	415
Ross	6	4	4	4	18
San Anselmo	33	17	19	37	106
San Rafael	240	148	181	438	1,007
Sausalito	26	14	16	23	79
Tiburon	24	16	19	19	78
Unincorporated County	55	32	37	61	185
Total	618	367	423	890	2,298

Attachment 3: Site Evaluation Criteria

BOS Attachment #6

SITES:		100 Marinwood Ave San Rafael (Marinwood Plaza)	2400 SFD Blvd Fairfax (Oak Manor)	Woodland at Auburn San Rafael (California Park)	204 Flamingo Road Mill Valley (Old Chevron)	St. Vincent's Drive San Rafael (St. Vincent's/ Silveira)
Livability Criteria <i>Access to services and amenities</i>						
Grocery 1/2 mile	Full service grocery, farmers market	x		x		
Parks/Recreation 1/2 mile	Accessible parks or open space				x	
Transit services 1/2 mile	Proximity to bus service	x	x	x	x	
Walkability/Bikeability	Safety, ease and destinations	x	x	x		
Proximity to Employment	Likelihood of local employment: jobs within 5 mile radius of the site	x	x	x		x
<i>subtotal score for livability</i>		4	3	4	2	0
Economic Feasibility Criteria <i>Potential feasibility for lower income development</i>						
Operational cost efficiencies	Number of units and economies of scale of on-going management	x		x		x
Likelihood to develop 2014 - 2022	Property for sale or owner pursuing development	x		x	x	
Zoning in place for lower income	Zoning will accommodate 20-30 DUA	x	x	x	x	x
<i>subtotal score for economic feasibility</i>		5	1.6	5	3.4	3.4
Geographic Equity Criteria <i>Benefit to housing diversity</i>						
Proximity to proposed HE sites	No other Housing Element sites located within a 1 mile of the site?		x	x		
Proximity of affordable homes within the community	No other affordable housing sites located within a 1 mile of the site?	x		?		x
<i>subtotal score for geographic equity</i>		2.5	2.5	2.5	0	2.5
Environmental Constraints Criteria						
Slope (<15%)	Geography, ease of site design	x	x	x	x	x
Streams/Wetlands	Are there documented streams and/or wetlands on the site?	x	x	x	x	
Hazards	Are there known hazards on the site, such as flooding or contamination?					x
Sensitive species/habitat	Are there sensitive species or habitats documented on the site?	x	x	x	x	
Air Quality	Significant documented health risks?		x			
<i>subtotal score for environmental constraints</i>		3	4	3	3	2
TOTAL SCORE:		14.5	11.1	14.5	8.4	7.9

	SITES:	Paradise Drive Tiburon (Easton Point)	12 Tamarin Lane Novato (Tamarin Lane)	1970 Indian Valley Rd Novato (Indian Valley)	150 Shoreline Hwy Mill Valley (Manzanita)	11101 State Route 1 Point Reyes Station (Grandi Building)
Livability Criteria						
<i>Access to services and amenities</i>						
Grocery 1/2 mile	Full service grocery, farmers market					x
Parks/Recreation 1/2 mile	Accessible parks or open space	x			x	x
Transit services 1/2 mile	Proximity to bus service				x	x
Walkability/Bikeability	Safety, ease and destinations					x
Proximity to Employment	Likelihood of local employment: jobs within 5 mile radius of the site					x
<i>subtotal score for livability</i>		1	0	0	2	5
Economic Feasibility Criteria						
<i>Potential feasibility for lower income development</i>						
Operational cost efficiencies	Number of units and economies of scale of on-going management	x				
Likelihood to develop 2014 - 2022	Property for sale or owner pursuing development		x	x		x
Zoning in place for lower income	Zoning will accommodate 20-30 DUA				x	
<i>subtotal score for economic feasibility</i>		1.6	1.6	1.6	1.6	1.6
Geographic Equity Criteria						
<i>Benefit to housing diversity</i>						
Proximity to proposed HE sites	No other Housing Element sites located within a 1 mile of the site?	x	x	x		x
Proximity of affordable homes within the community	No other affordable housing sites located within a 1 mile of the site?	x	x	x		
<i>subtotal score for geographic equity</i>		5	5	5	0	2.5
Environmental Constraints Criteria						
Slope (<15%)	Geography, ease of site design			x	x	x
Streams/Wetlands	Are there documented streams and/or wetlands on the site?	x	x		x	x
Hazards	Are there known hazards on the site, such as flooding or contamination?	x	x	x		
Sensitive species/habitat	Are there sensitive species or habitats documented on the site?		x	x	x	x
Air Quality	Significant documented health risks?	x	x	x	x	
<i>subtotal score for environmental constraints</i>		3	4	4	4	3
TOTAL SCORE:		10.6	10.6	10.6	7.6	12.1

	SITES:	Seminary Drive Mill Valley (Golden Gate Seminary)	441 Drake Ave Sausalito (Marin City CDC)	217 Shoreline Hwy Mill Valley (Armstrong Nursery)	Lucas Valley Rd San Rafael (Grady Ranch)	30 Roosevelt Ave San Rafael (Roosevelt)
Livability Criteria						
<i>Access to services and amenities</i>						
Grocery 1/2 mile	Full service grocery, farmers market					x
Parks/Recreation 1/2 mile	Accessible parks or open space		x	x	x	x
Transit services 1/2 mile	Proximity to bus service		x	x		x
Walkability/Bikeability	Safety, ease and destinations		x			x
Proximity to Employment	Likelihood of local employment: jobs within 5 mile radius of the site	x	x			x
<i>subtotal score for livability</i>		1	4	2	1	5
Economic Feasibility Criteria						
<i>Potential feasibility for lower income development</i>						
Operational cost efficiencies	Number of units and economies of scale of on-going management	x		x	x	
Likelihood to develop 2014 - 2022	Property for sale or owner pursuing development	x		x	x	
Zoning in place for lower income	Zoning will accommodate 20-30 DUA	x	x			
<i>subtotal score for economic feasibility</i>		5	1.6	3.4	3.4	0
Geographic Equity Criteria						
<i>Benefit to housing diversity</i>						
Proximity to proposed HE sites	No other Housing Element sites located within a 1 mile of the site?	x	x		x	x
Proximity of affordable homes within the community	No other affordable housing sites located within a 1 mile of the site?	x			x	
<i>subtotal score for geographic equity</i>		5	2.5	0	5	2.5
Environmental Constraints Criteria						
Slope (<15%)	Geography, ease of site design			x		x
Streams/Wetlands	Are there documented streams and/or wetlands on the site?	x				x
Hazards	Are there known hazards on the site, such as flooding or contamination?	x	x		x	x
Sensitive species/habitat	Are there sensitive species or habitats documented on the site?	x	x	x		x
Air Quality	Significant documented health risks?	x	x	x		x
<i>subtotal score for environmental constraints</i>		4	3	3	1	5
TOTAL SCORE:		15	11.1	8.4	10.4	12.5

Attachment 4:
Housing Element (2015-2023)
Site Alternatives

In addition to the recommended sites list, staff is providing three additional alternatives for consideration which are included in Attachment 4. Alternative 1 carries forward the sites from the 2007-2014 Housing Element Inventory, and provides the greatest flexibility of all proposed alternatives. Alternative 2 relies on the maximum potential at five sites to address the County's need for low income housing, and provides greater flexibility than the Staff Recommendation. Alternative 3 would meet the County's low income RHNA requirement assuming a reduced default density of 20 dwelling units per acre.

Alternative 1:

This option carries forward the site list from the 2007-2014 Housing Element, with minor modifications as follows: the site located at 650 North San Pedro Road in San Rafael has been removed from the list because the property was purchased in March 2014 to preserve it from future development; the number of units at 100 Marinwood Ave has been reduced to reflect the current application; the units allocated at 2400 Sir Francis Drake Blvd and 204 Flamingo Road have been moved from the lower income category to the moderate income category to meet the current RHNA. This site list provides more sites than required to meet the total RHNA of 185 for unincorporated Marin; however, it does not represent an increase in the number of potential housing units currently allowed on these sites by the County's zoning and/or general plan. At this point we are only identifying opportunities that already exist. Regardless of whether these sites are included in the Housing Element, they have potential to be developed.

Alternative 1: Housing Element Sites 2015-2023

Sites to accommodate the Regional Housing Needs Allocation (RHNA)	Lower Income Units (subtotal)	Moderate Income Units	Above Moderate Income Units
100 Marinwood Ave, San Rafael (Marinwood Village)	72		10
2400 Sir Francis Drake Blvd, Fairfax (Oak Manor)		10	
Woodland at Auburn, San Rafael (California Park)	50		
204 Flamingo Road, Mill Valley (Old Chevron)		10	
St. Vincent's Drive, San Rafael (St Vincent's/Silveira)	100		121
Paradise Drive, Tiburon (Easton Point)			43
12 Tamarin Lane, Novato (Tamarin Lane)			3
1970 Indian Valley Road, Novato (Indian Valley)		2	3

150 Shoreline Hwy, Mill Valley (Manzanita Mixed-Use)	1	2	
11101 State Route 1, Point Reyes Station (Grandi Building)	2		
Seminary Drive, Mill Valley (Golden Gate Seminary)	25		20
441 Drake Ave, Sausalito (Marin City CDC)	15		15
217 Shoreline Highway, Mill Valley (Armstrong)		10	
Lucas Valley Road, San Rafael (Grady Ranch)	240		
30 Roosevelt Street, San Rafael (Roosevelt)	2		
Second units	21	10	9
TOTAL units allocated	528	44	224
RHNA minimum requirement for 2015-2023	87	37	61
Units allocated above RHNA for 2015-2023	441	7	163

Alternative 2:

This alternative would meet the RHNA for unincorporated Marin and provide increased flexibility beyond the Staff Recommendation by allocating the maximum possible units to the highest scoring sites with low income housing potential.

Alternative 2: Housing Element Sites 2015-2023

Sites to accommodate the Regional Housing Needs Allocation (RHNA)	Lower Income Units (subtotal)	Moderate Income Units	Above Moderate Income Units
Paradise Drive, Tiburon (Easton Point)			43
12 Tamarin Lane, Novato (Tamarin Lane)			3
1970 Indian Valley Road, Novato (Indian Valley)			5
150 Shoreline Hwy, Mill Valley (Manzanita Mixed-use)		3	
204 Flamingo Road (Old Chevron)		10	
217 Shoreline Highway, Mill Valley (Armstrong)		10	
2400 Sir Francis Drake Blvd, Fairfax (Oak Manor)	10		
441 Drake Avenue, Marin City (Marin City CDC)	15		
Seminary Drive, Mill Valley (Golden Gate Seminary)	60		
100 Marinwood Ave, San Rafael (Marinwood Village)	72	5	5
Woodland at Auburn, San Rafael (California Park)	50		
Second units*	21	10	9
TOTAL units allocated	228	38	65
RHNA minimum requirement for 2015-2023	87	37	61
Units allocated above RHNA for 2015-2023	141	1	4

Alternative 3:

Alternative 3 would meet the RHNA for unincorporated Marin assuming a reduced default density of 20 dwelling units per acre, and would be contingent upon adoption of proposed State legislation (Assembly Bill 1537) or State approval of a feasibility analysis for the 2015-2023 Housing Element.

Alternative 3: Housing Element Sites 2015-2023

Sites to accommodate the Regional Housing Needs Allocation (RHNA)	Lower Income Units (subtotal)	Moderate Income Units	Above Moderate Income Units
Paradise Drive, Tiburon (<i>Easton Point</i>)			43
12 Tamarin Lane, Novato (<i>Tamarin Lane</i>)			3
1970 Indian Valley Road, Novato (<i>Indian Valley</i>)			5
150 Shoreline Hwy, Mill Valley (<i>Manzanita Mixed-use</i>)		3	
204 Flamingo Road (<i>Old Chevron</i>)		10	
217 Shoreline Highway, Mill Valley (<i>Armstrong</i>)		10	
2400 Sir Francis Drake Blvd, Fairfax (<i>Oak Manor</i>)		10	
Seminary Drive, Mill Valley (<i>Golden Gate Seminary</i>)	40		
100 Marinwood Ave, San Rafael (<i>Marinwood Village</i>)	72		10
Woodland at Auburn, San Rafael (<i>California Park</i>)	36		
Second units*	21	10	9
TOTAL units allocated	171	43	70
RHNA minimum requirement for 2015-2023	87	37	61
Units allocated above RHNA for 2015-2023	84	6	9

Attachment 5:
Appendix B: Evaluation of 2007-2014 Housing Element Programs

2007-2014 Housing Element Program	Goal, Policy or Program Title	Achievements / Results <i>quantified if possible</i>	Evaluation Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is / carry forward with modifications (specify) or delete</i>
Goal 1	Use Land Efficiently	On-going		Carry forward as is
Policy 1.1	Land Use			Carry forward as is
Policy 1.2	Housing Sites			Carry forward as is
Policy 1.3	Development Certainty			Carry forward as is
Policy 1.4	Design, Sustainability and Flexibility			Carry forward as is
1.a	Establish Minimum Densities on Housing Element Sites	Complete	Successfully implemented	Carry forward as is
1.b	Conduct a Comprehensive Affordable Housing Sites Inventory	Completed through the community Housing Element Taskforce. Over 35 sites evaluated for the multifamily housing at increased	Successfully implemented	Delete; successfully completed.
1.c	Establish an Affordable Housing Combined Zoning District	Complete. New AH coming district added to the CWP and Dev Code and 3new sites rezoned.	Successfully implemented	Delete; successfully completed.
1.d	Streamline the Review of Affordable Housing	Complete. Changes made to the Dev Code in 2010 and 2012	Successfully implemented	Delete because it was successfully completed.
1.e	Study Ministerial Review for Affordable Housing	Not yet implemented	Not implemented due to staffing resources because of delay in completing the Housing Element	Carry forward as is

2007-2014 Housing Element Program	Goal, Policy or Program Title	Achievements / Results <i>quantified if possible</i>	Evaluation Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is / carry forward with modifications (specify) or delete</i>
1.f	Develop Multi-family Design Guidelines	Complete. Adopted by the BOS December 2013	Successfully implemented	Delete because it was successfully completed.
1.g	Undertake Adjustments to Second Unit Development Standards	Partially completed with the 2012 Dev Code changes	Partially implemented. Time and resources prevented completion	Carry forward with modifications to delete subprograms c and g because they are complete, and subprogram f because it was considered by the PC and not implemented.
1.h	Allow Rental of Detached Accessory Structures	Completed with 2012 Dev Code Amendments	Successfully implemented	Delete; successfully completed.
1.i	Review and Update Parking Standards	Not yet implemented	Not implemented due to staffing resources because of delay in completing the Housing Element	Carry forward as is
1.j	Zone and Provide Appropriate Standards for SRO Units	Complete with 2013 Dev Code Amendments	Successfully implemented	Delete; successfully completed.
1.k	Zone and Provide Appropriate Standards for Homeless Shelters	Complete with 2012 Dev Code Amendments	Successfully implemented	Delete; successfully completed.
1.l	Enable Transitional and Supportive Housing	Complete with 2012 Dev Code Amendments	Successfully implemented	Delete; successfully completed.
1.m	Codify Affordable Housing Incentives Identified in the Community Development Element	Partially completed with the 2012 Dev Code changes	Partially implemented with 2012 Dev Code changes, included in 22.24.020. Time and resources prevented completion	Carry forward with modifications. Delete subprograms "a" and "d" they were completed.
1.n	Promote Resource Conservation	Currently implementing	On-going	Carry forward as is
1.o	Simplify Review of Residential Development Project in Planned Districts	Not yet implemented	Delay in implementation due to staffing and resources. Scheduled for implementation in FY 15/16	Carry forward as is

2007-2014 Housing Element Program	Goal, Policy or Program Title	Achievements / Results <i>quantified if possible</i>	Evaluation Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is / carry forward with modifications (specify) or delete</i>
1.p	Adjust Height Limits for Multi-family Residential Buildings	Partially implemented. Height limits established in conventional districts but not planned zoning districts.	Implementation in Planned Zoning Districts will be part of an extensive package of Development Code amendments.	Carry forward as is
1.q	Clarify Applicability of State Density Bonus	In process	Scheduled for implementation in 2014	Delete after it is successfully completed.
Goal 2	Meet Housing Needs Through a Variety of Housing Choices			Carry forward as is
Policy 2.1	Special Needs Groups			Carry forward as is
Policy 2.2	Housing Choice			Carry forward as is
Policy 2.3	Incentives for Affordable Housing			Carry forward as is
Policy 2.4	Protect Existing Housing			Carry forward as is
2.a	Encourage Housing for Special Needs Households	Currently implementing	On-going	Carry forward as is
2.b	Enable Group Residential Care Facilities	Currently implementing	On-going	Carry forward as is
2.c	Make Provisions for Multi-Family Housing Amenities	Currently implementing	On-going	Carry forward as is
2.d	Foster Linkages to Health and Human Services Programs	Currently implementing	On-going	Carry forward as is
2.e	Support Efforts to House the Homeless	Currently implementing	On-going	Carry forward as is
2.f	Engage in a Countywide Effort to Address Homeless Needs	Currently implementing	On-going	Carry forward as is

2007-2014 Housing Element Program	Goal, Policy or Program Title	Achievements / Results <i>quantified if possible</i>	Evaluation Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is / carry forward with modifications (specify) or delete</i>
2.g	Ensure Reasonable Accommodation	Currently implementing	On-going	Carry forward as is
2.h	Require Non-discrimination Clauses	Currently implementing	On-going	Carry forward as is
2.i	Modify Development Code to Reflect Williamson Act	Complete	Complete with the 2014 Dev Code changes	Delete; successfully completed.
2.j	Promote the Development of Agricultural Worker Units in Agricultural Zones	Partially completed and on-going	Partially implemented with 2012 Dev Code changes and Marin Ag Housing Program to fund housing. Time and resources prevented completion other programs.	Carry forward with modifications. Delete subprogram e; successfully completed
2.k	Promote and Ensure Equal Housing Opportunity	Currently implementing.	On-going	Carry forward as is
2.l	Deter Housing Discrimination	Currently implementing	County partners w/ local nonprofits and advocacy groups on diversity and equal opportunity issues and works w/ CDBG Priority Setting Committee	Carry forward as is
2.m	Implement the Inclusionary Housing Policy	Currently implementing	On-going	Carry forward as is
2.n	Apply Long-Term Housing Affordability Controls	Currently implementing	On-going. The County requires long-term affordability restrictions on all inclusionary and funded units	Carry forward as is
2.o	Encourage Land Acquisition and Land Banking	Currently implementing	Limited success because of lack of available funding and limited developable land	Carry forward as is
2.p	Expedite Permit Processing of Affordable and Special Needs Housing Projects	Currently implementing	Limited success because of lack of affordable housing developments seeking permits	Carry forward as is
2.q	Consider CEQA Expedited Review	Currently implementing	Complete with the Housing Element SEIR	Delete as it was successfully completed.

2007-2014 Housing Element Program	Goal, Policy or Program Title	Achievements / Results <i>quantified if possible</i>	Evaluation Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is / carry forward with modifications (specify) or delete</i>
2.r	Continue First Time Homebuyer Programs	Currently implementing	Limited success because of lack of available funding and limited developable land	Carry forward as is
2.s	Link Code Enforcement with Public Information Programs	Currently implementing	on-going	Carry forward as is
2.t	Assist in Maximizing Use of Rehabilitation Programs	Currently implementing	On-going. The County used Rehab funds for the Gates project which is bringing 38 houseboats for lower income households up to code.	Carry forward as is
2.u	Monitor Rental Housing Stock	Currently implementing	Ridgeway Apartments successfully converted to 100% affordable housing and all requirements met.	Carry forward with revision. Delete subprograms "c" and "d" and omit references to Ridgeway Apartments as the conversion had been finalized.
Goal 3	Ensure Leadership and Institutional Capacity			Carry forward as is
Policy 3.1	Coordination			Carry forward as is
Policy 3.2	Research, Monitoring and Evaluation			Carry forward as is
Policy 3.3	Funding			Carry forward as is
3.a	Explore Housing at the Civic Center	Complete.	Housing proposed by staff and considered and rejected by the Planning Commission.	Delete. Planning Commission opted not to pursue housing on the Civic Center campus.
3.b	Advance Organizational Effectiveness	Currently implementing	On-going. Staff has worked with other local governments and staff to address barriers to providing affordable homes in Marin	Carry forward as is

2007-2014 Housing Element Program	Goal, Policy or Program Title	Achievements / Results <i>quantified if possible</i>	Evaluation Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is / carry forward with modifications (specify) or delete</i>
3.c	Provide and Promote Opportunities for Community Participation in Housing Issues	Currently implementing	On-going. Staff conducted an intensive outreach process to update the housing element, including hands-on interactive community workshops.	Carry forward as is
3.d	Perform Regional Transportation and Housing Activities	Currently implementing	On-going. Staff worked closely with Transportation Authority of Marin and will continue to look for opportunities to coordinate with regional transportation agencies.	Carry forward as is
3.e	Coordinate with Other Agencies	Partially implemented	No progress on subprogram "a" because of limited affordable developments. Subprogram b has been completed.	Carry forward with revisions, delete subprogram "b" because it was implemented.
3.f	Promote Countywide Collaboration on Housing	Not yet implemented	Not completed because of limited resources and delay in completing the 2007-2014 housing element.	Carry forward as is and explore having BOS take the initial lead on engaging with other local jurisdictions.
3.g	Preserve Existing Housing Stock	Partially implemented	Subprograms a currently being implemented and staff is working on preserving a mobile home park which is at risk of conversion. Subprograms b, c and d not yet implemented.	Carry forward as is
3.h	Monitor Inclusionary Housing Programs	Currently implementing	On-going.	Carry forward as is
3.i	Undertake Housing Element Monitoring, Evaluation and Revisions	Complete and on- going	Housing Element certified in December 2013. Annual reports have been submitted annually. Update in progress	Carry forward as is
3.j	Provide and Participate in Local Affordable Housing Training and Education	On-going	Staff regularly speaks about housing with community groups and stakeholders	Carry forward as is

2007-2014 Housing Element Program	Goal, Policy or Program Title	Achievements / Results <i>quantified if possible</i>	Evaluation Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is / carry forward with modifications (specify) or delete</i>
3.k	Update Affordable Housing Trust Fund Operating Procedures	Complete	Housing Trust fund operating procedures updated in 2009.	Delete as it was successfully completed in 2009 with update.
3.l	Provide Leadership to the Marin Workforce Housing Trust	On-going	Staff have represented the County on the Board and currently hold the position of Secretary of the Board	Carry forward as is
3.m	Assist with Local Funding for Affordable Housing	On-going	Staff regular coordinates with funders and continues to work with affordable housing providers, especially small local organizations in west Marin.	Carry forward as is
3.n	Raise Funds from a Variety of Sources	Partially implemented	Staff continues to monitor and collect inclusionary, impact and commercial impact fees but additional sources have not been explored.	Carry forward as is
3.o	Coordinate Among Project Funders	Complete and on- going	Regular funders collaborative meetings held	Carry forward as is
3.p	Utilize Federal Grants Division Funding	Complete and on- going	Regular funding NOFAS issued and funds allocated	Carry forward as is

Attachment 6:
Housing Element (2015-2013)
Goals, Policies and Programs

[Proposed changes to the 2007-2014 Housing Element shown in ~~strike through~~ and underline]

Housing Objectives

State law requires each jurisdiction to address how it will satisfy the objectives for new residential units as represented by the Regional Housing Needs Allocation (RHNA). Means of achieving the development of these units should be outlined through policies and programs in the Housing Element. The County's housing provision objectives are described in Figures IV-2 and IV-3.

Marin County's housing policies and programs have been revised to reflect the major themes identified through the County's community outreach process and a critical evaluation of the programs and policies from the 2003 Housing Element (found in Appendix B: Evaluation of 2003 Housing Element Programs). Implementing programs are grouped by the housing goals described below.

Goal 1 Use Land Efficiently

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

Goal 2 Meet Housing Needs Through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices, and designs.

Goal 3 Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments so as to respond to housing needs effectively over time.

~~In addition to public workshops, focus group discussions with stakeholders were conducted in the preparation of the Housing Element Update. Feedback received at the meetings (Appendix C), identified Policies are organized around three central ideas for facilitating development of housing affordable to lower income households in Marin:~~

- ~~Provide clear development standards and incentives for affordable housing developments to minimize risk to funders and developers.~~
- ~~Minimize discretionary review; streamline the permitting process.~~
- ~~Establish programs appropriate to various Marin locations (urban vs. rural) and be responsive to the local community.~~

~~These ideas have been carried through incorporated into the Housing Element update. For example, in direct response to input received from the development community and the housing advocacy community programs are included to build support for moderate and lower income housing. and to establish a sound affordable housing inventory criteria, a program is included in this Housing Element to facilitate and streamline the development of affordable housing to accommodate the County's low income housing needs and RHNA objectives (1.d Streamline the Review of Affordable Housing). Through implementation of this program, the Development Code was amended to establish the residential density for affordable projects at the high end of the Countywide Plan density range rather than the zoned density, and to eliminate for affordable projects the master plan, and precise development plan review requirements.~~

A summary list of programs, responsible entities, funding, and implementation timeframes are identified in Appendix G: Housing Element Program Implementation. Policies and programs from other elements of the Countywide Plan are displayed parenthetically in cases where they either demonstrate consistency with Housing Element programs, or are further implemented through the Housing Element. An evaluation and status update of programs from the 2007-2014 Housing Element is included in Appendix B.

Housing Goal 1: Use Land Efficiently

Use Marin's land efficiently to meet housing needs and to implement smart and sustainable development principles.

Policy 1.1 Land Use

Enact policies that encourage efficient land use regulations which foster a range of housing types in our community.

Policy 1.2 Housing Sites

Recognize developable land as a scarce community resource. Protect and strive to expand the supply and residential capacity of housing sites, particularly for lower income households.

Policy 1.3 Development Certainty

Promote development certainty and minimize discretionary review for affordable and special needs housing through amendments to the Development Code.

Policy 1.4 Design, Sustainability, and Flexibility

Enact programs that facilitate well designed, energy efficient development and flexibility of standards to encourage outstanding projects.

Implementing programs

1.a Establish Minimum Densities on Housing Element Sites. The County shall not approve development on sites identified in the Housing Element with fewer units than shown in the Site Inventory Analysis, unless physical or environmental constraints preclude development at the minimum density and the findings in Government Code Section 65863 can be made. If development on a site is to occur over time, the applicant must show that the proposed development does not prevent subsequent development of the site to the density shown in the Site Inventory Analysis. If a reduction in residential density for any parcel would render the sites inventory inadequate to accommodate the County's Regional Housing Need Allocation, the County must identify sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

1.b Conduct a Comprehensive Affordable Housing Sites Inventory⁺ Involve the community in a planning exercise to designate appropriate sites for future housing by initiating a Housing Sites Inventory in preparation for the next Housing Element cycle. The process may include:

- a. Convene a Housing Sites Inventory Taskforce representing a wide segment of the community, including affordable housing advocates, environmentalists, and people of a range of incomes, backgrounds, and geographic areas. The Taskforce should undertake a detailed planning exercise.

⁺ Completed by Housing Element Task Force and through Housing Element update.

- ~~b. The Taskforce should evaluate appropriate zoning, environmental and site characteristics, access to public services and amenities, potential environmental issues, and adjacent land uses.~~
- ~~c. Develop a sites inventory that will include enough sites to meet the projected housing needs of the community over the next two RHNA cycles.~~

1.c Establish an Affordable Housing Combining District.

- ~~a. Amend the Development Code to establish an affordable housing combining zoning district that increases residential density on certain sites specified in the housing element to 30 dwelling units per acre, in order to meet future RHNA need. Incentives are available consistent with Chapter 22.24.~~
- ~~b. Amend the Countywide Plan land use section to add a cross-reference to the combining district.~~

1.d Streamline the Review of Affordable Housing². Encourage the development of housing for low, very low and extremely low income households by making the review process more efficient and clarifying permitted density. Amend the Development Code to do the following:

- ~~a. Exempt deed-restricted housing developments that are affordable to extremely low, very low and low income households from the Master Plan and Precise Development Plan review and permit procedures. Qualifying projects are subject to design review and other state law requirements.~~
- ~~b. Allow the density of deed-restricted housing developments that are affordable to extremely low, very low or low income households to be established by the maximum Marin Countywide Plan density range in zones that allow residential uses, subject to all applicable Countywide Plan policies.~~

1.e Study Ministerial Review for Affordable Housing. Study the implications and opportunities for establishing a ministerial review process for affordable housing. A ministerial process could employ multi-family design guidelines and incorporate environmental protection measures consistent with the Countywide Plan. Upon completion of the study, either permit affordable housing projects ministerially or through a streamlined process of discretionary design review.

1.f Develop Multi-family Design Guidelines. Develop multi-family and residential mixed-use design guidelines to establish clear and comprehensive design recommendations for multi-family residential development in the unincorporated communities of Marin.

- ~~a. Multi-family design guidelines should emphasize essential principles of development, particularly site planning, preservation of natural features, resource conservation, compatibility with neighboring development, location of buildings in relationship to pedestrian paths and streets, landscaping, general building form, massing, and scale and standards which will increase the feasibility of housing affordable to lower income households.~~
- ~~b. Develop clear design criteria to help expedite the permit review process for developers, planners, and the public.~~
- ~~c. Develop standards to facilitate some ministerial permit review of multi-family, transitional, and supportive housing developments.~~
- ~~d. Allow duplexes through ministerial review within R2 and multi-family zones by applying streamlining thresholds, and apply similar design review triggers as single-family homes.~~

² Completed with 2012 Development Code amendments.

1.g Undertake Adjustments to Second Unit Development Standards³. Consistent with SB1866, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Also pursue the following:

- a. Consider amending Development Code Section 22.56.050.I to permitting larger sized second units of up to 1000 square feet to increase flexibility and to provide housing for families and for individuals in need of in-home care services. Consider deed restrictions on units larger than 750 square feet to preserve affordability.
- b. Reduce fees for second units in recognition of their small size and the low impact of second units. Pursue reductions in road impact and traffic fees, coastal permit fees, and design review fees.
- ~~c. Consider developing standards to allow the height limit for primary residences to be applied to second units that are located over detached garages.~~
- ~~d.c. Develop standards to allow flexibility of second unit parking requirements, such as off-site parking, and curb and shoulder parking along a property's frontage.~~
- ~~e.d. Consider adjustments in septic standards for second units.~~
- ~~f. Consider requiring Master Plans, Precise Development Plans and Coastal Permit applications that include development of 3 or more single family residences to include second units at an appropriate ratio, such as three primary residences to one second unit (3:1).~~
- ~~g. Amend the Development Code Section 22.32.140 G to insure consistency with State Law in all planning areas, and eliminate the prohibition in Bolinas related to water adequacy for primary units.~~
- e. Consider amending Development Code Section 22.56.050.A to remove the owner occupancy requirement for the primary residence.

1.h ~~Allow Rental of Detached Accessory Structures⁴.~~ ~~In order to encourage efficient land use in existing neighborhoods and to increase the stock of homes affordable to a range of incomes, allow long-term rental of detached accessory structures.~~

1.i Review and Update Parking Standards. Analyze the parking needs of infill, transit-oriented, mixed-use, special needs, group homes, convalescent homes, multi-family, senior and affordable housing developments. In order to facilitate these housing types and to reduce vehicle dependence, amend Marin County Code Title 24 to reduce parking standards wherever appropriate. Possible amendments could include but are not limited to:

- Reduction of onsite vehicular ratios for multi-family housing;
- Allowance of tandem parking and other flexible solutions such as parking lifts;
- Allowance of off-site parking, such as on-street parking and use of public parking, to satisfy a portion of the parking needs for new housing units, particularly affordable units; and
- Establishment of parking standards for mixed-use developments such as shared parking.

1.j ~~Zone and Provide Appropriate Standards for SRO Units.~~ ~~Establish opportunities for development of SROs in appropriate locations as lower cost rental alternatives for one-person and extremely low income households.~~

³ Partially completed with 2012 Development Code amendments.

⁴ Completed with 2012 Development Code amendments

- ~~a. Review and revise zoning regulations to identify Single Room Occupancy (SRO) units as a permitted residential use in multi-family and mixed-use areas.~~

~~**1.k Zone and Provide Appropriate Standards for Homeless Shelters**⁵. Consistent with SB 2, amend the Development Code to allow the development of Homeless Shelters as a permitted, non-conditional (permitted) use in Commercial Planned (CP) and Retail Business (C1) districts. This amendment will ensure that emergency shelters are subject to the same development standards as other residential and commercial uses within the same zone. Establish appropriate parking, development, and management standards.~~

~~**1.l Enable Update definitions of Transitional and Supportive Housing**⁶. Consistent with AB 745, update the Add to the Development Code definitions of transitional housing and supportive housing as a residential use to further simplify existing practice, clarify the zoning code, and aid in the development of design guidelines. These definitions can be found within this Housing Element update in Section IV: Sites Analysis.~~

~~**1.m Codify Affordable Housing Incentives Identified in the Community Development Element**⁷. Amend County Code to implement the provisions of the Countywide Plan by codifying certain affordable housing incentives. These should include:~~

- ~~a. Allow additional units of senior housing on a Housing Overlay Designation (HOD) site if the units are affordable to low and very low income households, and if the projected peak hour traffic impacts of the total project fall within the maximum peak hour traffic level permissible on the site. (CD-2.d.7)~~
- ~~b.a. Adjust parking requirements for senior and affordable housing using criteria established in the URBEMIS model to encourage transit-oriented development. (CD-2.d.8)~~
- ~~c.b. Exempt affordable housing projects and second units from paying the full cost of impact fees. (CD-5.j)~~
- ~~d. Allow housing for low and very low income households to exceed the FAR on mixed-use sites. Allow moderate income housing to exceed the FAR on mixed-use sites within areas of acceptable levels of traffic service. (CD-8.7.5)~~
- ~~e.c. Identify incentives to strongly encourage residential and mixed-use development in commercial zoning districts. (DES-2.c)~~
- ~~f. For affordable housing projects, mixed-use projects that include affordable housing, second units, and projects developed in accordance with the Housing Overlay Designation, allow densities above the low end of the range in areas with LOS D, E and F: In accordance with the Countywide Plan Policy CD-8.7, residential units on mixed use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, including any applicable density bonus. Such units are not subject to the FAR exemption described in CD-8.7 (5).~~

~~**1.n Promote Resource Conservation**⁸. (EN-1.b-f, EN-3.a, EN-3.e-i and EN-3.k) Continue to promote development and construction standards for new and rehabilitated dwellings that encourage resource conservation through materials selection, water conservation, community design, energy efficiency, and the use of renewable energy through the following:~~

⁵ Completed with 2012 Development Code amendments

⁶ Completed with 2012 Development Code amendments

⁷ Partially implemented with 2012 Development Code amendments

⁸ Currently implementing

- a. Adopt green building requirements for new single-family and multi-family residential construction projects, additions, and remodels that require compliance with energy efficiency and conservation requirements that exceed State standards. Require verification of these measures.
- b. Consistent with the Countywide Plan, adopt Leadership in Energy and Environmental Design (LEED) Gold certification requirements for development and major remodels of public buildings where feasible.
- c. Evaluate the feasibility of carbon neutral construction for new single-family dwellings.
- d. Continue to enforce the Single-Family Dwelling Energy Efficiency Ordinance that requires new residential projects, additions, and remodels to exceed Title 24 requirements by a minimum of 15%.
- e. Explore a program consistent with AB 811 that provides to homeowners loans repayable through the property tax bill for energy efficiency, water conservation, and renewable energy generation upgrades.
- f. Work with the Marin Housing Authority to provide applicants for rehabilitation loans for upgrading their residences with green materials and energy conserving measures.
- g. Continue to provide free technical assistance to architects, developers, green businesses, homeowners, and other agencies.

1.o Simplify Review of Residential Development Projects in Planned Districts.

- a. Consider amending the Development Code to establish criteria for ministerial review of residential development projects in planned zoning districts. Criteria may be established for characteristics such as setbacks, height limits, floor area ratios, buffers from sensitive habitats, and slope constraints, among others.
- b. Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects.

1.p Adjust Height Limits for Multi-family Residential Buildings. Consider amending the Development Code to increase the allowable height for multi-family residential development. Consider allowing increases to height limits depending on certain side yard setbacks.

1.q Clarify Applicability of State Density Bonus. Evaluate policies in the Countywide Plan and Development Code for housing opportunity site to ensure consistency with Government Code Section 65915. Amend the Countywide Plan and Development Code as appropriate.

Housing Goal 2: Meet Housing Needs Through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs.

Policy 2.1 Special Needs Groups

Promote the development and rehabilitation of housing for special needs groups, including seniors, people living with disabilities, agricultural workers, individuals and families who are homeless, people in need of mental health care, single-parent families, large families, extremely low income households and other persons identified as having special housing needs in Marin County. Link housing to programs of the Department of Health and Human Services in order to coordinate assistance to people with special needs.

Policy 2.2 Housing Choice

Implement policies that facilitate housing development and preservation to meet the needs of Marin County's workforce and low income population.

Policy 2.3 Incentives for Affordable Housing

Continue to provide a range of incentives and flexible standards for affordable housing in order to ensure development certainty and cost savings for affordable housing providers.

Policy 2.4 Protect Existing Housing

Protect and enhance the housing we have and ensure that existing affordable housing will remain affordable.

Implementing programs

2.a. Encourage Housing for Special Needs Households⁹. Continue to work with affordable housing providers and funders on opportunities to construct or acquire a variety of types of affordable housing appropriate for special needs groups and extremely low income households. Specific types of housing include:

- Smaller, affordable residential units, especially for lower income single-person households.
- Affordable senior housing to meet the expected needs of an aging population, including assisted housing and board and care (licensed facilities).
- Affordable units with three or more bedrooms for large-family households.
- Affordable housing that can be adapted for use by people with disabilities (specific standards are established in California Title 24 Accessibility Regulations for new and rehabilitation projects).

2.b. Enable Group Residential Care Facilities¹⁰. Continue to comply with State and Federal law by allowing group homes with special living requirements consistent with the County's land use regulations.

2.c. Make Provisions for Multi-family Housing Amenities¹¹. Continue to ensure that adequate provisions are made in new developments for families with children, including consideration of amenities such as tot lots, play yards, and childcare.

⁹ Currently implementing

¹⁰ Currently implementing

¹¹ Currently implementing

2.d. Foster Linkages to Health and Human Services Programs¹². Continue to seek ways to link services for lower income people to provide the most effective response to homeless or at-risk individuals.

2.e. Support Efforts to House the Homeless¹³. Support Countywide programs to provide for a continuum of care for the homeless, including emergency shelter, transitional housing, supportive housing, and permanent housing. Participate in efforts and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related support services.

2.f. Engage in a Countywide Effort to Address Homeless Needs¹⁴. Continue to actively engage with other jurisdictions in Marin to provide additional housing and other options for the homeless, supporting and implementing *Continuum of Care* actions in response to the needs of homeless families and individuals.

2.g. Ensure Reasonable Accommodation¹⁵. Consistent with SB 520 enacted January 1, 2002, reduce barriers in housing for individuals with disabilities through the following actions:

- a. Establish a written Reasonable Accommodation procedure for providing exceptions in zoning and land use for housing for persons with disabilities.
- b. Amend the Development Code to clarify that retrofitted access ramps are permitted in setback areas.
- c. Develop guidelines encouraging the principles of universal design. Evaluate possible incentives to developers who incorporate principles of universal design and advance visitability.
- d. Consider allowing up to 50% reduction in parking requirements for disabled housing, as allowed for senior housing.

2.h. Require Non-discrimination Clauses¹⁶. Continue to provide nondiscrimination clauses in rental agreements and deed restrictions for housing constructed with County participation.

~~**2.i Modify Development Code to Reflect Williamson Act. Modify the Development Code to reflect the section of the Williamson Act (Section 51230.2) that allows landowners to subdivide up to 5 acres of the preserved land for sale or lease to a nonprofit organization, a city, a county, a housing authority, or a state agency in order to facilitate the development and provision of agricultural worker housing. This section of the Williamson Act requires that the parcel to be sold or leased must be contiguous to one or more parcels that allow residential uses and are developed with existing residential, commercial, or industrial uses.**~~

2.j Promote the Development of Agricultural Worker Units¹⁷. Pursue policy changes that promote the development of agricultural worker units.

- a. Consider ministerial review of applications for agricultural worker units in order to expedite the permitting process and facilitate the development of legal agricultural worker units.

¹² Currently implementing

¹³ Currently implementing

¹⁴ Currently implementing

¹⁵ Currently implementing

¹⁶ Currently implementing

¹⁷ Partially implemented

- b. As the County undertakes an update of the Local Coastal Program (LCP), revise the C-APZ zoning district to allow certain agricultural worker housing as a permitted agricultural use, demonstrating consistency with California Health and Safety Code Section 17021.6.
- c. Consider a program to facilitate the legalization of agricultural worker housing units.
- d. Seek funding opportunities to assist with rehabilitation and replacement of agricultural worker housing units.
- ~~e. Amend the Development Code to insure consistency with Health and Safety Code Section 17021.5.~~

2.k Promote and Ensure Equal Housing Opportunity¹⁸. Continue to promote equal housing opportunities for all persons and assure effective application of fair housing laws. To the extent possible, the County will ensure that individuals and families seeking housing in Marin County are not discriminated against on the basis of race, color, religion, marital status, disability, age, sex, family status (presence of children), national origin, or other arbitrary factors, consistent with the Fair Housing Act.

- a. Provide written material at public locations and on the County's public website. Information regarding equal housing opportunity laws shall be made available to the public. A pamphlet on equal housing opportunity shall be prepared and distributed to the public at the Civic Center and government outlets.
- b. Continue to collaborate with Fair Housing of Marin, such as ongoing representation on the Fair Housing Task Force by a member of the County staff.
- c. Conduct public outreach and complete an Analysis of Impediments to Fair Housing to identify private and public barriers to fair housing choice.

2.l Deter Housing Discrimination¹⁹. Continue to refer discrimination complaints to Fair Housing of Marin or other appropriate legal services, County or State agencies.

2.m Implement the Inclusionary Housing Policy²⁰. Continue to implement Development Code Section 22.22 regarding inclusionary housing for low income households in order to increase affordable housing construction, as follows:

- a. Apply flexibility to allow for maximum affordable housing outcomes (either units or funds).
- b. Maintain targets for very low income rental units and low income ownership units, such as 30% to 60% AMI for rental units, and 50% to 80% AMI for ownership units.
- c. Inclusionary units shall be deed-restricted to maintain affordability on resale to the maximum extent possible (preserve existing policy of in perpetuity or at least 55 years).
- d. Update Section 22.22 to reflect the 2009 California Court of Appeal decisions commonly referred to as Palmer and Patterson.

2.n Apply Long-Term Housing Affordability Controls²¹. The County or its designee(s) will continue to apply resale controls and rent and income restrictions to ensure that affordable housing provided through local funding, incentives, or as a condition of development approval remains affordable over time to the income group for which it is intended.

¹⁸ ~~Currently implementing~~

¹⁹ ~~Currently implementing~~

²⁰ ~~Currently implementing~~

²¹ ~~Currently implementing~~

2.o Encourage Land Acquisition and Land Banking. Encourage land acquisition and land banking for future affordable projects as a way to assist development of affordable housing.

2.p Expedite Permit Processing of Affordable and Special Needs Housing Projects²². Define fast-tracking and establish milestones for expedited permit processing for affordable housing projects, as well as green projects, childcare facilities, special needs housing, and agricultural worker housing projects. Specific timelines for fast-tracked projects that will result in expedited review will be established. Coordinate this process with appropriate County departments and outside agencies to establish clear and specific timelines for review. Employ updated information technology to track turn-around times and monitor the permitting process.

2.q Consider CEQA Expedited Review. ~~Consider an area-wide Environmental Assessment or Program EIR assessing area-wide infrastructure and other potential off-site impacts to expedite the processing of subsequent affordable housing development proposals.~~

2.r Encourage First-Time Homebuyer Programs²³. Continue to support first-time homebuyer programs for low and moderate income households, as funding is available, and combine such programs with housing counseling programs whenever possible.

2.s Link Code Enforcement with Public Information Programs²⁴. Continue to implement housing, building, and fire code enforcement to ensure compliance with basic health and safety building standards. Provide referrals to rehabilitation loan programs and subsidized housing programs for use by qualified residents.

2.t Assist in Maximizing Use of Rehabilitation Programs²⁵. Continue to promote use of low-income homeowners' assistance for housing rehabilitation. Utilize Federal Community Development Block Grant (CDBG) funds, administered by the Marin Housing Authority, that are available for this purpose, or other sources to the extent possible, given program funding criteria and local need.

2.u Monitor Rental Housing Stock²⁶. Ensure that existing subsidized housing is conserved as part of the County's affordable housing stock, including State, Federal and locally-assisted subsidized developments. ~~(See Figure IV-4 on page IV-7 for more detail about the Ridgeway Apartments conversion.)~~

- a. Identify and monitor affordable properties at risk of conversion to market rate.
- b. Continue to work with and provide technical assistance to property owners and non-profit organizations to acquire and rehabilitate affordable rental housing units in order to maintain ongoing affordability of the units and to convert market rate units to affordable units.
- c. Provide support and committed funding to purchasers of the Ridgeway Apartments Coast Guard residential facility to facilitate conversion of 153 units of market rate rental existing housing to long-term deed restricted units affordable to low and moderate income households.
- d. Commit to provide relocation assistance in the event of displacement of residents ~~of the Ridgeway Apartments as well as any other residents who may be displaced as a result~~

²² ~~Currently implementing~~

²³ ~~Currently implementing~~

²⁴ ~~Currently implementing~~

²⁵ ~~Currently implementing~~

²⁶ ~~Currently implementing~~

of conversion from market rate to long-term affordable housing with committed assistance from the County.

- ~~e. Ensure that all units receiving committed assistance from the County for conversion from market rate to affordable carry affordability restrictions of 55 years, or the maximum allowed under the State or Federal funding source, including the Ridgeway Apartments.~~
- ~~f.e. Submit a written report to the Board Supervisors and the California Department of Housing and Community Development documenting progress towards and committed assistance to the conversion of the Ridgeway Apartments. This report will be provided during the third year of the planning period (2012) in conjunction with the annual report on housing element progress.~~

Housing Goal 3: Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments to respond to housing needs effectively over time.

Policy 3.1 Coordination

Take a proactive approach in local housing coordination, policy development, and communication. Share resources with other agencies to effectively create and respond to opportunities for achieving housing goals.

Policy 3.2 Research, Monitoring, and Evaluation

Perform effective management of housing data relating to Marin County housing programs, production, and achievements. Monitor and evaluate housing policies on an ongoing basis, and respond effectively to changing housing conditions and needs of the population over time.

Policy 3.3 Funding

Aggressively and creatively seek ways to increase funding resources for lower income and special needs housing.

Implementing programs

~~3.a Explore Housing at the Civic Center²⁷. Work with the City of San Rafael to consider affordable housing at the Civic Center site. Collaborate with San Rafael and HCD to facilitate possible sharing of affordable units for the RHNA process between the County and San Rafael.~~

3.b Advance Organizational Effectiveness²⁸. Continue to seek ways to organize and allocate staffing resources effectively and efficiently to encourage and implement effective housing policy Countywide. Opportunities to enhance Marin County's capabilities may include:

- Sharing or pooling resources and coordinating tasks among multiple jurisdictions in implementing common housing programs.
- Initiate regular dialogue with Marin jurisdictions related to affordable housing policies, practices, and development updates.
- When requested, provide technical assistance related to housing development and funding to local Marin jurisdictions.
- Enhancing relationships and partnerships with non-profit service providers.

²⁷ ~~Complete. Reviewed but not recommended by Housing Element Task Force and Planning Commission~~

²⁸ ~~Currently implementing~~

3.c Provide and Promote Opportunities for Community Participation in Housing Issues²⁹.

Continue to undertake effective and informed public participation from all economic segments and special needs communities in the formulation and review of housing issues. Include the following:

- a. Coordinate community meetings. Strongly encourage developers to hold community meetings with stakeholders and County staff as part of any major development pre-application process.
- b. Conduct community outreach activities. Provide ongoing outreach and a forum for discussion of housing issues through presentations and increased awareness of housing programs.
- c. Provide public information to improve awareness of housing needs, issues, and programs through websites, fact sheets, and presentations.
- d. Coordinate with interested groups including local businesses, housing advocacy groups, and neighborhood groups to build public understanding and support for workforce and special needs housing.

3.d Perform Regional Transportation and Housing Activities³⁰. Continue to coordinate with regional planning bodies, such as the Association of Bay Area Governments, Congestion Management Agency, Transportation Authority of Marin, Sonoma Marin Area Rapid Transit, and Metropolitan Transportation Commission to facilitate transit-oriented housing development by using the incentives and other means provided through regional transportation plans.

3.e Coordinate with Other Agencies³¹. Coordinate with other regulatory agencies and special districts to facilitate and streamline the development of affordable and special needs housing. Pursue fee waivers and expedited review.

- a. Pursue fee waivers and expedited review for affordable and special needs housing.
- ~~b. Coordinate with pertinent departments in their efforts to amend the Safety and Conservation Elements of the Countywide Plan to include analysis and policies regarding flood hazard and flood management information.~~

3.f Promote Countywide Collaboration on Housing³². Work with Marin cities and towns to address regional planning and housing issues.

3.g Preserve Existing Housing Stock³³. Strive to protect existing housing stock that offers a range of housing choice and affordability.

- a. Work with residents, property owners, agencies, and non-profit groups to seek ways to assist in the long-term protection of rental and low cost housing, including mobile homes, mobile home parks, and manufactured housing.
- b. Consider an ordinance to require developers to provide relocation assistance for current residents when units are converted to other uses.
- c. Conduct a comprehensive analysis of legal non-conforming multi-family properties to establish the extent to which the County's existing rental stock may be compromised by the underlying zoning. If determined appropriate, institute a program whereby legal non-conforming properties with existing multi-family housing may maintain the existing

²⁹ ~~Currently implementing~~

³⁰ ~~Currently implementing~~

³¹ ~~Currently implementing~~

³² ~~Currently implementing~~

³³ ~~Currently implementing. Fireside preserved in 2011 (50 units of affordable housing)~~

residential intensity on the property, and encourage income restrictions for affordable housing through incentives (CD-2.o).

- d. Identify funding and other resources to preserve affordable units at risk of conversion to market rate.

3.h Monitor Inclusionary Housing Programs³⁴. Regularly evaluate the progress and effectiveness of the inclusionary housing programs in the Development Code.

- a. Monitor the residential inclusionary programs in Development Code Chapter 22.22 for their effectiveness, including the number of units constructed and amount of fees collected and deposited in the Affordable Housing Trust Fund.
- b. Update on a regular basis the in-lieu fees for residential development (Development Code Section 22.22.080.C).
- c. Continue to monitor the Jobs/Housing Linkage Ordinance (Development Code Section 22.22.095), and ensure that commercial and industrial projects provide either on-site employee housing or fees to develop housing.
- d. Update on a regular basis the in-lieu participation fees for commercial and industrial development.

3.i Undertake Housing Element Monitoring, Evaluation, and Revisions³⁵. The County will establish a regular monitoring and annual update process to assess housing needs and achievements and to provide a process for modifying policies, programs, and resource allocations as needed in response to changing conditions.

- a. Undertake housing element updates as required, in accordance to State law.
- b. Conduct an annual housing element review.

3.j Provide and Participate in Local Affordable Housing Training and Education³⁶. Continue to encourage and participate in training sessions with local groups, decision makers, and staff to review potential constraints on and opportunities for creating affordable housing. Issues may include housing needs, financing, density, developmental delays, and management.

3.k Update Affordable Housing Trust Fund Operating Procedures³⁷. ~~Update Trust Fund operating procedures.~~

- ~~a. Publish application and funding guidelines on the County website. Specify that monies paid into the fund will be used to develop or rehabilitate units affordable to very low and low income households.~~
- ~~b. Periodically report Affordable Housing Trust Fund activities and status to the Director. Include total amount of funds available, recent use of funds, and details of deed restrictions that ensure that housing costs are affordable to lower income persons.~~

3.l Provide Leadership to the Marin Workforce Housing Trust³⁸. Participate on the Board of the Marin Workforce Housing Trust. Continue to ensure that housing for extremely low income and special needs populations is prioritized in funding.

3.m Assist with Local Funding for Affordable Housing³⁹. Continue to seek ways to reduce housing costs for lower income workers and people with special needs by continuing to utilize

³⁴ ~~Currently implementing and additional proposed changes with 2013 Development Code amendments~~

³⁵ ~~On going, housing element under revision~~

³⁶ ~~Currently implementing~~

³⁷ ~~Completed 10/2009. Procedures and applications materials on web site~~

³⁸ ~~Currently implementing~~

local, State, and Federal assistance to the fullest extent possible to achieve housing goals and by increasing ongoing local resources. This would include efforts to:

- a. Provide technical and financial resources to support development of affordable housing in the community, especially housing that meets the needs of the local workforce, people with special housing needs, and people with extremely low incomes.
- b. Partner with philanthropic organizations to help finance affordable housing developments and continue to participate in other rental assistance programs.

3.n Raise Funds from a Variety of Sources⁴⁰. Maintain and monitor existing and seek additional streams of financing to add to or match Housing Trust funds. Work with community and elected leaders to identify potential revenue sources, considering the following:

- In-lieu fee payments under inclusionary requirements (residential and non-residential developments).
- Transient Occupancy Tax increase.
- Affordable Housing Impact Fee on single-family homes.
- Document Transfer Fee.
- Transfer Tax increase.

3.o Coordinate Among Project Funders⁴¹. Continue to ensure access to, and the most effective use of, available funding in Marin County by providing a mechanism for coordination among local affordable housing funders. Include regular meetings of local funders such as:

- Marin Community Foundation
- Federal Grants
- Marin Workforce Housing Trust
- Marin County Housing Trust
- Transportation Authority of Marin

3.p Utilize Federal Grants Division Funding⁴². Continue funding activities through the Federal Grants Division for affordable housing purposes throughout eligible Marin jurisdictions.

- a. Fund the Rehabilitation Loan Program that allows low and very low income homeowners to access forgivable loans to upgrade their homes.
- b. Fund affordable housing projects through the CDBG and HOME programs.
- c. Administer the Housing Opportunities for Persons with Aids Program (HOPWA) to provide ongoing deep rental subsidies for individuals and families throughout the County.

³⁹ ~~Currently implementing~~

⁴⁰ ~~On-going. Affordable Housing Impact Fee established 10/2008.~~

⁴¹ ~~Currently implementing through Funders Collaborative~~

⁴² ~~Currently implementing~~

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

July 10, 2014

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

Re: The Spring 2014 Public Workshops pertaining to the Marin County Housing Element Update (2015 to 2023)

Dear Marin County Board of Supervisors,

We are greatly dismayed with the process and format of the public workshops held in Spring 2014 pertaining to the Marin County Housing Element Update 2015 to 2023. We request that this letter be included in the public record regarding the Housing Element Update and hope that the upcoming Housing Element public hearings will provide a better opportunity for more thorough consideration of public input.

We believe there are constructive solutions for meeting the housing needs of all Marin's constituents, including lower-income households, in a manner that upholds community character; respects the limits of our infrastructure, public services, financial capabilities, and natural resources (E.g. water); protects the environment and public health and safety; and enhances quality of life. Unfortunately, the format of the Housing Element workshops did not allow such constructive solutions to be discovered or even discussed. On the contrary, the workshops failed to provide vital information for intelligent decision-making and only offered one predetermined housing solution - a forced choice of preselected housing sites.

Our specific concerns regarding the Spring 2014 Housing Element workshops are:

General Format

1. We are concerned that the workshop format did not give Marin residents an opportunity to have questions answered and to offer constructive solutions;
2. We are concerned that the County hired a very expensive outside consultant to chair the workshops, which was entirely unnecessary;

3. We are concerned that the only solution discussed for meeting Marin's Housing Needs was new housing development (much of it high-density multifamily units) on preselected sites. There was no mention of alternative approaches to meeting Marin's housing needs, such as:
 - A. Conversion of existing market-rate units to affordable units;
 - B. Second units;
 - C. Rent vouchers;
 - D. A living wage;
 - E. Low interest loans, etc.

Presentation

4. We are concerned that the presentation lacked vital information and that comments by facilitators were misleading, such as:
 - A. The presentation focused on affordable housing but did not point out that the Housing Element sites could be developed with mostly market-rate housing;
 - B. The presentation talked about Marin's strong environmental protections but failed to mention the Countywide Plan Amendment that allows for more potential high-density housing in the Baylands Corridor, the Ridge and Upland Greenbelt, and other environmentally sensitive areas;
 - C. The presentation indicated that future proposed development would receive thorough review but failed to mention the State laws that allow for streamlining and exemption of environmental review;
 - D. The presentation indicated that future proposed development would need to adhere to local design guidelines and development standards but failed to mention the State Density Law that supersedes County regulations and allows for greater densities and exceptions to height restrictions, setbacks, and parking regulations. The presentation also failed to mention County regulations and development codes that allow exceptions for affordable housing;
 - E. Facilitators stated that housing should be placed near transportation but failed to mention that many studies by respected institutions prove that living near busy roads emitting large amounts of Toxic Air Contaminants over large periods of time significantly increase the risk of developing serious and life-threatening illnesses (E.g. Cardiovascular mortality, chronic obstructive pulmonary disease, cancer, miscarriages, asthma, autism, etc.);

Selection of Sites

5. We are concerned that participants were asked to select sites for housing from a pre-selected list of sites but were not provided critical information about the proposed housing sites, such as the maximum potential buildout at each site and how development at each site would impact:

- A. The environment;
 - B. Public health and safety;
 - C. Traffic;
 - D. Public services (E.g. schools);
 - E. Public infrastructure;
 - F. Water supply;
 - G. Traditional neighborhood character, etc.
6. We are concerned that participants were asked to "vote" about neighborhoods where they did not reside.

We DID appreciate the fact that the comments from the audience were recorded as they were made. That helps to build trust, and trust needs to be restored.

Moving Forward

As previously described, each Housing Element workshop was orchestrated to rush participants to a pre-determined conclusion, rather than allow for an open discussion, an exchange of information and ideas, intelligent decision making, and the discovery of innovative solutions about how to provide for Unincorporated Marin's Housing Need in a manner that would be more acceptable to all interested parties.

In order to prevent similar unproductive and financially wasteful workshops, we urge you to direct the Community Development Agency to revise the process and format of future workshops.

Moreover, the County Planners stated that public input from the Housing Element workshops would be conveyed to the Marin County Planning Commission and Board of Supervisors. Therefore, we request that this letter be included in the public record regarding the Marin County Housing Element Update (2015 to 2023).

Most importantly, we ask you to ensure that the upcoming Housing Element public hearings provide a better opportunity for more thorough consideration of public input.

Very truly yours,

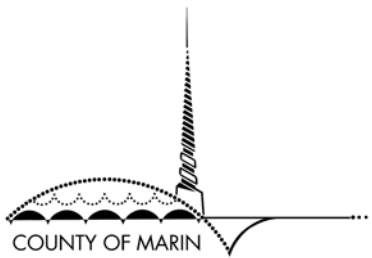
/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte

Cc: Marin County Planning Commission

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION**MEMORANDUM**

DATE: July 22, 2014

TO: Members of the Planning Commission

FROM: Leelee Thomas, Principal Planner
Alisa Stevenson, Planner

RE: Errata to Attachment 4 of the July 28, 2014 Staff Report to the Planning Commission on the Housing Element. Errata to Alternatives 1 and 3 are shown **highlighted in yellow** in ~~strikeout~~ and underline below. This memo is meant to replace the original version of Attachment 4 included in the Staff Report distributed on July 16, 2014.

Attachment 4:
Housing Element (2015-2023)
Site Alternatives

In addition to the recommended sites list, staff is providing three additional alternatives for consideration which are included in Attachment 4. Alternative 1 carries forward the sites from the 2007-2014 Housing Element Inventory, and provides the greatest flexibility of all proposed alternatives. Alternative 2 relies on the maximum potential at five sites to address the County's need for low income housing, and provides greater flexibility than the Staff Recommendation. Alternative 3 would meet the County's low income RHNA requirement assuming a reduced default density of 20 dwelling units per acre.

Alternative 1:

This option carries forward the site list from the 2007-2014 Housing Element, with minor modifications as follows: the site located at 650 North San Pedro Road in San Rafael has been removed from the list because the property was purchased in March 2014 to preserve it from future development; the number of units at 100 Marinwood Ave has been reduced to reflect the current application; the units allocated at 2400 Sir Francis Drake Blvd and 204 Flamingo Road have been moved from the lower income category to the moderate income category to meet the current RHNA. This site list provides more sites than required to meet the total RHNA of 185 for unincorporated Marin; however, it does not represent an increase in the number of potential housing units currently allowed on these sites by the County's zoning and/or general plan. At this point we are only identifying opportunities that already exist. Regardless of whether these sites are included in the Housing Element, they have potential to be developed.

Alternative 1: Housing Element Sites 2015-2023

Sites to accommodate the Regional Housing Needs Allocation (RHNA)	Lower Income Units (subtotal)	Moderate Income Units	Above Moderate Income Units
100 Marinwood Ave, San Rafael (Marinwood Village)	72		10
2400 Sir Francis Drake Blvd, Fairfax (Oak Manor)		10	
Woodland at Auburn, San Rafael (California Park)	50		
204 Flamingo Road, Mill Valley (Old Chevron)		10	
St. Vincent's Drive, San Rafael (St Vincent's/Silveira)	100		121
Paradise Drive, Tiburon (Easton Point)			43
12 Tamarin Lane, Novato (Tamarin Lane)			3
1970 Indian Valley Road, Novato (Indian Valley)		2	3
150 Shoreline Hwy, Mill Valley (Manzanita Mixed-Use)	1	2	
11101 State Route 1, Point Reyes Station (Grandi Building)	2		
Seminary Drive, Mill Valley (Golden Gate Seminary)	25		20
441 Drake Ave, Sausalito (Marin City CDC)	15		15
217 Shoreline Highway, Mill Valley (Armstrong)		10	
Lucas Valley Road, San Rafael (Grady Ranch)	240		
30 Roosevelt Street, San Rafael (Roosevelt)	2		
Second units	21	10	9
TOTAL units allocated	528	44	224 209
RHNA minimum requirement for 2015-2023	87	37	61
Units allocated above RHNA for 2015-2023	441	7	163 148

Alternative 2:

This alternative would meet the RHNA for unincorporated Marin and provide increased flexibility beyond the Staff Recommendation by allocating the maximum possible units to the highest scoring sites with low income housing potential.

Alternative 2: Housing Element Sites 2015-2023

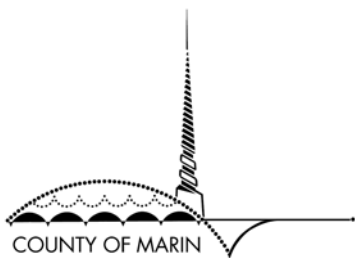
Sites to accommodate the Regional Housing Needs Allocation (RHNA)	Lower Income Units (subtotal)	Moderate Income Units	Above Moderate Income Units
Paradise Drive, Tiburon (Easton Point)			43
12 Tamarin Lane, Novato (Tamarin Lane)			3
1970 Indian Valley Road, Novato (Indian Valley)			5
150 Shoreline Hwy, Mill Valley (Manzanita Mixed-use)		3	
204 Flamingo Road (Old Chevron)		10	
217 Shoreline Highway, Mill Valley (Armstrong)		10	
2400 Sir Francis Drake Blvd, Fairfax (Oak Manor)	10		
441 Drake Avenue, Marin City (Marin City CDC)	15		
Seminary Drive, Mill Valley (Golden Gate Seminary)	60		
100 Marinwood Ave, San Rafael (Marinwood Village)	72	5	5
Woodland at Auburn, San Rafael (California Park)	50		
Second units*	21	10	9
TOTAL units allocated	228	38	65
RHNA minimum requirement for 2015-2023	87	37	61
Units allocated above RHNA for 2015-2023	141	1	4

Alternative 3:

Alternative 3 would meet the RHNA for unincorporated Marin assuming a reduced default density of 20 dwelling units per acre, and would be contingent upon adoption of proposed State legislation (Assembly Bill 1537) or State approval of a feasibility analysis for the 2015-2023 Housing Element.

Alternative 3: Housing Element Sites 2015-2023

Sites to accommodate the Regional Housing Needs Allocation (RHNA)	Lower Income Units (subtotal)	Moderate Income Units	Above Moderate Income Units
Paradise Drive, Tiburon (Easton Point)			43
12 Tamarin Lane, Novato (Tamarin Lane)			3
1970 Indian Valley Road, Novato (Indian Valley)			5
150 Shoreline Hwy, Mill Valley (Manzanita Mixed-use)		3	
204 Flamingo Road (Old Chevron)		10	
217 Shoreline Highway, Mill Valley (Armstrong)		10	
2400 Sir Francis Drake Blvd, Fairfax (Oak Manor)		10	
Seminary Drive, Mill Valley (Golden Gate Seminary)	40		
100 Marinwood Ave, San Rafael (Marinwood Village)	72		10
Woodland at Auburn, San Rafael (California Park)	36		
Second units*	21	10	9
TOTAL units allocated	174 169	43	70
RHNA minimum requirement for 2015-2023	87	37	61
Units allocated above RHNA for 2015-2023	84 82	6	9



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

**STAFF REPORT TO THE PLANNING COMMISSION
MARIN COUNTY HOUSING ELEMENT UPDATE HEARING #2**

Item No: 4
Workshop Date: August 25, 2014
Planner: Leelee Thomas, Principal Planner
Alisa Stevenson, Planner

RECOMMENDATION:

1. Conduct public hearing
2. Provide feedback to staff on selected issues
3. Recommend submittal of the Draft Housing Element to the State Dept. of Housing and Community Development (HCD)

Workshop Purpose and Schedule

The August 25, 2014 hearing on the Marin County Housing Element update is the second of three scheduled Planning Commission hearings on this project. The purpose of this hearing is to continue review of Draft Housing Element for 2015-2023 and make a recommendation for submittal to the State Department of Housing and Community Development (HCD). This initial review by HCD does not preclude the Planning Commission or Board of Supervisors from making further changes to the Draft Housing Element. The Draft Housing Element will be reviewed again by HCD after its adoption by the Board of Supervisors.

At the first Planning Commission hearing on July 28, 2014, the Commission reviewed the Available Land Inventory (sites list) and draft policies and programs. The Commission recommended ten sites to accommodate housing at various income levels and five new programs to include in the Draft Housing Element.

The August 25th hearing will focus on issues carried over from July 28, 2014, an overview of housing element requirements, changes to state law governing housing element content, and consideration of a feasibility analysis to establish that lower income housing can be developed at lower densities.

A third hearing on the Draft Housing Element scheduled for November 17, 2014 will enable the Planning Commission to review and consider making recommendations to the Board of Supervisors to adopt the Draft Housing Element and the accompanying environmental review document. The schedule for completing the Housing Element Update is as follows:

Event	Date/Timeframe
Initiate work on Housing Element	February
Board of Supervisors approve Work Plan	March 18
Stakeholder Meetings (2)	February – March
Meetings with Design Review Boards / Community Service Districts (4)	February – March
Meetings with other community organizations (4)	February – May
Community Workshops (5)	April - May
Housing Survey (online)	March – June
Affordable housing experts meeting	June
Planning Commission Hearing #1	July 28
Planning Commission Hearing #2	August 25
State review of draft Housing Element	September – November
Planning Commission Hearing #3	November 17

Board of Supervisors Hearing	December – January 2015 (tentative)
Submit Housing Element to State for certification	January 31, 2015

PROJECT BACKGROUND

The California State Legislature has found the availability of housing to be of [statewide importance](#). To ensure that counties and cities recognize their collective responsibility in implementing the statewide housing goals, housing element legislation was originally enacted in 1969, requiring all local governments to prepare and implement housing elements as part of their general plans (i.e. Marin Countywide Plan). State legislation enacted in 1980 required councils of governments (e.g. the Association of Bay Area Governments (ABAG) for Bay Area counties) to determine the existing and projected housing needs at all income levels for each city and county in the region, which is then to be addressed in each local jurisdiction's housing element. This process became the Regional Housing Need Allocation (RHNA), which determines the fair share of housing need for each county, city and town in California.

Marin County has prepared a Draft Housing Element for the planning period of 2015 through 2023. The County has a long history of meeting State housing regulations while upholding the policies of the Countywide Plan and local community plans. The County has adopted five Housing Elements in 1971, 1984, 1994, 2003, and most recently in December 2013. The Draft Housing Element if adopted will be an amendment to the Countywide Plan.

Issues from July 28, 2013

The Planning Commission recommended the addition of five new programs and requested staff to draft two additional programs for consideration. The two new programs are discussed in Attachment 1 as well as existing programs from the certified Housing Element which have been revised and deleted.

Housing Element Overview

The purpose of the Housing Element is to achieve an adequate supply of decent, safe, and affordable housing for Marin's residents, particularly the local workforce, seniors and other special needs populations. The Housing Element evaluates housing needs for all income levels and establishes a program to meet those needs. Housing affordability in Marin County and in the Bay Area as a whole has become increasingly important as climate change issues are addressed. A strategic infill approach that supports affordable housing for members of the workforce at selected mixed-use locations near existing jobs and transit, along with an emphasis on green building and business practices, offers Marin communities a way to carry out the principles of sustainability (Environment, Economy and Equity). This approach also helps meet the County's long-standing General Plan goals of preserving agricultural land, open space, sensitive resource areas and existing single family neighborhoods. The overall goal of the Housing Element is to present goals, objectives, policies, and programs to facilitate housing for existing and future needs in a balanced way that retains these attributes.

The Draft Housing Element for 2015-2023 is not substantially changed from the certified 2007-2014 Housing Element. Background and demographic data have been updated. The analysis of housing needs was revised to reflect more recent conditions. Minor revisions were made to the Constraints and Opportunities Section. The Site Inventory Analysis was updated to reflect direction from the Planning Commission at the July 28, 2014 hearing. The Goals, Policies and Programs section of the Housing Element was revised to reflect current status of program implementation and revisions to State law.

Finally, the feasibility analysis prepared for the 2009 Draft Housing Element has also been revised. The analysis is intended to demonstrate that affordable housing projects can be developed at densities lower than the 30 unit per acre default zoning prescribed by State law. Currently, no zoning changes are being proposed to satisfy the default density standard for the Draft Housing Element. However, the feasibility analysis, if accepted by HCD, would provide the Board of Supervisors with the option of using a density below 30 units per acre to satisfy part or all of the County's RHNA for low income housing should the Levine Bill (AB 1537)¹ not be signed into law.

The Available Land Inventory (Draft Housing Element, Figure IV-6) contains 10 sites, as selected by the Planning Commission, to accommodate the 2015-2023 Regional Housing Needs Allocation. The sites have been brought forward from the certified 2007-2014 Housing Element since none of them were developed, received planning entitlements, and/or were counted in previous Housing Element status reports to the State of California.

The Goals, Policies and Programs section of the 2007-2014 Housing Element was revised for inclusion in the 2015-2023 Housing Element. The revised programmatic approach retains the following goals:

Goal 1 - Use Land Efficiently: Use Marin County's land efficiently to meet housing needs and implement smart and sustainable development principles.

Goal 2 – Meet Housing Needs Through a Variety of Housing Choices: Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices, and designs.

Goal 3 - Ensure Leadership and Institutional Capacity: Build and maintain local government institutional capacity and monitor accomplishments so as to respond to housing needs effectively over time.

The five sections of the Draft Housing Element are outlined below:

Section I: Introduction

This section provides an overview of the Housing Element's sections and goals, and outlines the purpose of the Housing Element to comply with state law and to demonstrate consistency with the Marin Countywide Plan (CWP). It also discusses the preparation and public outreach process for the Housing Element. Finally, this section includes an evaluation of the accomplishments of the prior planning period.

Section II: Housing Needs Analysis

This section includes an assessment of existing and projected housing needs, with an emphasis on the following topics:

- Population and Employment Trends
- Household Characteristics
- Housing Stock Characteristics

¹ Assembly Bill 1537 would allow Marin County and its cities with a population over 50,000 to have their default density classifications changed from metropolitan to suburban. If signed into law, this bill would reduce the default density for the 2015-2023 housing element from 30 units per acre to 20 for these jurisdictions.

- Housing Costs, Household Income and the Ability to Pay for Housing
- Special Needs Housing

The Housing Needs Analysis provides demographic and housing data as a foundation for the goals, policies and programs that are responsive to housing needs in the County. Findings from the analysis indicate that the Housing Element should help to promote and facilitate:

- The importance of housing options, in addition to housing affordability
- Housing and services to meet the needs of Marin's aging population
- The need for workforce housing as a result of the County's housing/jobs imbalance
- The need for rehabilitation and new development of agricultural worker housing

Section III: Constraints

Housing element law requires that jurisdictions analyze governmental and non-governmental constraints to the development of housing. The local land use, zoning, permit procedures and discretionary review procedures are analyzed to identify constraints which can be mitigated through housing element program implementation.

Section IV: Sites Analysis

A list of sites selected during the July 28, 2014 hearing to satisfy Marin County's housing needs and RHNA are identified in this section. The analysis includes an evaluation of site availability, a review of environmental constraints, the availability of infrastructure and the realistic development capacity of sites to accommodate the jurisdiction's share of the RHNA by income level.

Section V: Goals, Policies and Programs

The goals, policies and programs section of the Draft Housing Element outlines the programmatic means by which Marin County can work toward alleviating housing needs and achieve its housing objectives. This section has been revised from the 2007-2014 Housing Element to reflect programs that have been successfully implemented or should be revised to reflect changed circumstances.

There are 49 programs proposed in the Draft Housing Element, the bulk of which were carried forward or revised from the 2007-2014 Housing Element. Many of the 2007-2014 Housing Element programs were deleted, because they have been successfully implemented.

Changes to Housing Element Law

The California Legislature states that a primary housing goal for the State is ensuring every resident has a decent home and suitable living environment. In response to changing State law pertinent to housing elements, this updated Housing Element addresses recent changes to the State housing element law that are intended to facilitate and expedite the construction of affordable housing:

Housing Element changes from SB 375. The *Sustainable Communities and Climate Protection Act* of 2008, Senate Bill (SB) 375, extends the housing element planning period from five years to eight years in order to link the timing and coordination of the Regional Transportation Plan (RTP) update process with the Regional Housing Needs Allocation (RHNA) and housing element process. Once a jurisdiction receives its RHNA objectives, it has 18 months to prepare its housing element and submit it to the State Department of Housing and Community Development (HCD). Local governments on an 8-year housing element planning period that do not adopt the housing element within 120 calendar days of the statutory due date must revise and adopt the housing element every four years until at least two consecutive revisions have been adopted by the applicable due date. However, to maintain funding eligibility for One Bay Area Grant (OBAG) transportation funds

administered by the Metropolitan Transportation Commission, jurisdictions must adopt housing elements by the statutory deadline of January 31, 2015 (MTC Resolution No. 4035, May 17, 2012).

Streamlined Review. To streamline both the preparation of housing elements as well as review by the State Department of Housing and Community Development (HCD), jurisdictions with a certified housing element in the fourth cycle may opt to use the Streamlined Update. Jurisdictions use a template and checklist to illustrate where changes were made in the previously certified housing element. The purpose is to reduce subsequent submittals of draft housing elements by providing a guide for local governments to ensure the updated elements include all statutory components and to reduce the timeline for HCD's initial 60 day review.

Transitional and Supportive Housing. Senate Bill (SB) 745, which took effect January 1, 2014, amends the definitions of supportive and transitional housing in Government Code Section 65582 by, among other provisions, removing the time limits of occupancy. In 2007, SB 2 amended housing element law to require that transitional and supportive housing be permitted as a residential use, subject only to restrictions applicable to other residential dwellings. The County complied with the provisions of SB 2 through the 2012 Development Code amendments.

Disadvantaged Communities. Senate Bill (SB) 244 requires counties to review and update the land use element of the general plan to identify and describe any disadvantaged unincorporated communities. If disadvantaged communities are present, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficits must be identified. Finally, an analysis of funding mechanism that could make extension of services financially feasible to these communities must be completed.

RECOMMENDATION:

The Planning Commission is requested to provide feedback on the Draft Housing Element. Staff recommends that the hearing be conducted as follows:

- Staff presentation, including a discussion of new information in the Draft Housing Element, new, revised and deleted programs, and consideration of a revised feasibility analysis.
- Open time for public comment.
- Direct staff to submit the 2015-2023 Draft Housing Element to the State Department of Housing and Community Development (HCD) for initial review.

Attachments:

1. Marin County Draft Housing Element
2. Administrative Record (comments received)
3. New and revised programs
4. Feasibility analysis

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DRAFT Marin County Housing Element (2015 – 2023)

Proposed changes to the 2007-2014 Housing Element are shown in underline and ~~strikethrough~~ format.

Adopted by the Marin County Board of Supervisors

, 2014

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Katie Rice, Vice President, District 2
Susan L. Adams, District 1
Steve Kinsey, District 4
Judy Arnold, District 5

Certified by the California State Department of Housing and Community Development

, 2015



COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

Recommended by the Marin County Planning Commission

, 2014

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DRAFT Marin County Housing Element 2015 – 2023

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APPENDICES:

- A: Evaluation of 2007-2014 Regional Housing Needs Allocation**
- B: Evaluation of 2007-2014 Housing Element Programs**
- C: Summary of Public Outreach**
- D: Inventory of Homeless Housing Resources**
- E: Fee Schedule**
- F: Site Inventory Profiles**
- G: Housing Element Program Implementation 2015-2023**
- H: Summary of Requirements for On- and Off-site Improvements**
- I: Development Standards and Permit Requirements**
- J: Flood Management (§65302)**
- K: Environmental Review of Housing Projects**

Section I: Introduction

Housing Element Overview and Purpose

Overview

According to State housing and planning laws, all California cities and counties are required to include in their General Plan a housing element that establishes objectives, policies, and programs in response to community housing conditions and needs. This draft Housing Element has been prepared to satisfy this mandate by evaluating and addressing housing needs in the unincorporated area of Marin County during the planning period. This document is an update of the County's State-certified Housing Element that was adopted initially in November 1991, readopted with the Countywide Plan Update in January 1994, updated in June 2003, and then readopted with the Countywide Plan Update in November 2007 and updated in September 2013.

Marin County offers varied and attractive residential environments due to its unique combination of natural beauty and proximity to San Francisco. Many of the housing problems that exist today, such as low vacancy rates, escalating housing prices and rents, and the overall demand for housing and pressure for growth, are a result of these attractive qualities.

The 2007 Marin Countywide Plan (the County's general plan), into which this Housing Element will be incorporated, is based on the principal of sustainability, which is defined as aligning our built environment and socioeconomic activities with the natural systems that support life. The Countywide Plan focuses on the principles three E's of a sustainable community: Environment, Economy, and Equity. Consistent with this focus, the primary objective of the Marin County Housing Element is to plan sustainable communities by supplying housing affordable to the full range of our diverse community and workforce. The approach of this Housing Element is to focus on the following areas:

Goal 1 Use Land Efficiently

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

Goal 2 Meet Housing Needs through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices~~affordability levels~~, and designs.

Goal 3 Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments so as to respond to housing needs effectively over time.

Purpose

The purpose of the Housing Element is to achieve an adequate supply of decent, safe, and affordable housing for Marin's workforce, residents, and special needs populations, with a particular focus on the unincorporated areas of the County. The Housing Element assesses housing needs for all income groups and lays out a program to meet these needs. Housing affordability in Marin County and in the Bay Area as a whole has become increasingly important as climate change issues are addressed. The built environment and commute patterns are major contributors to greenhouse gas emissions. A strategic infill approach that supports affordable housing for members of the workforce at selected mixed-use locations near existing jobs and transit, along with an emphasis on green building and business practices, offers Marin communities a way to carry out the principles three E's of sustainability.

The overall goal of the Housing Element is to present goals, objectives, policies, and action programs to facilitate housing for existing and future needs.

The Housing Element is divided into five sections. Section I contains introductory material and an overview of State law requirements for housing elements. Section II contains an analysis of housing needs. Section III contains a detailed analysis of governmental and non-governmental constraints to housing development. Section IV contains quantified housing needs and an assessment of housing opportunities and site capacity. Section V contains housing goals and objectives, policies, and implementation programs.

Housing Element Law and Changes to State Requirements

Overview

Enacted in 1969, State housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development.

Unlike the other State-mandated general plan elements, the housing element is subject to detailed statutory requirements regarding its content, and is subject to mandatory review by the California Department of Housing and Community Development (HCD). The housing element must also be updated every five-four to eight years, unlike other general plan elements, unless the deadline is extended by the State. According to State law, the statutory due date to update the housing element for the 2015-2023 2007-2014 planning period ~~is was June 30, 2007 January 31, 2015. On September 29, 2005, ABAG received approval from the State Department of Housing and Community Development to extend the deadline to June 30, 2009. The purpose of the extension was to coordinate the projections and forecasting for the Regional Housing Needs Allocation (RHNA) with the Regional Transportation Plan being developed by the Metropolitan Transportation Commission.~~

State law requires that the housing element contain the following information:

- A review of the goals, objectives, and policies of the current housing element.
- Current demographic, economic, and housing information for the locality.
- A quantified housing needs assessment.
- Analysis of the constraints to providing housing for all income levels.
- A discussion of opportunities for energy conservation in new housing developments.
- An inventory of assisted units at risk of conversion to market rate.
- An inventory of residential land resources, including suitable sites for housing, homeless shelters, and transitional housing.
- A set of housing goals, policies, and programs.
- Quantified objectives for housing over the next five-year planning period.
- A description of diligent efforts towards participation by all economic groups in the update process.

Changes in State Law

There have been a number of changes in State housing element law since the 20032007-2014 Housing Element was adopted. The changes have helped to clarify needed information in the housing element

and establish new requirements and responsibilities for local governments. Below is a summary of recent changes in State law.

Transitional and Supportive Housing. SB 745, which took effect January 1, 2014, amends the definitions of supportive and transitional housing in Government Code (GC) Section 65582 by, among other provisions, removing the time limits of occupancy. In 2007, SB 2 amended housing element law to require that transitional and supportive housing be permitted as a residential use, subject only to restrictions applicable to other residential dwellings. The County complied with the provisions of SB 2 during the 2012 Development Code amendments.

Housing Element changes from SB 375. The *Sustainable Communities and Climate Protection Act* of 2008, Senate Bill 375, known as SB 375, extends the housing element planning period from five years to eight years in order to link the Regional Transportation Plan (RTP) process with the Regional Housing Needs Allocation (RHNA) and housing element process. Once a jurisdiction receives its RHNA objectives, it has 18 months to prepare its housing element and submit it to the Department of Housing and Community Development (HCD). For those jurisdictions who meet statutory deadlines for adopting their housing elements, this will have the effect of changing the housing element planning period to an eight year cycle.

Streamlined Review. To streamline both the preparation of housing elements as well as review by the State Department of Housing and Community Development (HCD), jurisdictions with a certified housing element in the fourth cycle may opt to use the Streamlined Update. Jurisdictions use a template and checklist to illustrate where changes were made in the previously certified housing element. The purpose is to reduce subsequent submittals of draft housing elements by providing a guide for local governments to ensure the updated elements include all statutory components and to reduce the timeline for HCD's initial 60 day review.

New State Law Addressing Disadvantaged Communities. SB 244 (Wolk, 2011) requires cities and counties to identify the infrastructure and service needs of unincorporated legacy communities in their general plans at the time of the next Housing Element update. SB 244 defines an unincorporated legacy community as a place that meets the following criteria:

- Contains 10 or more dwelling units in close proximity to one another;
- Is either within a city Sphere of Influence (SOI), is an island within a city boundary, or is geographically isolated and has existed for more than 50 years; and
- Has a median household income that is 80 percent or less than the statewide median household income.

Accordingly, this Element includes the required analysis of legacy communities in the Housing Element Needs Analysis (Section II).

~~**Extremely Low Income Households Housing Needs:** Government Code (GC) Section 65583(a) requires "Documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households" (GC 65583 (a)(1)). "Extremely low income is a subset of the very low income housing need and is defined as 30 percent of area median and below."~~

~~**Planning for Emergency Shelters (SB2):** Government Code Sections 65582, 65583, and 65589.5 (Chapter 614, Statutes of 2007 (SB 2)) increase planning requirements for emergency shelters. These sections require, at a minimum and regardless of the need, that all jurisdictions have a zone in place to~~

~~permit at least one year-round emergency shelter without a conditional use permit or any discretionary permit requirements.~~

~~*Counting Units Built, Under Construction, and/or Approved During the Planning Period:* A jurisdiction may take credit for units constructed or under construction from the base year of the RHNA period (January 2007).~~

~~*Requirement for Carryover of Unmet RHNA Units (AB 1233):* Government Code Section 65584.09 provides that a jurisdiction's RHNA from the previous housing element cycle is not required to be carried over to the 2007-2014 planning period if the current element was found in compliance by HCD and the inventory of sites required by Section 65583(a)(3) identified adequate sites, or the program actions to rezone or provide adequate sites were fully implemented.~~

~~*Sites Inventory and Suitability Analysis:* A thorough sites inventory and analysis must be undertaken by the jurisdiction to determine whether program actions must be adopted to make sites available with appropriate zoning, development standards, and infrastructure capacity to accommodate the new construction need. Land suitable for residential development should include residentially zoned sites, non-residentially zoned sites that allow residential development, underutilized residentially zoned sites capable of being developed at a higher density or with greater intensity, and non-residentially zoned sites that should be redeveloped for, and/or rezoned for, residential use (via program actions).~~

~~*Realistic Development Capacity:* The housing element must include a description of the methodology used to estimate the realistic capacity for potential housing sites. The housing element should not estimate unit capacity based on the theoretical maximum buildout allowed by the zoning, but should be based on all applicable land-use controls and site improvement requirements. When establishing realistic unit capacity calculations, the jurisdiction must consider existing development trends as well as the cumulative impact of standards such as maximum lot coverage, height, open space, parking, and floor area ratios. If a local government has adopted, through regulations or ordinance, minimum density requirements that explicitly prohibit development below the minimum density, the housing element may establish the housing unit capacity based on the established minimum density.~~

~~*Limited Land Availability:* Local governments with limited residential land resources or with infill and reuse goals may rely on non-residential and underutilized residential sites to accommodate the regional housing need. Examples include sites with potential for recycling, scattered sites suitable for assembly, publicly-owned surplus land, portions of blighted areas with abandoned or vacant buildings, areas with mixed-used potential, substandard or irregular lots that could be consolidated, and any other suitable underutilized land.~~

~~*Constraints – Housing for Persons with Disabilities (SB520):* Housing element law requires that in addition to the needs analysis for persons with disabilities, the Housing Element must analyze potential governmental constraints to the development, improvement, and maintenance of housing for persons with disabilities, demonstrate local efforts to remove any such constraints, and provide for reasonable accommodations for persons with disabilities through programs that remove constraints.~~

~~*Priority for Water and Sewer (SB1087):* Chapter 727, Statutes of 2005 (SB 1087) establishes processes to ensure the effective implementation of Government Code Section 65589.7. This statute requires local governments to provide a copy of the adopted housing element to water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower income households.~~

~~*Annual Reporting:* Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's housing element of the general plan using forms and definitions adopted by the Department of Housing and Community Development. HCD has developed regulations governing the State housing element annual progress report.~~

~~*Flooding Issues (AB 162):* In October 2007, the Governor signed AB 162, which requires cities and counties to address flood-related matters in the Land Use, Conservation, Safety, and Housing Elements of their general plans.~~

~~*Protect Sites for Affordable Housing (AB 2069):* When a specific site is identified for housing in a jurisdiction's housing element as part of its adequate sites inventory, then the approval of a project on that site, if it results in fewer than the number identified in the housing element, or in no units, would be subject to the no-net-loss zoning law's provisions and a replacement site or sites for accommodating those "lost" units would be needed.~~

~~Most importantly, the housing element must: (1) identify adequate sites with appropriate zoning densities and infrastructure to meet the community's need for housing (including its need for very low, low, and moderate income households); and (2) address, and where appropriate and legally possible, remove governmental constraints to housing development.~~

Goals, Policies and Programs

The housing element establishes an action plan that details the actions, or programs, that will implement the goals and policies. For each program, the action plan must identify the agency responsible and the timeframe for implementation. The County's housing objectives and primary areas of housing need are outlined in the three main goals and 10-11 policies of this Housing Element.

Goal 1 Use Land Efficiently

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

Policy 1.1 Land Use

Enact policies that encourage efficient land use regulations which foster a range of housing types in our community.

Policy 1.2 Housing Sites

Recognize developable land as a scarce community resource. Protect and strive to expand the supply and residential capacity of housing sites, particularly for lower income households.

Policy 1.3 Development Certainty

Promote development certainty and minimize discretionary review for affordable and special needs housing through amendments to the Development Code.

Policy 1.4 Design, Sustainability, and Flexibility

Enact programs that facilitate well designed, energy efficient development and flexibility of standards to encourage outstanding projects.

Goal 2 Meet Housing Needs Through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs.

Policy 2.1 Special Needs Groups

Promote the development and rehabilitation of housing for special needs groups, including seniors, people living with disabilities, agricultural workers, individuals and families who are homeless, people in need of mental health care, single-parent families, large families, extremely low income households and other persons identified as having special housing needs in Marin County. Link housing to programs in the Department of Health and Human Services in order to coordinate assistance to people with special needs.

Policy 2.2 Housing Choice

~~Promote~~ Implement policies that facilitate housing development and preservation to meet the needs of Marin County's workforce and low income population.

Policy 2.3 Incentives for Affordable Housing

Continue to provide a range of incentives and flexible standards for affordable housing in order to ensure development certainty and cost savings for affordable housing providers.

Policy 2.4 Protect Existing Housing

Protect and enhance the housing we have and ensure that existing affordable housing will remain affordable.

Goal 3 Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments to respond to housing needs effectively over time.

Policy 3.1 Coordination

Take a proactive approach in local housing coordination, policy development, and communication. Share resources with other agencies to effectively create and respond to opportunities for achieving housing goals.

Policy 3.2 Research, Monitoring, and Evaluation

Perform effective management of housing data relating to Marin County housing programs, production, and achievements. Monitor and evaluate housing policies on an ongoing basis, and respond effectively to changing housing conditions and needs of the population over time.

Policy 3.3 Funding

Actively and creatively seek ways to increase funding resources for lower income and special needs housing.

Preparation of the Housing Element Update

The housing element must identify community involvement and decision-making processes and techniques that constitute affirmative steps for receiving input from all economic segments of the community, especially low-income persons and their representatives, as well as from other members of the community. Input should be sought, received, and considered before the draft Housing Element is completed.

Requirements for public participation are described in Section 65583(c)(8) of the Government Code. Public participation has been accomplished in a variety of ways. During the Housing Element Countywide Plan update, an extensive effort was made to provide opportunities for public comment and feedback. A wide variety of community groups and individuals were engaged in the process. ~~Comments related to housing have been compiled and considered in the writing of this document and are summarized and included in the update materials.~~

In an effort to involve all economic segments of the community, the Marin County Housing Element update was conducted with an open, inclusive process. The persons and organizations on the mailing list include all housing-related non-profits and organizations that provide services to low income families and individuals in Marin County, as well as parties interested in the Countywide Plan process, the Planning Commission and the Local Coastal Program update. Below are some examples of outreach and noticing conducted as part of the Housing Element update.

- Housing Element update announcements ~~Newsletter~~ introducing the Housing Element process and community public workshops-workshop, were e-mailed via US Postal Service to over 2,300 ~~554~~ recipients.
- Press releases were sent to local news outlets, including Marin Independent Journal, West Marin Citizen, The Tiburon Ark, Point- Reyes Light, Coastal Post, Pacific Sun, Novato Advance, the Marinscope papers, Marin magazine, Marin County Post (Marin City), Bay City News, Patch, El Impulso (Spanish language), La Voz (Spanish language), Avance (Spanish language), Univision TV (Spanish language), Telemundo TV (Spanish language), KWMR West Marin radio, CMCM public access TV, NPAT public access TV, CalCountyNews, Radio KCBS, Radio KGO,

Radio KQED, Radio KWMP, SF Chronicle, TV Marin 26 Public Access, TV ABC7, TV CMCN, TV KPIX, TV KQED, TV KRON, TV KTVU, TV NBC Bay Area stories.

- ~~Housing Element workshops announced on local radio station KWMP.~~
- Notices for Public Workshops and three Planning Commission workshops were e-mailed to over 4,02,300 recipients. Hard copy notices were mailed to approximately 4,1462,558 recipients.
- Webpage hosted on the County website focused exclusively on the Housing Element Update process, where workshops were announced, workshop summaries posted, and drafts provided. ~~The website also provides a comment box for the public to provide feedback and input.~~
- Notice of website additions and Workshop reminders were e-mailed to 1,600840 Housing Element website subscribers.
- Workshop reminders were e-mailed or web-posted by each of the five district Supervisors to community contacts.
- Housing Element Workshop information was e-mailed to over 540 local non-profit, housing advocacy, and service organizations who serve lower income community members.
- Staff presentations were provided at a variety of community forums including; Marin Partnership to End Homelessness, and -Marin Grassroots, ~~ISOJL community forum, Housing Element Working Group and Chamber of Commerce Committee meetings.~~

The County's outreach also included an experts meeting of non-profit ~~and for-profit~~ housing ~~providers, developers, building industry trade groups,~~ architects, planners, and affordable housing funders. The Housing Element update process in Marin County has involved a number of groups and individuals in the process of reviewing current housing conditions and needs, and considering potential housing strategies. Two stakeholders meetings were held to gather input on outreach methods, one with advocates for lower income communities. FiveThree hands-on community public workshops were held, three oneon aweekends in central Marinand two evening meetings, including one in the rural west part of the County and the other in the central part of the County. In addition, three publicly noticed Planning Commission ~~HearingsWorkshops~~ arewere scheduled heldand will includeed opportunities for extensive-public comment. Summaries of these working sessions and public workshops were used to identify needs, assess constraints and develop draft programs for the Housing Element update and are included in Appendix C: Summary of Public Meetings.

~~The 2009 Marin Countywide Housing Element Workbook contains housing element background data, sample practices, and encouragement for developing common strategies to address housing needs.⁴ The Workbook was prepared jointly by all jurisdictions in Marin and is cited as a reference document for Marin County's Housing Element update. As part of the Marin Housing Workbook, a roundtable working session with housing advocates was held. The advocates meeting included, among others, representatives from organizations serving homeless families and individuals, developmentally disabled individuals, senior citizens, disabled individuals and families, working poor, and public housing residents. The outreach process and collaborative effort on the Housing Workbook provided coordination among various departments, local agencies, housing groups, community organizations, and housing sponsors in the collection of data and development of sample practices. Housing has~~

⁴ ~~The 2009 Marin Countywide Housing Element Workbook can be accessed at www.marinhousingworkbook.org.~~

~~regional implications and the jurisdictions of Marin County are striving to collaborate and enhance the effectiveness of housing elements throughout the county.~~

In addition to the outreach conducted previously, the 2012 Draft included the following opportunities for additional public participation. All of these meetings were noticed through standard practices and additional outreach and notification followed the procedures described above. In addition, notices were sent out in Spanish and Vietnamese, which are the most common languages of non-English speakers in Marin.

- ~~• At the initiation of the environmental review, a notice of preparation was mailed to all interested parties, with a specific focus on reaching underserved populations.~~
- Five wWorkshops were held on weekends and evenings in a variety of locations, including Marin City in August and the Canal neighborhood of San Rafael in September of 2012.
- ~~• A scoping session was held as part of the environmental review.~~
- ~~• The Planning Commission held two workshops to review the 2012 Draft Housing Element~~
- The Planning Commission will hold threefour public hearings (including one evening hearing) to receive public comment on the Draft Housing Element and ~~Draft Environmental Review~~ and recommend adoption to the Board of Supervisors.
- The Board of Supervisors will hold a public hearing to review and adopt the Draft Housing Element and ~~Final~~ Environmental Review document.

Relationship of the Housing Element to Other Countywide Plan Elements

The Countywide Plan serves as the constitution for land use in the unincorporated portions of Marin County. The long-range planning document describes goals, policies, and programs to guide land use decision-making. State law requires a community's general plan to be internally consistent. This means that the housing element, although subject to special requirements and a different schedule of updates, must function as an integral part of the overall general plan, with consistency between it and the other general plan elements. Once the general plan is adopted, all development-related decisions in unincorporated areas must be consistent with the plan. If a development proposal is not consistent with the plan, the proposal must be revised or the plan itself must be amended.

The updated Countywide Plan is structured around the goal of building sustainable communities. Each of the three other elements in the Plan addresses sustainability: the Natural Systems and Agriculture Element, the Built Environment Element, and the Socioeconomic Element. The Marin Countywide Plan Update Guiding Principles related to housing are excerpted below.

- Supply housing affordable to the full range of our workforce and diverse community. We will provide and maintain well designed, energy efficient, diverse housing close to job centers, shopping, and transportation links. We will pursue innovative opportunities to finance senior, workforce, and special needs housing, promote infill development, and reuse and redevelop underutilized sites.
- Provide efficient and effective transportation. We will expand our public transportation systems to better connect jobs, housing, schools, shopping, and recreational facilities. We will provide

affordable and convenient transportation alternatives that reduce our dependence on single occupancy vehicles, conserve resources, improve air quality, and reduce traffic congestion.

- Foster businesses that create economic, environmental, and social benefits. We will retain, expand, and attract a diversity of businesses that meet the needs of our residents and strengthen our economic base. We will partner with local employers to address transportation and housing needs.

With the Countywide Plan as a framework, this Housing Element update is also utilizing the same glossary. The Countywide Plan glossary begins on page 5-21 as part of the Plan's Appendices. The terms defined in the glossary are also consistent with the Marin County Development Code. ~~Additional definitions included in this Housing Element update as a part of the mandated SB2 analysis of emergency, and transitional and supportive housing can be found in Section IV: Site Inventory Analysis.~~ Section V: Goals, Policies, and Programs includes ~~contains~~ a program to update ~~add~~ these definitions of transitional and supportive housing ~~into~~ the Development Code.

There are ~~46~~ 17 community plan areas in the unincorporated area, all of which have adopted community plans (plus the additional Peacock Gap Plan). Community plans further detail the policies of the Countywide Plan as they pertain to specific areas. Policies contained in the community plans, including those related to housing, must be consistent with those in the Countywide Plan, and, by extension, its Housing Element. The following is a list of community plans and the date of their last adopted plan.

Black Point 1978	Muir Beach 1972
Bolinas 1975	Nicasio Valley 1997
Bolinas Gridded Mesa 1984	Point Reyes Station 2001
Dillon Beach 1989	San Geronimo Valley 1997
East Shore (Tomales Bay) 1987	Stinson Beach 1985
Indian Valley 2003	Strawberry 1982
Inverness Ridge 1983	Tamalpais Valley 1992
Kentfield/Greenbrae 1987	Tomales 1997
Marin City 1992	

20032007-2014 Housing Element Policy and Program Accomplishments

The County's current Housing Element was adopted by the Board of Supervisors on ~~June 3~~ September 24, 20032013, and certified by HCD on ~~July 24~~ December 30, 20032013. The goals, objectives, policies, and programs in the 20032007-2014 Housing Element have been very successful overall. Actual residential unit production during the ~~1999-2007~~ planning period exceeded the Regional Housing Needs Allocation of 521 units. The County also exceeded its very low-, low- and moderate-income allocation by an average of 145% (see Appendix A) through either actual construction of affordable units at the required level of affordability or approval of projects that include affordable units. Therefore, ~~the~~ The County has made available adequate sites to more than accommodate its Regional Housing Needs Allocation, and no additional zoning is needed to satisfy Government Code Section 65584.09.

The County made nearly every policy change outlined in the 20032007-2014 Housing Element's Framework for Action. A full review of the current Housing Element's goals, objectives, policies, and programs, as well as a detailed description of progress towards implementation, is available in Appendix B: Evaluation of 20032007-2014 Housing Element Programs. Some highlights of implementation actions completed since adoption of the ~~2003~~ Housing Element include:

- ~~An Affordable Housing Impact Fee ordinance was adopted in October 2008 that applies to all new single-family homes over 2,000 square feet. A nexus study completed in 2008 established the basis for this fee, which represents an alternative way to provide funding for affordable housing in spite of the limited residential and commercial development in the County.~~
- ~~Amendments were made to the Development Code in August 2008 to clarify, correct, and update the County's inclusionary policy and incentives for affordable housing, as well as to comply with the State density bonus law.~~
- ~~An affordable housing overlay and mixed-use zoning with incentives for affordable housing were included in the adopted Countywide Plan.~~
- ~~A new 10-Year Plan to End Homelessness was adopted in May 2006. The first Project Homeless Connect, a public-private partnership, was held in December 2007 as part of the County's 10-Year Plan to End Homelessness.~~
- ~~A First-Time Homebuyers Fair was held in October 2007 in partnership with the City and Chamber of Commerce of San Rafael. As a result of three Brown Bag events and paycheck notices to County employees, 58 households became first-time homebuyers in Marin County.~~
- ~~One million dollars was committed to the Marin Workforce Housing Trust (MWHT) to leverage an additional two million dollars for new affordable workforce housing development.~~
- ~~County staff initiated the Marin Housing Workbook, a collaborative of the 12 jurisdictions in Marin County, to develop a combination of templates, methodologies, baseline data, comparative information, key findings, sample practices, and processes, with the aim of producing higher quality and integrative Housing Elements countywide.~~
- ~~Numerous green building principles and Development Code updates were incorporated prior to the 2007 adoption of the Countywide Plan Update, including implementation of the:~~
 - ~~The Single Family Dwelling Energy Efficiency Ordinance requires all new and remodeled homes larger than 1,500 square feet to exceed State energy efficiency requirements by a minimum of 15% depending on the building area. Since 2006, an average of 25 projects have exceeded the County's minimum Title 24 requirements annually.~~
 - ~~The Construction and Demolition Reuse and Recycling Ordinance that requires all construction projects to recycle or reuse 50% of their project materials. 75,000 tons of diverted waste reduces GHG emissions by 150,000 tons annually.~~

- The Residential Green Building Guidelines and Rating System program requires all residential projects subject to discretionary planning permit review to meet minimum points thresholds on the County Green Building Residential Certification Checklist. Approximately 150 checklists are completed and submitted annually.
- The Solar Energy Rebate program that awarded \$75,000 in rebates to 156 residents that installed photovoltaic systems, solar pool heaters, or solar domestic hot water heaters. As a result of the program and free County provided technical assistance, in 2008 Marin County had the highest number of solar energy systems per capita among the nine Bay Area counties, averaging 4.3 solar systems per 1,000 residents.
- The Woodstove Smoke Ordinance that banned the operation and installation of non-EPA certified woodstoves and inserts. A rebate program to promote the proper removal of these appliances will remove 158 non-EPA certified stoves and inserts by providing residents with \$50,000 in rebates.
- County staff has been working to eliminate development constraints associated with Design Review. Single family residential design guidelines were established in July 2005. In August 2008, the Board of Supervisors adopted procedures to simplify and streamline Design Review and to provide a Minor Design Review procedure.

Additional tasks not identified in the Housing Element were also completed to advance Marin County's housing goals.

- The County applied for and received designation as a proposed Priority Development Area (PDA) through the Association of Bay Area Governments (ABAG) regional planning initiative, FOCUS.
- The Marin County Affordable Housing Inventory 2008 was published. The report surveyed all Marin County affordable housing providers and developed a comprehensive picture of income-restricted housing across all 12 Marin jurisdictions.
- As a part of broader efforts to address agricultural housing needs in West Marin, a funding of \$200,000 was approved and committed for rehabilitation of 10 to 15 units of agricultural worker housing.
- A second units survey was conducted in August 2008 to evaluate the use, availability, and affordability of second units and to monitor the success of the second unit amnesty program.
- The Second Unit Amnesty program resulted in the legalization of 54 second units and the construction of 35 new second units.
- Staff continues to manage the Affordable Housing Trust Fund, which has helped fund 157 new units of affordable housing during the last planning period.

Overall, the ~~2003~~2007-2014 Housing Element helped guide the County's activities to promote and facilitate the development, conservation, and rehabilitation of housing for all economic segments of the community. Several policy changes helped to remove potential governmental constraints and provided incentives for the development of affordable housing. This draft Housing Element has carefully considered the effectiveness of the ~~2003~~2007-2014 programs and has incorporated, amended, or removed programs based on their likelihood to support the goals and policies identified for this Housing Element.

Section II: Housing Needs Analysis

Overview of Marin County

Marin County is located immediately north of San Francisco across the Golden Gate Bridge. The County has a total area of 606 square miles. Marin County is home to 252,409¹ permanent residents. Most of the population lives along the County's urban east side, primarily in the County's 11 incorporated cities and towns. The City of San Rafael is the County seat.

Marin County's population is affluent, well-educated, and relatively homogenous. The ~~2012-2014~~ median household income is ~~103,000~~\$97,100, 1.81.4 times the median household income for California as a whole.² In 2010, Marin County had one of the highest median household incomes among California's 58 counties.³ While Marin is a wealthy county overall, it is also home to populations impacted by the high cost of living. ~~Since in the years following the 2007, there has been a significant downturn in the economy, and with this there are an increasing the~~ number of families and individuals struggling to make ends meet began to rise. The high cost of living in Marin, in conjunction with low-paying jobs, ~~an uncertain job market, and continued rising costs of basic necessities, has resulted in the inability of many working families to meet their basic housing, food, and childcare needs.~~⁴

Regional Housing Need Allocation

The Regional Housing Needs Allocation (RHNA) is a critical part of State housing element law (Government Code Section 65580). Every city and county in the State of California provides for its fair share of the projected future housing need. Figure II-1 illustrates the unincorporated area of Marin County's RHNA by income category, ~~including extremely low income, which is estimated at 50% of the very low income households.~~

Figure II-1: Housing Need by Income Category, Unincorporated Marin County

Extremely Low (0-30% HAMFI ⁵)	Very Low (30-50% HAMFI)	Low (51-80% HAMFI)	Moderate (81-120% HAMFI)	Above Moderate (121%+ HAMFI)	<u>2014-2022 Total RHNA⁶</u>	2007-2014 Total RHNA	2000-2007 Total RHNA
<u>9427</u>	<u>9228</u>	<u>13732</u>	<u>16937</u>	<u>28461</u>	<u>185</u>	773	521

Source: http://www.abag.ca.gov/planning/housingneeds/pdfs/Final_RHNA.pdf

http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf; and Marin County Community Development Agency

¹ 2010 US Census, 2010, U.S. Census Bureau

² U.S. Department of Housing and Urban Development (HUD). Median household income for US is \$63,900; California is \$68,100 (HUD 2013: http://www.huduser.org/portal/datasets/il/il14/Medians2014_v2.pdf)

³ Federal Bureau of Economic Analysis, 2010 California Department of Housing and Community Development (HCD)

⁴ Insight: Center for Community Economic Development, 2008; How much is enough in Marin County?

⁵ HAMFI is the HUD Area Median Family Income (HUD: U.S. Department of Housing and Urban Development)

⁶ The 2014-2022 Regional Housing Needs Allocation (RHNA) applies to the Housing Element planning period of January 31, 2015 to January 31, 2023 ("2015-2023")

Population and Employment

Population Trends

Marin County's total population is 252,409, of which 67,427 live in the unincorporated area of the County.⁷ The total population of Marin grew by 5,120 between 2000 and 2010 but the overall rate is slowing expected to increase by another 8,691 persons by 2020. In the next decade, the growth rate will begin to fall, and is projected to continue do so until 2025, when it will level off at just 0.3% per year. Between 2010 and 2040, the overall growth rate is projected to steadily increase from .3% a year up to .5% a year.⁸ In the unincorporated area of the County, the population actually decreased by nearly 2% between 2000 and 2010; however, it is projected to grow steadily over the next thirty years, consistent with projections for the rest of the County.

Figure II-2: Population Growth Trends in Unincorporated Marin County

Year	Population	Change		Average Annual Growth Rate
		Number	Percent	
2000	68,735	n/a	n/a	n/a
2005 2010	69,000 67,427	265 -1,308	0.4% -1.9%	0.1% or 53 -0.2% or -131
2010 2020	70,800 69,600	1,800 2,173	2.5% 3.2%	0.5% or 360 0.3% or 217
2015 2030	71,200 72,700	400 3,100	0.5% 4.5%	0.1% or 80 0.5% or 310
2020 2040	71,700 76,600	500 3,900	0.7% 5.4%	0.14% or 100 0.5% or 390

Source: ABAG Projections 20092013

Note: The original draft of this document was prepared in 2009 and used a variety of data sources available at that time. Data has been updated whenever it was available for unincorporated counties.

This is considerably lower than neighboring jurisdictions or the Bay Area region as a whole. The largest cities in Marin grew more rapidly; San Rafael's population grew by 2.9%, while Novato grew more significantly at a rate of 9%.

Figure II-3: Population Trends—Neighboring Jurisdictions

Jurisdiction Name	2000	2010	Change (2000-2010)	
			Number	Percent
Unincorporated Marin County	68,695 68,735	67,427	-1,268 -1,308	-1.9%
City of San Rafael	56,063	57,713	1,650	2.9%
City of Novato	47,630	51,904	4,274	9.0%

Source: 2000 and 2010 US CensusCensus, 2010

The proportion of population by age groups is similar to that of the State, but with a slightly higher percentage of people 45 years old and over.⁹ According to the 2010 U.S. Census, 16.7% of all households in Marin County are age 65 or older. The median age in Marin County is 44.5 years, compared to 35.2 years for the State as a whole. The greatest increase in population within age groupings over the next 40 years is expected to be in elderly and young adult households, which tend to have the lowest income levels.

⁷ 2010 Census, 2010, U.S. Census Bureau

⁸ ABAG Projections 20092013

⁹ 2010 US Census 2010

Figure II-4: Population by Age, Unincorporated County

Age Group	2000		2010	
	Number	Percent	Number	Percent
0-9 years	7,184	11%	6,683	11%
10-19 years	7,436	11%	8,232	12%
20-24 years	2,484	4%	3,487	5%
25-34 years	8,445	12%	6,650	10%
35-44 years	12,946	19%	9,574	14%
45-54 years	13,924	20%	12,922	19%
55-59 years	4,907	7%	6,420	9%
60-64 years	3,183	5%	4,870	7%
65-74 years	4,495	7%	5,349	8%
75-84 years	2,906	4%	3,028	4%
85+ years	825	1%	1,231	2%
Totals	68,735	100%	67,427	100%

Source: U.S. Census 2000 and 2010, U.S. Census Bureau; Claritas 2008

Employment Trends

The Marin County resident workforce is predominantly white collar. Over 94% of the County's residents age 25 or older have at least a high school diploma, compared with about 50% statewide; over 54% in this same age group have a bachelor's degree. These higher than average educational levels directly correlate with a low poverty rate of 5.9 percent, compared with 13.3% statewide.¹⁰ The County's largest employers include the County government, State Corrections Department, Marin General Hospital, Kaiser Permanente, Autodesk Software, and Fireman's Fund Insurance, Lucas Licensing, Fair Isaac Corporation, and College of Marin.¹¹ Over half the working population is employed in professional, management, or financial business occupations, but most of these workers are employed outside the County in urban centers such as San Francisco and Oakland. The services, construction, and transportation industries combined employ less than a quarter of the resident population, but are major employment sectors within the County. According to the Marin Economic Commission, service industries based in Marin are a major source of employment for residents of surrounding counties who commute to Marin. The agricultural sector also retains a strong cultural and historical presence.

Figure II-5: Employment by Industry in Unincorporated Marin County

Industry Types	2000-2011	
	Number	Percent
Agriculture, forestry, fishing and hunting, mining	540	4.7%
Construction, manufacturing, wholesale trades, transportation and warehousing, utilities	1,120	10.3%
Retail sector/trade	970	8.9%
Finance, insurance, real estate, rental and leasing, information, and professional, scientific, management, administrative, and waste management services	2,460	22.6%
Health, educational, social, arts, entertainment, recreation, accommodation, and food services and recreational services	3,540	32.5%
Public administration	1,108	3.5%
Other services	2,300	21.4%

¹⁰ 2012 American Community Survey, U.S. Census Bureau

¹¹ California Employment Development Department, 2014

TOTAL	10,90031,630	100-4%
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Source: ~~ABAG Projections 2007~~ 2007-2011 American Community Survey (5-year estimates), US Census Bureau

Note: This data assigned jobs within the spheres of influence of the County's towns and cities as part of the job data for the incorporated jurisdictions. As a result, the data presented here underestimates the numbers of jobs in the unincorporated area of the County. For example, total jobs determined strictly along jurisdictional boundaries from the same source (ABAG Projections 2007) indicate that there are 23,380 jobs in the unincorporated area of the County.

A balance between jobs and employed residents can help reduce greenhouse gas emissions, freeway congestion, and fuel consumption, and can result in improved air quality. A jobs-housing balance can also provide savings in travel time for businesses and individuals. However, a one-to-one ratio between jobs and employed residents does not guarantee a reduction in commute trips. Marin County nearly has a 1:1 ratio, but there is a disparity between the types of jobs here and the cost of housing.

According to the ~~Department of Finance~~ U.S. Bureau of Labor Statistics, the average wage earned at a Marin-based job in ~~as of 2008~~ June 2014 was ~~\$37,000~~ \$59,400 a year.¹² Contrast this with the median income of a single ~~family person~~ household in Marin of ~~\$67,750~~ \$68,000¹³ or the median home sale price of a single-family home of ~~\$914,000~~ \$882,400 or of a condominium of ~~\$767,000~~ \$435,000.¹⁴ Even with a 1:1 ratio of jobs to housing, Marin will continue to import workers from neighboring counties where more affordable housing is located. Therefore, a focus of this Housing Element is to address the issue of matching housing costs and types to the needs and incomes of the community's workforce.

Household Characteristics

Household Types and Tenure

The Census Bureau defines a household as all persons who occupy a housing unit, including families, single people, or unrelated persons. Persons living in licensed facilities or dormitories are not considered households. In ~~As of 2005~~ 2010, there ~~were~~ are 25,75026,193 households in unincorporated Marin County, an increase of only 346-759 from the 2000 level of 25,434. Of these, 7269% owned the home they live in and 2831% rented. This ownership percentage has decreased by ~~one two~~ points since 2000, which may be related to the ~~recent~~ increased rate of foreclosures since 2007. ~~Between 1990 and 2000, the ratio of owners to renters remained slightly closer, at 66% owner.~~

Figure II-6: Households by Tenure in Unincorporated Marin County

Tenure	1990		2000		Current†2010	
	Number	Percent	Number	Percent	Number	Percent
Owner	16,581	65%	18,053 18,033	66 71%	12,456 18,026	72 69%
Renter	7,364	29%	7,381 7,401	27 29%	4,833 8,167	28 31%
Vacant ‡	1,891	7%	1,974	7%	N/A	N/A
TOTAL	25,836	100 %	27,405 25,434	100%	17,289 26,193	100%

Source: ~~1990 and 2000 data from 2003 Housing Element, 2008 Claritas~~ 2000 and 2010 U.S. Census, U.S. Census Bureau

† Claritas provides information based on zip code rather than jurisdiction; therefore the Current figures represent only a section of the unincorporated area. Vacancy rates were not available for 2008 using this data set; however, vacancy rates are detailed in Figure II-12 below.

¹² Quarterly Census of Employment and Wages, U.S. Department of Labor, June 2014

¹³ U.S. Department of Housing and Urban Development, 2014

¹⁴ County of Marin Assessor, 2013

‡ Vacancy rates shown above are inconsistent with the <5% vacancy data available from the Department of Finance. ~~Fewer~~ More than half 60% of Marin County's households consist of married-couple families with or without children. Approximately 30% of households ~~were~~ are occupied by people living alone.¹⁵ This percentage was significantly higher than the overall State figure of 23% for single-person households.¹⁶ As households become smaller, the County needs more housing units to serve the same population. The primary stock of housing in the unincorporated County is single-family homes, almost exclusively affordable to above moderate-income households. There is a shortage of rental housing, including multi-family, single-family, second units, and Single Room Occupancy (SRO) units. In addition, opportunities for smaller, more moderately priced home ownership units are needed to serve singles, senior citizens, and lower income families.

The housing type best suited to serve the workforce of Marin, those with an income of approximately ~~\$37,000~~ \$56,000 a year, is often multi-family rental housing and SRO units located close to transportation and services. Examples of this type of housing include the Fireside and San Clemente developments, which provide rental housing at a range of affordability levels. These housing developments are close to transit and services and help to reduce commute costs to the low-income residents. Mixed-use developments, such as that planned for the Marinwood Village site and the mixed-use units located at the Strawberry shopping center, are other examples of housing types ~~which~~ that may address the ~~increasing demands~~ needs of Marin's workforce.

Annual Household Growth

According to the ~~2000~~ 2010 Census, the average household size in Marin County ~~was~~ is ~~2.40~~ 2.34 persons. ~~The Countywide average household size was expected to increase to 2.41 by 2005, before declining to 2.39 by 2020.~~ Compared to the rest of the Bay Area, Marin County's average household size is 0.3 fewer persons per household.

Marin County's aging population, discussed in the Special Needs section, also reduces the occupancy rate as children move out and mortality increases. However, high housing prices can force people to share living accommodations, thereby increasing household size. On average, renter households in Marin County (~~2.24~~ 2.00 persons per household in ~~2000~~ 2010) are smaller than owner households (2.42 persons per household in ~~2000~~ 2010). As households become smaller, the number of units needed to house the same number of people increases.

Figure II-7: Household Growth Trends, 2000 – ~~2020~~ 2040, Unincorporated County

Year	Households	Numerical Change	Annual Percent Change
2000	25,434	n/a	n/a
2005 <u>2010</u>	25,750 <u>26,193</u>	316 <u>759</u>	1.22 <u>2.9</u> %
2010 <u>2020</u>	26,460 <u>26,650</u>	710 <u>457</u>	2.68 <u>1.7</u> %
2015 <u>2030</u>	26,700 <u>27,110</u>	240 <u>460</u>	0.90 <u>1.7</u> %
2020 <u>2040</u>	27,090 <u>27,590</u>	390 <u>480</u>	1.44 <u>1.8</u> %

Source: ABAG Projections ~~2009~~ 2013

¹⁵ 2011 American Community Survey, U.S. Census Bureau

¹⁶ 2010 U.S. Census

Housing Stock Characteristics

Housing Units by Type and Production

Based on ~~2008~~2010 data from the California Department of Finance, the unincorporated area of Marin has ~~23,038~~24,615 single-family homes (constituting 83% of the total housing stock), ~~4,471~~4,399 multi-family homes (16% of all housing), and ~~414~~567 mobile homes, for a total of ~~27,923~~29,581 homes. Single-family homes are slightly less dominant Countywide, and comprise just over 60% of the County's total housing stock. Figures II-8 and II-9 show the distribution of housing by type for the unincorporated County and for the County as a whole. These proportions have not changed significantly since 2000.

Figure II-8: Housing Units by Type, Unincorporated County

Unit Type	2000		2008 2013		Change	
	Number	Percent	Number	Percent	Number	Percent
Single-family (detached and attached)	22,543 22,469	82.3 82.7%	23,038 24,615	82.5 83.2%	495 2,146	2.2 2.5%
2-4 units	1,569 1,564	5.7 5.8%	1,589 1,406	5.7 4.8%	20 158	1.3 10.1%
5+ units	2,882 2,873	10.5 10.6%	2,882 2,993	10.3 10.1%	0 120	0.0 4.2%
Mobile homes & other	412 241	1.5 0.9%	414 567	1.5 1.9%	23 26	0.5 135%
Totals	27,406 27,147	100.0%	27,923 29,581	100%	517 2,434	1.9 9%

Source: 2000 US Census; Department of Finance E-5 County/State Population and Housing Estimates

Figure II-9: Housing Units by Type, Countywide

Unit Type	2000		2008 2013		Change	
	Number	Percent	Number	Percent	Number	Percent
Single-family (detached & attached)	72,144 72,118	68.7 69.0%	74,417 79,639	68.6 71.4%	2,276 7,521	3.2 10.4%
2-4 units	9,343 9,349	8.9 9.0%	9,791 8,222	9.0 7.4%	448 1,127	4.8 12.1%
5+ units	21,383 21,400	20.4 20.5%	22,199 21,704	20.5 19.5%	816 304	3.8 1.4%
Mobile homes & other	2,123 1,581	2.0 1.5%	2,131 1,974	1.9 1.7%	83 93	0.4 2.8%
Totals	104,990 104,448	100%	108,538 111,539	100%	3,548 7,091	3.4 6.7%

Source: 2000 US Census; Department of Finance E-5 County/State Population and Housing Estimates

The median home sales price across the County increased from ~~\$544,600~~650,000 to ~~\$901,900~~882,400 between ~~1999~~2001 and ~~2006~~2013.¹⁷ This ~~75~~36% jump occurred while median household income increased by only ~~150~~8%, meaning home values increased ~~five times as much as~~ significantly more than area incomes. In 2000, the market was already tight, with only 11% of homes valued at less than \$300,000. By ~~2011~~2013, the median home value in unincorporated Marin County was ~~\$800,000~~966,000 for a single-family home. Condominiums and townhomes were more affordable with a median home value of ~~\$356,500~~485,000. While many areas throughout the State experienced

¹⁷ County of Marin Assessor, 2013

decreasing values in the real estate market over the past decade, home prices in Marin County have remained relatively stable and will likely continue to rise.

~~The Marin County Affordable Housing Inventory 2008 provides a comprehensive picture of income-restricted housing in 11 of the 12 Marin cities and towns and the unincorporated area of the County. Conducted by In spring of 2014, Community Development Agency staff in the fall of 2007, the inventory surveyed all affordable housing providers throughout the County, which together supply 2,6162,783 units at non-profit rental properties, 274 inclusionary rental units, 758-734 Below Market Rate ownership units, 573-577 units of public housing, and 2,2692,145 Section 8 vouchers. There are approximately more than 6,600 6,500 households that benefit from affordable housing in Marin, Marin; representing 6.4% of the population however, this represents only 17% of the 37,393 low income households in Marin.~~¹⁸ Approximately 2025% of Marin's existing affordable units are reserved for seniors or persons with disabilities. The majorities of these households receive income from Social Security, are in the very low income category, and rely heavily on affordable housing to enable them to age within their community.

Figure II-10: Affordable Housing Units in Marin County, Countywide

Affordable Housing Units by Type	Number
Privately Managed Affordable Rental	<u>2,6162,783</u> units
Inclusionary Rentals	274 units
Below Market Rate Ownership	<u>758-734</u> units
Public Housing and Marin Housing Authority Managed Rentals	<u>573-496</u> units
Marin Housing Authority Managed Rentals	81 units
Section 8 Voucher Program	<u>2,2692,145</u> units
TOTAL	<u>6,5136,490</u> units

Source: Marin County Affordable Housing Inventory, 2008 (updated 2014); Marin Housing Authority, Hello Housing, July 2014

The Marin Housing Authority (MHA) administers the Section 8 voucher program that provides housing opportunities for approximately 2,200 households. MHA also operates nearly 500 units of Public Housing in Marin. The waiting lists for both the Section 8 voucher program and for Public Housing is are a widely accepted indicator of need for affordable housing. The Marin Housing Authority opened its Section 8 waiting list for one week in March 2009September 2008, for the first time in 7several years, with the following results;and received 11,200 applications of which 235 were from households in unincorporated Marin. As of June 2014, MHA has processed 4,2002,639 of those applications, leaving 8,561 7,000 applicants still on the waiting list.

In February 2014, MHA opened the Public Housing waiting list for one week with the following results:

- 11,2003,189 households submitted applications;
- 2,8341,148 (or 2536%) currently live in Marin County (however, data was not collected on whether applicants currently worked in Marin County);
- Approximately 235 households (or 11%) were from the unincorporated area of Marin County;
- 5366% of the applications were from families, and 2234% were from senior or disabled individualshouseholds, 9% from elderly households, and 24% were homeless individuals or families; and

¹⁸ 2010 American Community Survey, U.S. Census Bureau

- ~~3238%~~ of the applications were from ~~non-Hispanic/Caucasian~~ families, ~~6143%~~ from African American families, and ~~74%~~ from ~~Hispanic-Asian~~ families.

MHA operates 200 units of public housing in five separate complexes within Marin for the elderly and disabled as well as ~~292-296~~ units of public housing for families in Marin City. MHA owns and operates four private properties within Marin County, all for low-income families, seniors, and disabled. The Shelter Plus Care Program, also administered by MHA, provides ~~up to 8075~~ rental subsidies linked with supportive services to individuals and families who are homeless and living with a mental health disability. There are ~~35-26~~ rental subsidies for people living with HIV/AIDS living independently in the community who are served through the Housing Opportunities for People With AIDS Program (HOPWA). Additional programs offer services to specific special needs populations housed through Marin Housing Authority. These programs assist tenants in maintaining their housing and target services to frail seniors, families seeking to become self-sufficient, and at-risk populations with mental health or other disabilities.

Age and Condition of the Housing Stock

~~Most of T~~he housing stock in the ~~unincorporated Marin County~~ is ~~older than the County's stock as a whole more than 30 years old~~. ~~About two-thirds~~ Approximately 78% of the existing homes throughout ~~Marin the County~~ were built prior to 1980, as demonstrated by Figure II-11, ~~versus 82% of the housing stock in the unincorporated area, were built more than 30 years ago.~~

Figure II-11: Year Structure Built

Year Structure Built	Number (countywide)	Percentage (countywide)	Number (unincorporated)	Percentage (unincorporated)
Built 1999-2000 to March 2000 2010	2895,549	4.15.0%	1,083	3.8%
Built 1995 to 1998	1,106	4.0%		
Built 1990 to 1994 1999	8537,942	3.47.2%	2,272	8.0%
Built 1980 to 1989	2,46011,228	9.010.1%	2,860	10.1%
Built 1970 to 1979	4,89920,129	17.918.1%	4,624	16.3%
Built 1960 to 1969	5,85623,037	21.420.8%	5,363	18.9%
Built 1950 to 1959	6,37521,142	23.319.1%	6,618	23.4%
Built 1940 to 1949	2,3457,902	8.67.1%	2,151	7.6%
Built 1939 or earlier	3,13414,008	11.512.6%	3,366	11.9%
Total	27,317110,937	100%	28,337	100%

Source: ~~Census 2000 Summary File 3 (SF 3) H34. Year structure built~~2011 American Community Survey, U.S. Census Bureau

~~To estimate~~The 2011 American Community Survey provides data about the condition of the existing housing stock countywide and in the unincorporated County, ~~three local sources were used, including Marin County Code Enforcement caseload and staff interviews, the Marin Association of Realtors, and the Marin Housing Authority Housing Choice Voucher Program inspectors.~~ In general, the condition of the housing stock in Marin County is good, with only 1.8% of occupied housing units having one or more potential housing problems. In the unincorporated County, 2.9% of the total housing stock has one or more potential housing problems, which is slightly higher than the countywide percentage of 1.7%. However, the unincorporated area has a lower percentage of occupied units with potential housing problems at 1.2%. According to the Marin Association of Realtors, the high value of homes encourages refinancing and frequent remodeling to increase the size and quality of older, smaller homes.

According to code enforcement staff, 17 of the 631 active cases include code violations associated with substandard housing or substantial rehabilitation needs, accounting for approximately 2% of their caseload. It is important to mention that Marin County's code enforcement is complaint driven and may therefore not be a representative sample. The Marin Housing Authority staff also confirmed that only a small percentage, approximately 2-4%, of their inspections involved housing in need of major rehabilitation or substandard housing conditions.

Figure II-12: Housing Conditions: Potential Housing Problems

Potential Housing Problem	Countywide (out of 110,937 total housing units; 102,832 occupied units)				Unincorporated County (26,598 total housing units; 23,200 occupied units)			
	Housing Units		Occupied Units		Housing Units		Occupied Units	
	Number	Percent of Total Housing Units	Number	Percent of Occupied Housing Units	Number	Percent of Total Housing Units	Number	Percent of Occupied Housing Units
Lacking Complete Plumbing Facilities	500	0.5%	244	0.2%	316	1.2%	116	0.5%
Lacking Complete Kitchen Facilities	1,423	1.3%	686	0.7%	457	1.7%	27	0.1%
No Telephone Service Available	n/a	n/a	944	0.9%	n/a	n/a	141	0.6%
Total	1,923	1.7%	1,874	1.8%	773	2.9%	284	1.2%

Source: 2011 American Community Survey, U.S. Census Bureau

Figure II-13: Households with Potential Housing Problems by Income Category (lacks kitchen or plumbing, more than 1 person per room, or cost burden greater than 30%)

Owner Occupied Households				
Income Level (family of 4)	Countywide		Unincorporated County	
	Number	Percent of total	Number	Percent
≤30% HAMFI (Extremely Low Income)	3,099	6.9%	439	4.9%
30 to 50% (Very Low Income)	3,455	7.7%	655	7.3%
50 to 80% (Low Income)	4,463	10.0%	1,078	12.0%
80 to 100% (Moderate Income)	2,730	6.1%	410	4.5%
>100% (Moderate to Above Moderate Income)	11,495	25.6%	2,750	30.5%
Owner Subtotal	25,242	56.3%	5,332	59.2%

Renter Occupied Households				
Income Level	Countywide		Unincorporated County	
	Number	Percent	Number	Percent
≤30% HAMFI	6,854	15.3%	1,314	14.6%
30 to 50%	5,394	12.0%	805	8.9%
50 to 80%	4,533	10.1%	829	9.2%
80 to 100%	1,280	2.9%	275	3.1%
>100%	1,530	3.4%	450	5.0%
Renter Subtotal	19,591	43.7%	3,673	40.8%
TOTAL (Owner + Renter)	44,833	100%	9,005	100%

Source: 2010 American Community Survey, U.S. Census Bureau

Housing Construction Prices and Trends

Throughout Marin County, new housing construction is increasing the size and already high proportion of single-family units relative to other unit types. In Fiscal Year 2007/2013/2014, 94.5% of the new residential construction permits issued were for single-family units, which marked a seven-year high in the proportion of single-family-unit construction permits issued. The average size of these homes was 3,800.3 square feet, which reflects the predominant development pattern in unincorporated Marin County of large, custom-built, single-family homes.¹⁹ Smaller units, which are usually more affordable, have a higher price per square foot than do larger homes because of land prices²⁰. This may act as a disincentive to construct smaller, more modest homes.

The existing construction trends contribute to the increasing imbalance between the wages earned in Marin and the housing costs of new and existing homes. It is too early to analyze the impact of the current economic downturn and decrease in permits for large, custom-built homes. But given Due to the high cost of land and limited available stock, it is unlikely that existing these trends will be were not significantly impacted by the recent economic downturn. Housing costs continue to rise in Marin, making it increasingly difficult for those at lower and moderate income levels to find affordable housing options.

Vacancy Rate Trends

Vacancy rates for housing in unincorporated Marin have decreased since 1990/2000, when the U.S. Census recorded a vacancy rate of 4.74.1%. In 2000/2010, the total vacancy rate was recorded at 4.7.1%; in 2008, it was 2.7%²⁴ and in 2010 it was 3.5%. The 3.5.7.1% vacancy rate is indicative of a very fairly tight rental housing market, in which demand for units exceeds the available supply. Figure II-42-14 below shows that vacant long-term rental properties are far scarcer than units available as vacation, seasonal, or recreational housing in unincorporated Marin, as reflected by the 5.2% rental vacancy rate. This highlights the need for housing that is affordable to very low and low income households.

Figure II-4214: Vacancy Rates by Tenure, Unincorporated County

Vacancy Status	Ownership Housing Units	Renter Housing Units	Totals
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¹⁹ Marin County Community Development Agency, July 2014

²⁰ Inclusionary Zoning In-Lieu Fee Analysis, March 2008 by Vernazza Wolf Associates

²⁴ US Census, American Fact Finder and Real Facts

	<u>Number</u>	<u>Percent of Owner Units</u>	<u>Number</u>	<u>Percent of Renter Units</u>	<u>Number</u>	<u>Percent</u>
Occupied	<u>18,026</u>	<u>98.7%</u>	<u>8,167</u>	<u>94.8%</u>	<u>26,193</u>	<u>97%</u>
Vacant	<u>232</u>	<u>1.3%</u>	<u>450</u>	<u>5.2%</u>	<u>682</u>	<u>3%</u>
Totals	<u>18,258</u>	<u>100%</u>	<u>8,617</u>	<u>100%</u>	<u>26,875</u>	<u>100%</u>

~~Source: Census 2000 Summary File 3 (SF 3) H6 Occupancy status, H8 Vacancy status~~

~~Source: 2010 U.S. Census~~

In general, a higher vacancy rate is considered necessary by housing experts to assure adequate choice in the marketplace and to temper the rise in home prices. A minimum 5.0% rental vacancy rate is considered crucial to permit ordinary rental mobility. In a housing market with a lower vacancy rate, strong market pressure will inflate rents, and tenants will have difficulty locating appropriate units. Thus, the 2000's saw a significant tightening in the local housing market, a phenomenon that has been experienced in many Bay Area communities. Nationwide, there was a sharp drop in multi-family housing construction during the 1990s and through the 2000s, which has also contributed to low vacancy rates and rising rents. The past two years have seen a rapid rise in housing prices, as both ownership and rents have increased to pre-recession levels.

According to Fair Housing of Marin, a civil rights organization that investigates housing discrimination, including discrimination based on race, national origin, disability, gender, and children, Marin's low vacancy rate also increases the tendency for landlords to discriminate against potential renters. Fair Housing of Marin's caseload consists almost entirely of renters. The organization receives approximately 4,200, 1,100 inquiries a year, of which about 350, 300, or almost 30 percent, are discrimination complaints that are fully investigated, where clients are helped to file administrative and legal complaints (this is an increase-decrease of 8% since 2003, 2009).²² Fair Housing's staff attorney advocates for tenants and negotiates with landlords to find reasonable accommodations for thousands of persons with disabilities, to enable them to live in accessible housing. It also educates landowners on fair housing laws, provides seminars and brochures in English, Spanish, and Vietnamese on how to prepare for a housing search and recognize discrimination, and sponsors school programs aimed at encouraging tolerance.

Housing Costs, Household Income, and Ability to Pay for Housing

Household Income

Income is defined as wages, salaries, pensions, social security benefits, and other forms of cash received by a household. Non-cash items, such as Medicare and other medical insurance benefits, are not included as income. It is generally expected that people can afford to pay about thirty percent of their income on housing in the case of renters and forty percent in the case of homeowners. Housing costs include rent and utilities for renters, and principal, interest, property taxes, and insurance for homeowners. It is therefore critical to understand the relationship between household incomes and housing costs to determine how affordable—or unaffordable—housing really is.

It is currently estimated that 35, 38% of all Marin County households fall in the extremely low, very low, and low income categories, earning less than 80% of median income. There are-is an even greater proportion of very low and low income households among renters. It was estimated in 2000, 2010 that 53, 57% of all renters in Marin County were in the extremely low, very low, and low income categories.²³

²² Fair Housing of Marin, June 2014

²³ 2010 American Community Survey, U.S. Census Bureau

In Marin County, the median income in ~~as of 2012~~ 2014 for a family of four ~~was is~~ \$103,30097,100. A household income less than ~~\$33,300~~33,200 is considered extremely low income.²⁴ Using 2000 population data ~~As of 2010, a little over more than 40,000~~11,000 households countywide, or ~~40~~12% of total households, were extremely low income.²⁵ ~~In general, the unincorporated County reflects the income distribution of the County as a whole. Therefore, In the unincorporated County, it is estimated that there were are approximately 2,540~~2,098 extremely low income households.²⁶ ~~in 2000 in the unincorporated County. Into the next planning period, this number is anticipated to continue to increase, with a projected 2,645 extremely low income households in 2010 and 2,690 extremely low income households in 2015 in the unincorporated County.~~²⁷

Information on household income by household size is maintained by the U.S. Department of Housing and Urban Development (HUD) for each county and is updated annually. Income categories are defined as a ~~a~~ percentages of HUD Area Median Household Family Income (HAMFI) for four-person households: (1) Extremely Low Income (30% of median income and below); (2) Very-Low Income (50% of median income); (3) Low Income (80% of median income); (4) Moderate Income (120% of median income); and (5) Above-Moderate Income (120% and above).

Figure II-4315: FY 20122014 Marin County Income Limits (HUD)

Household size	Extremely low (<30% of HAMFI)	Very Low	Low	Median	Moderate
1	23,350 <u>23,250</u>	38,850 <u>38,750</u>	62,200 <u>62,050</u>	72,100 <u>68,000</u>	86,500 <u>81,600</u>
2	26,652 <u>26,600</u>	44,400 <u>44,300</u>	71,050 <u>70,900</u>	82,400 <u>77,700</u>	98,900 <u>93,250</u>
3	30,000 <u>29,900</u>	49,950 <u>49,850</u>	79,950 <u>79,750</u>	92,700 <u>87,400</u>	111,250 <u>104,900</u>
4	33,300 <u>33,200</u>	55,500 <u>55,350</u>	88,800 <u>88,600</u>	103,000 <u>97,100</u>	123,600 <u>116,500</u>
5	36,000 <u>35,900</u>	59,950 <u>59,800</u>	95,950 <u>95,700</u>	111,250 <u>104,900</u>	133,500 <u>125,900</u>
6	38,650 <u>38,550</u>	64,400 <u>64,250</u>	103,050 <u>102,800</u>	119,500 <u>112,650</u>	143,400 <u>135,200</u>
7	41,300 <u>41,200</u>	68,850 <u>68,650</u>	110,150 <u>109,900</u>	127,700 <u>120,400</u>	153,250 <u>144,500</u>
8	44,000 <u>43,850</u>	73,300 <u>73,100</u>	117,250 <u>117,000</u>	135,950 <u>128,200</u>	163,150 <u>153,850</u>

The "30% of Median," "Very Low Income" and "Low Income" schedules shown above were published by the U.S. Dept. of Housing and Urban Development (HUD), effective ~~4/4/12~~12/18/2013. The "Median Income" schedule shown above is based on the ~~FY2012-FY2014~~ median family income for ~~the San Francisco HMF~~Marin County, CA of ~~\$103,000~~97,100 for a four-person household, issued by HUD effective ~~4/4/12~~12/18/2013, with adjustments for smaller and larger household sizes. The "Moderate Income" schedule shown above represents 120% of median income. For additional information, ~~you can consult~~ see the HUD website at www.huduser.org/datasets/il.html.

Strategies and Programmatic Responses to Meet Projected Needs

In many cases, the most affordable housing choice for extremely low income households is rental housing. Many individuals with incomes below ~~\$33,900~~33,200 will have trouble saving for a down payment or emergency repairs. For individuals, single-room occupancy units are also an affordable solution. Deed restricted rentals that target these income categories, often with supportive services, can be the best housing solution for extremely low income families or individuals.

Over 72% of the ~~2,512~~2,981 occupied income restricted rental units throughout Marin are rented to extremely or very low-income households, and 25% are rented to low-income households. Only 3% of

²⁴ U.S. Department of Housing and Urban Development, effective 12/18/2013

²⁵ 2010 American Community Survey, U.S. Census Bureau CHAS 2000

²⁶ 2010 American Community Survey, U.S. Census Bureau

²⁷ ABAG Projections 2007

these units are rented to households making moderate or above-moderate incomes.²⁸ In Marin County, there are five single-room occupancy (SRO) properties, which provide single bedrooms for individuals who share restrooms and kitchens. One of these properties, Bolinas Garage, is owned and operated by the Bolinas Community Land Trust, providing SRO and live/work units in West Marin. In addition, there are ~~549-475~~ units of supportive housing ~~across 15 properties~~ countywide,²⁹ providing services to a variety of special needs populations ranging from the homeless to seniors to people with disabilities, to name a few.

Programs in this Housing Element ~~which that~~ promote housing for extremely low income households include programs ~~which that~~ will increase the supply of multifamily housing and promote second units, ~~Single-Room Occupancy units (SRO) units and agricultural worker housing (~~1.a Establish Minimum Densities on Housing Element Sites, 1.b Conduct a Comprehensive Affordable Housing Sites Inventory, 1.d Streamline the Review of Affordable Housing, 1.e Study Ministerial Review for Affordable Housing, 1.f Develop Multi-family Design Guidelines, 1.g Undertake Adjustments to Second Unit Development Standards, 1.h Review and Update Parking Standards, 1.j Zone and Provide Appropriate Standards for SRO Units, 1.k Zone and Provide Appropriate Standards for Homeless Shelters, 1.l Enable Transitional and Supportive Housing, 2.i Modify Development Code to Reflect Williamson Act, and 2.j Promote the Development of Agricultural Worker Units in Agricultural Zones).

The Marin Workforce Housing Trust, a public-private partnership that provides funding for housing countywide, includes a set-aside for extremely low income households (30% HAMEI). This Housing Element contains a program ~~which that~~ addresses the County's role to monitor and insure that these provisions are maintained (3.k Provide Leadership to the Marin Workforce Housing Trust).

Sales Prices and Rents

The median price for a single-family detached home in Marin County in 2013 was \$882,400, requiring an income over \$200,000 per year to qualify for a loan. The cost of multi-family homes has also increased, but to a lesser degree. The median price of a townhome or condominium rose from \$315,000 in 2000 to \$435,000 in 2013.³⁰ The required income to afford the median townhome or condominium rose from \$84,000 to over \$140,000. In 2000, the median price for a single-family detached home in Marin County was \$599,000, requiring an income over \$150,000 per year to qualify for a loan. As housing costs and incomes have continued to increase, the issue of affordability has become more pronounced for Marin residents on the lower end of the income spectrum. ~~The median price for a single-family detached home in Marin County in 2008 2013 was \$914,000 \$882,400, requiring an income over \$216,000 \$200,000 per year to qualify for a loan. The cost of multi-family homes has also increased, but to a lesser degree. The median price of a townhome or condominium rose from \$315,000 in 2000 to \$415,000 \$435,000 in 2008 2013.³¹ The required income to afford the median townhome or condominium rose from \$84,000 to over \$90,000 \$140,000.~~

According to rental data compiled by realtor Michael Burke of Frank Howard Allen Coldwell Banker, rental prices increased approximately 48% for one-bedroom units and 13% for two-bedroom units between 1999 2004 and 2007 2013. In 2013, Rents were highest during 2000 and 2001 during the dot-com boom the highest they've been since 2001 when the average rent in Marin was \$2,261 (2014 dollars adjusted for inflation).³² However, with inflation as a factor, rental prices have remained steady

²⁸ Marin County Affordable Housing Inventory, 2008 updated in 2014

²⁹ ~~Marin Housing Workbook, 2009~~ Marin County 2013 Point in Time Count

³⁰ County of Marin Assessor, 2013

³¹ ~~County of Marin Assessor, 2013~~

³² Actual average rent in 2001 was \$1,688, adjusted for inflation (33.9%) = \$2,261 in 2014 dollars.

in relative terms (defined as less than 10% change in price). Figure II-14 below shows average rents in Marin County from 1999 to 2007.

Figure: II-1416: Forecast of Average Rental Prices (2-Bedroom Apartments), 2004-20122013, Countywide

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Average annual rent (studio to 3 bed)	\$1,483	\$1,478	\$1,537	\$1,620	\$1,695	\$1,673	\$1,667	\$1,777	\$1,920	\$2,066
Cost adjusted for inflation (2014 dollars)	\$1,861	\$1,794	\$1,807	\$1,852	\$1,866	\$1,849	\$1,812	\$1,873	\$1,983	\$2,102
	2012 Year Ave.	2011 Year Ave.	2010 Year Ave.	2009 Year Ave.	2008 Year Ave.	2007 Year Ave.	2006 Year Ave.	2005 Year Ave.	2004 Year Ave.	
Two Bedroom	\$1,844	\$1,777	\$1,667	\$1,673	\$1,695	\$1,620	\$1,537	\$1,478	\$1,483	
Cost adjusted for inflation	\$1,726	\$1,701	\$1,647	\$1,680	\$1,695	\$1,682	\$1,640	\$1,616	\$1,677	

Note: The inflation adjustment calculates all rental prices to 2008 dollars.

Source: Michael Burke, Frank Howard Allen Realtors of Coldwell Banker, from Craigslist and Marin Independent Journal apartment for rent ads

In 2010, the average rental price for a two-bedroom apartment in Marin County was \$1,667.³³ In spite of the economic downturn, rental prices continued to rise in 2011 to an average of \$1,777 for a two-bedroom apartment in 2011 and to \$2,014 in 2012.³⁴ Data from the first two quarters of 2012 indicate an increase from 2011 to \$1,844. In spite of economic turmoil, the sustained increase in rental prices, paired with rental occupancy rates above at 95%, demonstrate the steady demand for rental housing in Marin County. An average-priced rental accommodation may be affordable to households with lower or moderate income, but is still unaffordable to households with very low or extremely low income.

Ability to Pay for Housing/Overpaying

According to the U.S. Department of Housing and Urban Development (HUD), affordable housing costs should equal 30% or less of a household's income for renters and 40% for homeowners. Because household incomes and sizes vary, the affordable price for each household also varies. For example, a double-income household with no children could afford a different type of housing than a large family with one lower-income wage earner.

Households are considered to be overpaying when they pay more than 30% of their income for housing. In 2010, Approximately 44.56% of renters in unincorporated Marin were estimated in 2000 to be overpaying for housing costs, while approximately one-third 37% of owners were overpaying for housing. Data show that for Marin County Of unincorporated Marin residents who earn 80% or less of the area median income (HAMEI), 83% of renters and 54.59% of homeowners pay more than 30% of

³³ Burke Apartment Data

³⁴ Real Facts, 2009 Marin County Rental Statistics 2004-2013, Michael Burke, Coldwell Banker

household income for housing costs.³⁵ This data illustrates that low-income households have more pronounced financial burden with regard to housing.

Given the household income trends and housing cost trends discussed previously, it is reasonable to conclude that the incidence of overpayment for very low, low, and moderate-income households may increase in the future. Overpaying households are shown in the Figures II-15-17 and II-16-18 below. It should be noted that owners are given tax breaks for mortgage interest payments while renters are not. In fact, by far the largest, and often least recognized, Federal housing subsidy is for mortgage and property tax deductions.

Figure II-15: Housing Cost as a Percentage of Household Income

Owner-Occupied Units: SF3- H97				
Income Range	Total Households	0-20% of HH Income	20-29% of HH Income	Overpaying 30-34% of HH Income 35+% of HH Income
\$0-10,000	417	-	2	-
\$20,000-34,999	1,282	388	168	44
\$35,000-49,999	1,333	510	186	57
\$50,000 +	12,555	6,301	3,117	1,038
Subtotal	16,189	7,207	3,625	1,150
Renter-Occupied Units				
\$0-10,000	692	5	69	26
\$20,000-34,999	1,091	98	137	83
\$35,000-49,999	1,106	180	284	157
\$50,000 +	3,332	1,758	1,088	189
Subtotal	7,001	2,130	1,643	520
TOTAL	23,190	9,337	5,268	1,670

Source: U.S. Census, 2000 Population and Housing, Summary Tape File 3A- H73 and H97

Figure II-17: Housing Cost as Percentage of Household Income, Unincorporated County

Owner-Occupied Units				
Income Level (family of 4)	Total Households	0-29% of HH Income	30-50% of HH Income [overpaying]	50% or more of HH Income [overpaying]
Extremely/Very Low Income (≤50% HAMFI ³⁶)	1,772	687	374	711
Low Income (50 to 80%)	1,910	840	258	812
Moderate Income (80 to 120%)	1,998	1,024	588	386
Above Moderate Income (120% or more)	8,368	6,233	1,720	415
Owner Subtotal	14,048	8,784	2,940	2,324

³⁵ CHAS, 2000; Marin County Community Development Agency 2010 American Community Survey, U.S. Census Bureau

³⁶ HAMFI is the Area Median Family Income established by the US Dept. of Housing and Urban Development

Renter-Occupied Units				
Income Level	Total Households	0-29% of HH Income	30-50% of HH Income [overpaying]	50% or more of HH Income [overpaying]
Extremely/Very Low Income	2,423	394	695	1,334
Low Income	1,033	211	705	117
Moderate Income	1,242	687	555	0
Above Moderate Income	1,636	1,481	155	0
Renter Subtotal	6,334	2,773	2,110	1,451
TOTAL	20,382	11,557	5,050	3,775

Source: 2010 American Community Survey, U.S. Census Bureau

The figure below translates each of the income categories into affordable rents. These are the rents that households earning that level of income would pay if they were to spend 30% of their income on housing (33% for owner-occupied housing). These rough calculations demonstrate the gap between market prices and affordability at various income levels.

Figure II-4618: Bay Area Wages and Affordable Rents†

Very Low Income – Less than 50% of Median	Hourly Wage	Annual Income	Affordable Rent + Utilities	Median Rent Gap‡
Dishwashers	\$9.68	\$20,134	\$503.36	-\$1,174.64
Retail Salespersons	\$11.79	\$24,523	\$613.08	-\$1,064.92
Child Care Workers	\$13.11	\$27,269	\$681.72	-\$996.28
Truck Drivers, Delivery	\$17.80	\$37,024	\$925.60	-\$752.40
Low Income – 50%-80% of Median	Hourly Wage	Annual Income	Affordable Rent + Utilities	Median Rent Gap
Mental Health and Substance Abuse Social Workers	\$19.81	\$41,205	\$1,030.12	-\$647.88
Construction Laborers	\$23.82	\$49,546	\$1,238.64	-\$439.36
Police, Fire and Ambulance Dispatchers	\$26.91	\$55,973	\$1,399.32	-\$278.68
Civil Engineering Technicians	\$29.63	\$61,630	\$1,540.76	-\$137.24
Moderate Income – 80%-100% of Median	Hourly Wage	Annual Income	Affordable Rent + Utilities	Median Rent Gap
Carpenters	\$30.65	\$63,752	\$1,593.80	-\$84.20
Medical and Public Health Social Workers	\$32.44	\$67,475	\$1,686.88	\$8.88
Correctional Officers and Jailers	\$35.23	\$73,278	\$1,831.96	\$153.96
Loan Officers	\$37.30	\$77,584	\$1,939.60	\$261.60

Source: 2009 California Occupational Employment Statistics – San Francisco-San Mateo-Redwood City MD

† Income categories based on two person household with one wage earner

‡ Based on \$1,678 2009 median rent – Real Facts 2009

Very Low Income: Less than 50% of Median³⁷	Average Hourly Wage³⁸	Average Annual Income³⁹	Affordable Rent and Utilities	Average Rent Gap⁴⁰
Dishwashers	\$10.87	\$22,610	\$565.24	(- \$1,177.76)
Retail Salespersons	\$13.67	\$28,434	\$710.84	(- \$1,032.16)
Grounds Maintenance Workers	\$15.83	\$32,926	\$823.16	(- \$919.84)
Couriers and Messengers	\$16.89	\$35,131	\$878.28	(- \$864.72)
Medical Assistants	\$20.38	\$42,390	\$1,059.76	(- \$683.24)
Low Income: 50%-80% of Median	Hourly Wage	Annual Income	Affordable Rent + Utilities	Average Rent Gap
Construction Laborers	\$22.99	\$47,819	\$1,195.48	(- \$547.52)
Child, Family, and School Social Workers	\$24.23	\$50,398	\$1,259.96	(- \$483.04)
Landscaping/Grounds-keeping Supervisors	\$28.18	\$58,614	\$1,465.36	(- \$277.64)
Carpenters	\$30.12	\$62,650	\$1,566.24	(- \$176.76)
Legal Secretaries	\$32.30	\$67,184	\$1,679.60	(- \$63.40)
Moderate Income: 80%-100% of Median	Hourly Wage	Annual Income	Affordable Rent + Utilities	Average Rent Gap
Civil Engineering Technicians	\$35.05	\$72,904	\$1,822.60	\$79.60
Electricians	\$39.04	\$81,203	\$2,030.08	\$287.08
Microbiologists	\$41.63	\$86,590	\$2,164.76	\$421.76
Firefighters	\$44.21	\$91,957	\$2,298.92	\$555.92

Source: California Employment Development Department 2013 (Q1) Occupation Profiles

Market prices for single-family homes are out of reach for many people who work in Marin County. However, average market rate rental housing is affordable at the moderate-income level for a two-person household with both persons employed. It can be concluded from this analysis that new rental housing at market rates can provide a portion of the County's moderate income housing need.

Nonetheless, the impact of the housing cost burden on low-income households can be significant regardless of tenure. In particular, seniors, many large-families and single-parent or female-headed households are struggling with housing costs. The costs of health care, food, and transportation compound the difficulty of finding and maintaining tenancy or homeownership in an affordable unit. Thus, high incidences of overpaying are often characteristics of these populations with low incomes.

In addition to the income restricted affordable housing units in the County, resources and programs to assist households with cost burdens or other housing problems include "2-1-1", the hotline that connects callers to the United Way in San Francisco for information on local housing opportunities and social services. A number of nonprofit organizations also provide housing counseling and resources, such as the Marin Center for Independent Living, an organization that focuses on the needs of disabled

³⁷ Income categories based on HUD 2014 Income Limits for 2-person household with one wage earner

³⁸ 2013 California Occupation Statistics for San Francisco-San Mateo-Redwood City Metro Division, California Employment Development Department

³⁹ Based on full-time employment status: 40 hours a week, 52 weeks a year

⁴⁰ Based on 2013 average rent of \$1,743 for 1-bedroom apartment, provided by Michael Burke apartment data

individuals and their families. Adopt a Family, provides financial assistance to homeless and formerly homeless families through an Emergency Assistance Program for basic needs, including security deposits, rental assistance, childcare subsidies, car repair, and help with food, transportation, and other daily needs.

Overcrowding

Overcrowded housing is defined by the U.S. Census as units with more than one inhabitant per room, excluding kitchens and bathrooms. In ~~2000~~2010, as shown in the Figure II-47-19 below, the incidence of overcrowding in Marin County was ~~one percent~~ 0.7% for owner-occupied units, and ~~6.57.0%~~ 6.57.0% for rental units. However, it is likely that these 2000-2010 Census counts of overcrowding underestimated the actual occurrence, as households living in overcrowded situations were unlikely to provide accurate data on household members who might be living in the unit illegally or in violation of a rental agreement.

Figure II-47-19: Overcrowded Households, Countywide

Countywide						
Persons per Room	Owner-occupied units		Renter-occupied units		Total Overcrowded units (owner + renter)	
	Households	Percent	Households	Percent	Households	Percent
0.50 or less	<u>44,126</u> <u>52,371</u>	<u>78.5</u> <u>81.1%</u>	<u>4,430</u> <u>24,010</u>	<u>60.6</u> <u>62.3%</u>	<u>48,556</u> <u>76,381</u>	<u>0</u> <u>74.0%</u>
0.51 to 1.0	<u>3,687</u> <u>11,804</u>	<u>20.5</u> <u>18.2%</u>	<u>2,403</u> <u>11,871</u>	<u>32.9</u> <u>30.7%</u>	<u>6,090</u> <u>23,675</u>	<u>0</u> <u>23.0%</u>
1.01 to 1.500	<u>447</u> <u>301</u>	<u>0.8</u> <u>0.5%</u>	<u>239</u> <u>1,626</u>	<u>3.3</u> <u>4.2%</u>	<u>386</u> <u>1,927</u>	<u>4.5</u> <u>1.9%</u>
1.51 to 2.00	<u>30</u> <u>78</u>	<u>0.2</u> <u>0.1%</u>	<u>490</u> <u>870</u>	<u>2.6</u> <u>2.3%</u>	<u>220</u> <u>948</u>	<u>0.9</u> <u>%</u>
2.01 or more	<u>7</u> <u>34</u>	<u>0.0</u> <u>0.1%</u>	<u>45</u> <u>187</u>	<u>0.6</u> <u>0.5%</u>	<u>52</u> <u>221</u>	<u>0.2</u> <u>%</u>
TOTAL	<u>47,997</u> <u>64,588</u>	<u>100</u> <u>%</u>	<u>7,307</u> <u>38,564</u>	<u>100</u> <u>%</u>	<u>25,304</u> <u>103,152</u>	<u>2.6</u> <u>100%</u>
% Total Overcrowded by Tenure	<u>484</u> <u>413</u>	<u>1.0</u> <u>0.7%</u>	<u>474</u> <u>2,683</u>	<u>6.5</u> <u>7.0%</u>	<u>658</u> <u>1,169</u>	<u>2.6</u> <u>1.1%</u>

Unincorporated County						
Persons per room	Owner-occupied units		Renter-occupied units		Total units (owner + renter)	
	Households	Percent	Households	Percent	Households	Percent
<u>1.0 or less</u>	<u>17,892</u>	<u>99.3%</u>	<u>8,013</u>	<u>98.1%</u>	<u>25,905</u>	<u>98.9%</u>
<u>1.01 to 1.5</u>	<u>119</u>	<u>0.6%</u>	<u>100</u>	<u>1.2%</u>	<u>219</u>	<u>0.8%</u>
<u>1.51 or more</u>	<u>15</u>	<u>0.1%</u>	<u>54</u>	<u>0.7%</u>	<u>69</u>	<u>0.3%</u>
Total	<u>18,026</u>	<u>100%</u>	<u>8,167</u>	<u>100%</u>	<u>26,193</u>	<u>100%</u>
Total Overcrowded	<u>134</u>	<u>0.7%</u>	<u>154</u>	<u>1.9%</u>	<u>288</u>	<u>1.1%</u>

Source: ~~2000 U.S. Census of Population and Housing, Summary Tape File 3A - H20 Tenure by Occupants per Room~~ 2012 American Community Survey, U.S. Census Bureau; 2010 U.S. Census; 2010 American Community Survey, U.S. Census Bureau. Note: the Census defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens). Units with more than 1.5 persons per room are considered severely overcrowded.

It should also be noted that studies⁴¹ show that overcrowding results in negative public health indicators, including increased transmission of tuberculosis and hepatitis. In addition, studies⁴² show increases in domestic violence, sexual assault, mental health problems, and substance abuse related to overcrowded living conditions. Overcrowded conditions are common among large-family, single-parent, and female-headed households that subsist on low incomes. In addition, overcrowded conditions can sometimes occur on ranches that employ agricultural workers, especially during peak harvest times when seasonal or migrant workers are utilized.

Managers of income-restricted affordable units, whether private or the Marin Housing Authority, ensure that the unit is an appropriate size given the household size. For those households participating in the Section 8 program, the Marin Housing Authority provides search assistance for the difficult to house and special needs populations, such as large households or households with a person with disabilities. The rehabilitation and replacement of agricultural units, undertaken by the Marin Workforce Housing Trust, and California Human Development and funded by the Marin Community Foundation, USDA, State and County sources, seeks to improve health and safety conditions for agricultural workers. In order to qualify for the program, participating ranches must insure quality maintenance and not allow overcrowding.

Foreclosure

~~As of January 1, 2008, California had the nation's second-highest foreclosure rate, with 1 in every 148 homes in foreclosure.⁴³ However, the foreclosure crisis has had a relatively smaller impact on Marin County, where 1 in every 528 homes was in foreclosure than the Bay Area region or the State as a whole. Nonetheless, the price of housing is still not affordable to lower income households and those that work in Marin-based industries.~~

On January 7, 2009, the Marin Independent Journal reported, "Marin foreclosures more than tripled in 2008." ~~In December 2008, 1 in 148 homes in California was in foreclosure. In Marin County, 1 in 528 homes were in foreclosure. Between 2007 and 2008, foreclosure rates rose in most jurisdictions throughout the Bay Area and the State. Many rates were high; however, this was frequently due to the very low rates in 2007 when a small increase would result in a high percentage change. In contrast, the median change in the Bay Area as a whole was approximately a 50% increase.~~

Since that time, foreclosure rates have dropped significantly throughout the Bay Area and statewide, as demonstrated in Figure II-20. As of April 2014, Marin still has the second lowest rate in the Bay Area at 0.02%, which is well below the State and national rate of 0.09%. In Marin, only 1 in every 3,993 homes is now in foreclosure, compared to 1 in every 1,059 homes statewide. While the foreclosure crisis had a significant impact on the local housing market, the price of housing was still not affordable to lower income households and those that work in Marin-based industries. With the recent recovery of the housing market, that affordability gap has only widened.

~~However, the crisis has impacted public perception. The idea that the need for new construction is obsolete because affordable homes are available due to the foreclosure crisis is widespread and may increase community opposition to new construction of affordable homes. Because Marin has one of the~~

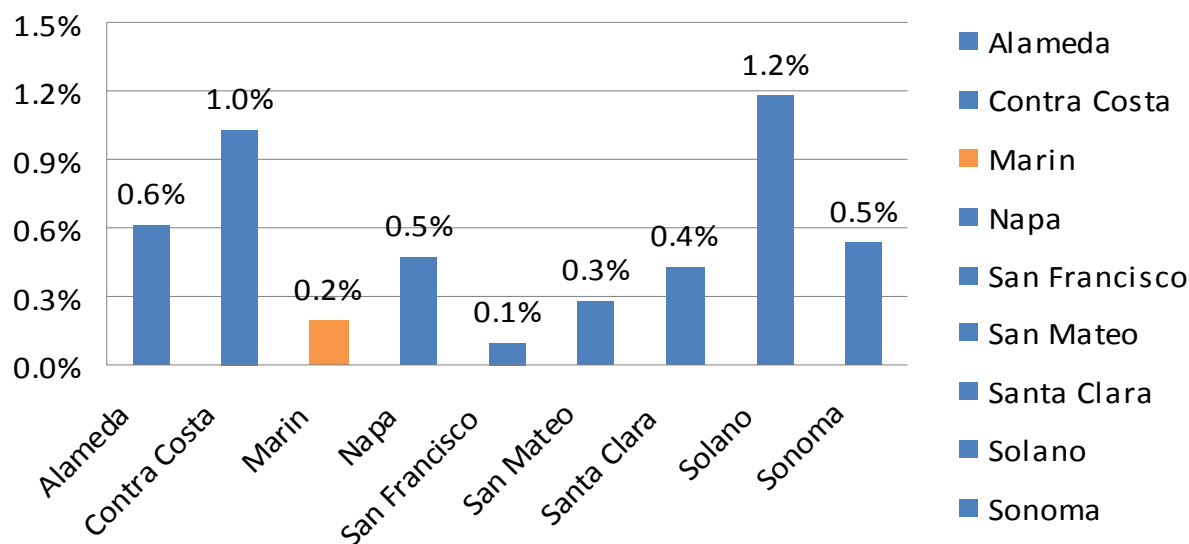
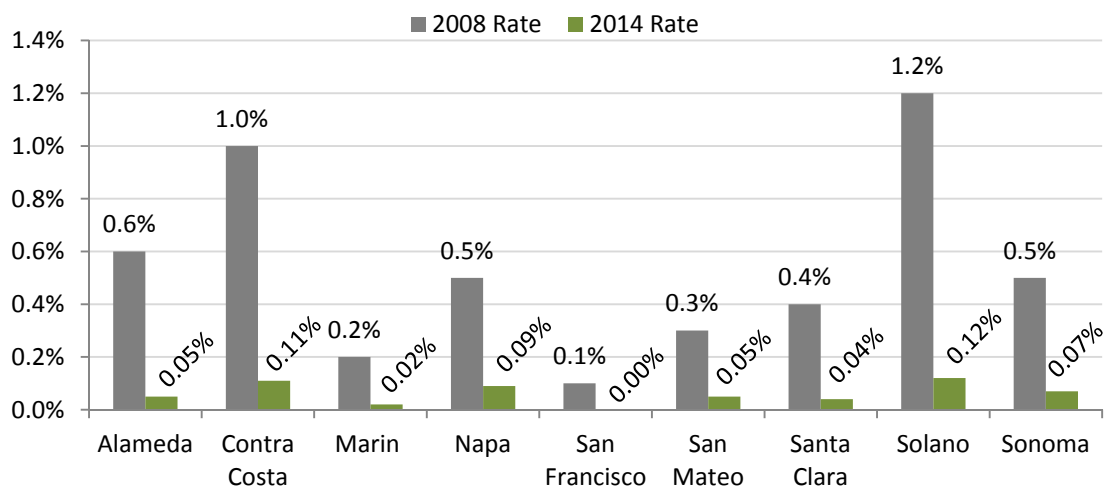
⁴¹ Lubell, Jeffrey, Rosalyn Crain, and Rebecca Cohen. 2007. *The Positive Impacts of Affordable Housing on Health: A Research Summary*. Washington, DC: Center for Housing Policy and Enterprise Community Partners. Available for download at <http://www.nhc.org/publications/Housing-and-Health.html>.

⁴² Bashir, Samiya A. 2009. *Home Is Where the Harm Is: Inadequate Housing as a Public Health Crisis*

⁴³ RealtyTrac.com

lowest foreclosure rates in the State, Marin is not eligible for funds such as the Neighborhood Stabilization Program (NSP) through HUD.

Figure II-4820: Bay Area County Foreclosure Rates, December 2008 and April 2014



Source: Marin Housing Workbook, 2009

Source: 2009 Marin Housing Workbook; RealtyTrac, April 2014

Another useful indicator of foreclosure trends is the proportion of housing stock at risk of foreclosure; a home is termed at risk when it is worth less than the amount the owner still owes on the original mortgage. Owners who owe more than their homes are worth have a higher frequency of foreclosure. In the fourth quarter of 2008, the Bay Area median percentage of at risk homes was approximately 12 percent; rates varied considerably among ZIP code areas in Marin, from a low of 2% in the unincorporated communities of Inverness and Stinson Beach to a high of 24% in the City of Novato.

Special Needs Housing

Overview

In addition to overall housing needs, the County plans for housing for special needs groups. To meet the community's special needs housing needs, including the needs of seniors, people living with disabilities, people with HIV/AIDS and other illnesses, people in need of mental health care, single-parent families, singles with no children, large households, agricultural workers, the homeless, and the local workforce, Marin County must look to new ways of increasing the supply, diversity, and affordability of specialized housing stock.

There is a continuum of housing types that address special needs, including independent living (owning or renting), supportive housing, assisted living, group home and skilled nursing facilities, transitional housing, residential treatment (licensed facilities), detoxification programs, Safe Haven, and emergency shelters. One of the most effective housing options for special needs housing is supportive housing where services are offered to tenants, often on-site, to help achieve and maintain housing security. However, there is an inadequate supply of supportive housing units and affordable units in general to meet the needs of the community.

Seniors

The need for senior housing can be determined by the age distribution, housing characteristics and demographic projections. On a countywide level, these determinants indicate that Marin has one of the oldest populations in the State, ~~almost two-thirds~~ 77% of County seniors are homeowners, and the majority of the existing housing stock is homes ~~over with more than~~ two bedrooms.⁴⁴ However, those figures alone do not account for the types of accommodations necessary to provide for the elderly population. Given that senior income drops precipitously as seniors age and Marin is one of the most expensive places for seniors to live, particular needs include smaller and more efficient housing, barrier-free and accessible housing, and a wide variety of housing with health care and/or personal services provided.⁴⁵ In addition, a continuum of care is needed as elderly households develop health care needs. As the data below indicates, seniors are more likely to be lower income than the population in general and to face distinct difficulties in finding appropriate and affordable housing for their needs.

According to the ~~American Community Survey in 2007~~ 2010 Census, there were ~~99,627~~ 103,210 households in Marin County, of which ~~27,642~~ 28,253 or ~~27%~~ 28% had a householder ~~were persons~~ aged 65 or older. Of these households, ~~1,846 or 4.76.5%, or 1,299~~ had incomes below the poverty line.⁴⁶ ~~According to 2000 Census data~~ In the unincorporated County, there were ~~5,610~~ 26,193 households, of which ~~7,354 households or 28% in the unincorporated area of Marin County were~~ headed by a person age 65 or older.⁴⁷ Of those, ~~458 or 6.2% had incomes below the poverty line.~~⁴⁸ ~~85% owned their home and 15% were renters.~~

Housing types to meet the needs of seniors include smaller attached or detached housing for independent living (both market rate and below market rate), second units for inter-generational living, age-restricted subsidized rental developments, shared housing, congregate care facilities, licensed facilities, Alzheimer's and other specialty facilities, and skilled nursing homes. There is also a need for senior housing where an in-home caregiver can reside.

⁴⁴ Claritas Senior Life Report, 2008 2010 U.S. Census; 2012 American Community Survey, U.S. Census Bureau

⁴⁵ Elder Economic Security Standard by County 2007, Center for Community and Economic Development

⁴⁶ 2011 American Community Survey, U.S. Census Bureau

⁴⁷ 2010 U.S. Census

⁴⁸ 2011 American Community Survey, U.S. Census Bureau

In addition, the nexus between living arrangements for seniors and senior-oriented services must reinforce the ability for seniors to achieve a high quality of life with access to local amenities, choices in housing, health care, and activities, and full integration into the community. A well-balanced community is one in which these elements are implicit and guaranteed for all members of the community, with particular recognition of the needs of specific demographic groups such as seniors. As such, the Older Americans Act provides funding for services that:

- Enable older individuals to secure and maintain independence and dignity in their homes;
- Remove barriers to personal and economic independence;
- Provide a continuum of care for vulnerable older persons;
- Secure the opportunity for older individuals to receive managed in-home care and community-based long-term care services.

The County's Division of Aging and Adult Services supports a variety of services that are provided to a network of local non-profit organizations and governmental agencies throughout Marin County. Figure II-49-21 below provides a summary of senior services available throughout Marin County.

Figure II-49-21: Countywide Services Offered for Seniors

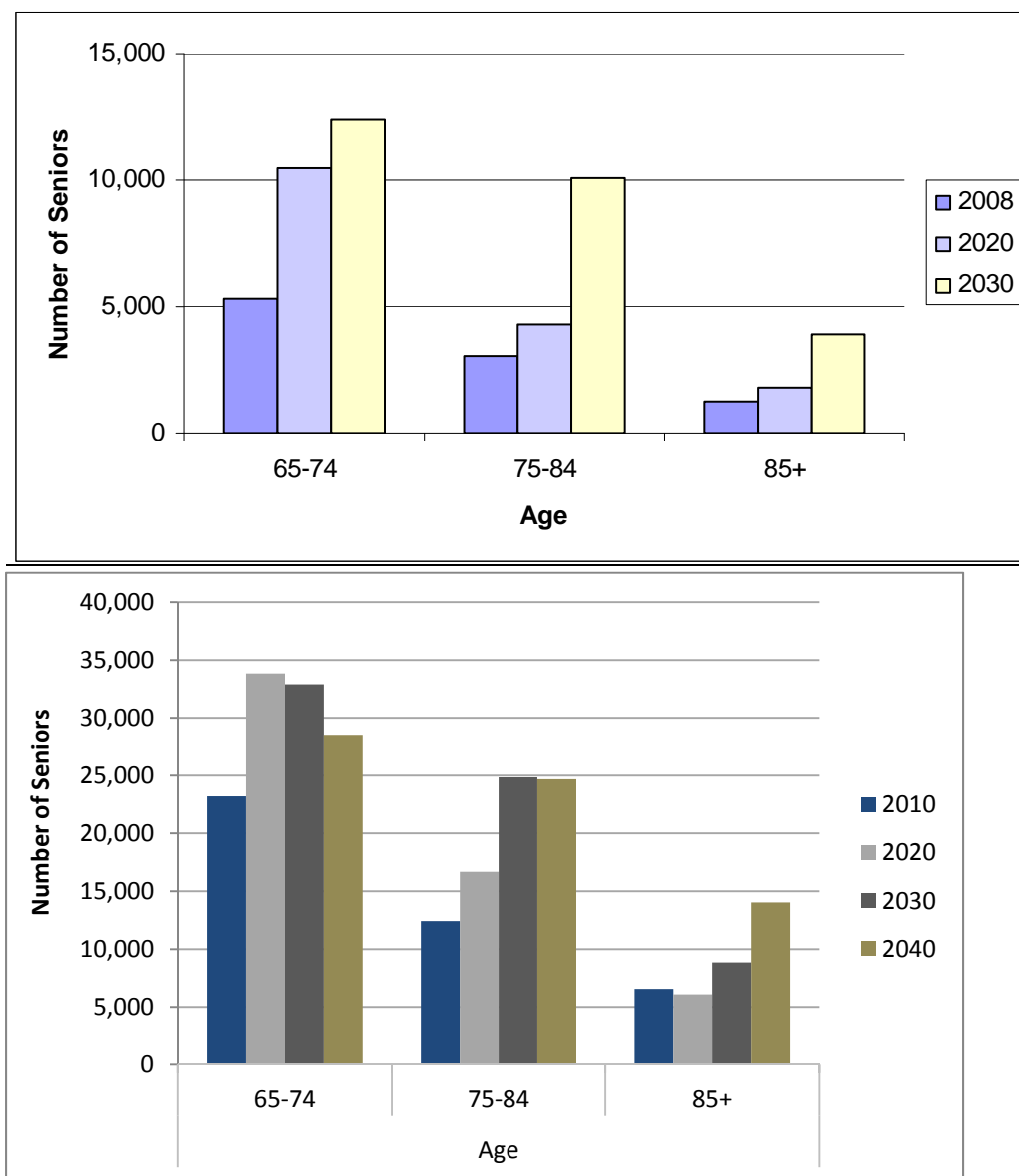
Service	Description
Adult Day Healthcare	Day care services for older adults with health care needs.
Alzheimer's Day Care Resource Center	Day care services for persons with Alzheimer's and other dementias.
Case Management	Coordination and monitoring of services for older persons and persons with disabilities to maintain independence.
Employment Services (Senior Community Services Employment Program for Older Adults)	Subsidized community services-based employment and opportunities for placement in regular employment after training.
Family Caregiver Support	Emotional support, education, training, and respite care for family caregivers and grandparents.
Health Insurance Counseling	Information and counseling on Medicare, Medi-Cal, managed care, and long-term care.
In-Home Services/Respite Registry	Home care worker referrals to assist older persons to remain in their own homes.
Information and Assistance	Links older adults and their family members to appropriate services through information and referrals.
Legal Services	Provides seniors with legal services and education on older persons' rights, entitlements, and benefits.
Long Term Care Ombudsman	Ensuring the rights and protection of older persons at risk for abuse, neglect, or exploitation while living in long-term care facilities.
Medication Management	Programs to educate older adults on how to better manage complicated medication regimens.
Multicultural Services	Outreach programs to the Asian, Latino, and African-American communities in San Rafael and Marin City.
Nutrition Services	Nutrition services, such as home delivered and congregate meals and Brown Bag supplemental grocery services.
Preventive Health Care	Educational forums on how to take preventive measures before health conditions occur.
Project Independence	Volunteer advocates providing support to adults at discharge from local hospitals.
Senior Center Activities	Educational, creative, and fun activities, including trips that enhance both

Service	Description
Services	health and well-being.
Transportation Services	Transportation to assist older persons in obtaining services.
Volunteer Programs	Tax-free stipend volunteer opportunities for older adults to spend time with children and other older persons in need.

Source: Marin County Division on Aging

Many seniors are over-housed, which means living in a home far larger than they need. This phenomenon will become more pronounced in the coming years, as the senior population in the unincorporated County is projected to experience an increase of 47-59% between 2008-2010 and 2020-2040. Some may be willing to vacate their home for a smaller unit, thus increasing housing options for families if more suitable housing is made available.

Figure II-2022: Senior Population Projections



Source: ~~Marin Housing Workbook~~, 2009-2010 U.S. Census; 2010 Dept. of Finance Population Projections

The increasing number of seniors and increasing longevity in the population in Marin County will create additional need for affordable housing and specialized housing for older residents. This has the following implications:

- Marin has a limited supply of vacant residential land. Senior projects would compete with non-age-restricted housing for this land, as additional housing for area workers and families is also an important need.
- Many seniors can become “trapped” in large houses due to upkeep expenditures. Seniors on fixed incomes have limited resources for home improvements to maintain or rehabilitate older housing.
- Moving to smaller units could increase home payments and cause increased financial burden. Senior homeowners can be house rich and cash poor, meaning they may have a lot of value in their homes but it is inaccessible.⁴⁹

Low- and very low-income seniors often cannot afford the cost of licensed facilities in Marin. According to the Marin County Division of Aging, ~~the average basic-most room and board facilities in the County is currently cost between \$3,500-\$3,200 to \$4,000-\$5,000 per month for a single bed (room, bathroom, and three meals a day). Personal care is an additional cost above the basic housing charge.~~

Through a 2003 ordinance, the development of licensed senior facilities, such as assisted living facilities, is subject to the jobs/housing linkage fee, whereby funds are contributed to the County’s Affordable Housing Trust based on the number of low- and moderate-income jobs anticipated for the new development.

Strategies and Programmatic Responses to Meet Projected Needs

The County currently encourages senior housing through a variety of provisions in the Development Code, including reduced parking standards, allowances for increased densities, and flexibility around kitchen designs. This Housing Element contains a number of programs related to increasing multifamily and special needs housing that can also result in increased opportunities for senior housing, such as ~~1.d Streamline the Review of Affordable Housing, 1.e Study Ministerial Review for Affordable Housing, and 2.a Encourage Housing for Special Needs Households.~~ Other programs that can facilitate housing types appropriate for seniors include second units, accessibility and universal design, and preservation of existing affordable housing and rental housing stock (~~1.g Undertake Adjustments to Second Unit Development Standards, 2.g Ensure Reasonable Accommodations, and 3.p Utilize Federal Grants Division Funding).~~

People Living with Physical, Mental and Developmental Disabilities

People living with disabilities represent a wide range of housing needs, depending on the type and severity of their disability. Special consideration should be given to the issue of income and affordability, as many people with disabilities are living on fixed incomes. Some of the considerations and accommodations that are important in serving individuals and families with disabilities are: (1) the design of barrier-free housing; (2) accessibility modifications; (3) proximity to services and transit; (4) on-site services; and, (5) mixed income diversity and group living opportunities.

Some people with disabilities can live most successfully in housing that provides a semi-independent living state, such as clustered group housing or other group-living quarters; others are capable of living

⁴⁹ Strategic Plan Data Focus Report 2004-2014, Division of Aging, Marin Health and Human Services

independently if affordable units are available. Different types of housing that can serve these populations include: (1) single-room occupancy units (SROs), (2) single-family and group homes specifically dedicated to each population and their required supportive services, (3) set-asides in larger, more traditional affordable housing developments, and (4) transitional housing or crisis shelters. Sources of financing could include Section 202, Section 811, Multi-family Housing/Supportive Housing, Mental Health Services Act, Transitional Age Youth and Section 8 project-based vouchers, which can be leveraged with local funds.

As the population ages, the need for handicapped accessible housing will increase. Consideration can be given to handicapped dwelling conversion (or adaptability) and appropriate site design. Incorporating barrier-free design in all new multi-family housing is especially important to provide the widest range of choice and is often required by State and Federal fair housing laws. Barriers to applying for building and planning approvals for reasonable accommodation modifications to units could be removed by providing over-the-counter approvals and streamlining the application process.

Figure II-2423: Persons with Disabilities by Disability Type, Countywide

Civilian Non-Institutionalized Population	Number	Percent of County Population
Total population	252,409	100%
Total population with a Disability-disability	13,86421,216	4008.4%
Population under 5 years with a disability	18	0.01%
Total Disabilities for Population Ages 5-64 with a disability	9,17410,246	66.14.1%
Sensory disabilityWith a hearing difficulty	5642,058	4.10.8%
Physical disabilityWith a vision difficulty	1,4521,146	10.40.5%
Mental disabilityWith a cognitive difficulty	1,3784,577	9.91.8%
With an ambulatory difficulty	4,418	1.7%
With a Self-care disabilitydifficulty	5892,239	4.20.9%
Go-outside-home disabilityWith an independent living difficulty	1,5922,992	11.51.2%
Employment disability	3,596	25.9%
Total Disabilities for Population Ages 65 and Over with a disability	4,69310,952	33.94.3%
Sensory disabilityWith a hearing difficulty	8034,672	5.81.9%
Physical disabilityWith a vision difficulty	1,6321,460	11.80.6%
Mental disabilityWith a cognitive difficulty	5672,780	4.11.1%
With an ambulatory difficulty	6,213	2.5%
With a Self-care disabilitydifficulty	5542,488	4.01.0%
Go-outside-home disabilityWith an independent living difficulty	1,1404,652	8.21.8%

Source: 2000 Census SF 3: P442012 American Community Survey, U.S. Census Bureau

Agencies such as the Marin Center for Independent Living, the Regional Center, and Marin County Community Mental Health serve people living with disabilities. Below is a sampling of data provided by these organizations. Based on this information, the housing type best suited for these households may be single-room occupancies (SROs) with supportive services.

- The Marin Center for Independent Living, for example, served 973-715 people with all types of disabilities (including older adults) in 2008-2014 throughout Marin County; of these, over 2060% were facing a lack of affordable accessible housing. Most of their clients live under the poverty level, and their average client earns about \$8,70010,500 annually.

- Marin County's Mental Health Services served 3,853,716 unduplicated clients in 2008fiscal year 2012/2013, of which 2,721 were adults age 18 and older, and provided Community-based housing and shelter was provided to for 44553 of their adult clients, or 4415% of their total caseload. Housing support in the form of emergency housing and rent assistance was provided for another 43 of their clients. Anecdotally, caseworkers managers say report that the demand far exceeds the limited available supply of housing and services, and cost of housing continues to increase well in excess of the income of public mental health clients. Affordable housing is a major issue for their clients.

Figure II-224: Persons with Disability by Employment Status, Countywide

Population	Number	Percent of County Population
<u>Total County Population</u>	<u>252,409</u>	<u>100%</u>
<u>Age 5-15, Persons with a Disability</u> <u>Total population age 18 - 64</u>	<u>375152,337</u>	<u>0.660.4%</u>
<u>Age 16-64, Employed Persons with a Disability</u> <u>Total in the labor force</u>	<u>3,590123,265</u>	<u>6.148.8%</u>
<u>Total in labor force with a disability</u>	<u>4,402</u>	<u>1.7%</u>
<u>Age 16-64, Not Employed Persons with a Disability</u>	<u>1,7693,843</u>	<u>3.01.5%</u>
<u>Persons Age 65 Plus with a Disability</u> <u>Unemployed</u>	<u>2,461559</u>	<u>4.20.2%</u>
<u>Total Persons with a Disability, Age 5 Plus</u> <u>Total not in labor force</u>	<u>8,19529,072</u>	<u>13.911.5%</u>
<u>Total not in labor force with a disability</u>	<u>4,755</u>	<u>1.9%</u>

Source: Census Bureau (2000 Census SF 3: P42)2012 American Community Survey, U.S. Census Bureau

Senate Bill 812, which took effect January 2011, requires housing elements to include an analysis of the special housing needs of the developmentally disabled in accordance with Government Code Section 65583(e). The needs of individuals with developmental disabilities are similar to that of other disabilities, and they face similar challenges in finding affordable housing. Many developmentally disabled individuals are on fixed incomes and cannot afford market rate rents. In addition, supportive services are often beneficial to maintain housing stability.

As of March 2014, according to the State Council on Developmental Disabilities Board-Area Board 5, which serves Marin, there are 4,165-1,098 individuals with developmental disabilities in Marin County. The Area 5 Board projects-estimates that a minimum 380 of these individuals are in need of housing, of which 3835, or 10%, are dually diagnosed with a mental health issue, and an additional 5771, or 4520%, require accessible housing. In March 2011, the State Council on Developmental Disabilities approved a 5-year strategic State Plan that is intended to help address the needs and priorities of the developmentally disabled population for the period of 2012-2016. This includes goals and strategies to improve access to affordable and accessible housing options.

Figure II-25: Population with Developmental Disability, Countywide

Population	Number	Percent of Population with Developmental Disability
<u>Total County Population</u>	<u>252,409</u>	<u>---</u>
<u>Total persons with a developmental disability</u>	<u>1,098</u>	<u>100%</u>
<u>Living at home with parent or guardian</u>	<u>505</u>	<u>46%</u>
<u>Living at community care facility</u>	<u>257</u>	<u>23%</u>
<u>Living independently</u>	<u>270</u>	<u>25%</u>
<u>Living at an Intermediate Care Facility (ICF)</u>	<u>53</u>	<u>5%</u>

<u>Living at a Skilled Nursing Facility (SNF)</u>	<u>5</u>	<u>0.4%</u>
<u>Other</u>	<u>8</u>	<u>0.6%</u>

Source: "Quarterly Consumer Characteristics Report Index by County of Physical Presence for the end of March 2014," California Department of Developmental Services

Strategies and Programmatic Responses to Meet Projected Needs

Housing which serves persons with mental, physical or developmental disabilities may include very low cost units in large group home settings (near retail services and public transit), supervised apartment settings with support services, outpatient/day treatment programs, inpatient/day treatment programs, crisis shelters, transitional housing, and independent living units.

Residential care facilities that serve a variety of disabled clientele groups are a permitted use in all zoning districts where dwellings are allowed and have traditionally been found intermixed within the County's residential neighborhoods. Consistent with State law, group homes with six or fewer residents per facility are allowed by right in all residential zoning districts. Group homes with seven or more persons are also permitted, subject to a conditional use permit, in all residential districts and in several commercial districts. Non-profit developers report that there is a need for jurisdictions to fast track the permitting process for these projects.

Programs in this Housing Element seek to encourage and facilitate special needs housing, enable group homes, ensure reasonable accommodation, and provide funding for rental assistance for disabled households (2.a *Encourage Housing for Special Needs Households*, 2.b *Enable Group Residential Care Facilities*, 2.d *Foster Linkages to Health and Human Services Programs* and 2.g. *Ensure Reasonable Accommodation*).

Large Families

Large-family households are defined by the U.S. Census Bureau as households containing five or more persons. Due to the limited supply of adequately sized rental units and affordable homeownership opportunities to accommodate large-family households, large families face an above-average level of difficulty in locating housing that is adequately sized and affordably priced. In Marin County, there are adequate market rate homeownership opportunities, but these homes are out of reach economically for moderate- and low-income families. The stock of three bedroom or larger rental housing units is very limited. Even when larger units are available, the cost is generally higher than low income families can afford.

The ~~2000-2010~~ Census data ~~shows reflect~~ that 7% of greater-Marine's households meet the definition of a large family (five ~~people~~ or more ~~people~~), and that over half (60%) of large-family households in the County live in owner-occupied ~~units~~ homes. In the unincorporated area of the County, there are 1,642,619 large-family households, which comprise 76% of all households. Of these households, 8472% are owner-occupied households and 4938% are renters.

Figure II-2326: Number of Large-Family Households (households with 5 or more persons) by Tenure

Area	Owner-Occupied Households		Renter-Occupied Households		All Total Large Family Households		Total Households
	Number	Percent	Number	Percent	Number	Percent	Number
Unincorporated Marin	<u>1,334,117</u>	<u>8472%</u>	<u>308,445</u>	<u>4938%</u>	<u>1,642,619</u>	<u>4006%</u>	<u>26,193</u>
Marin County all	<u>3,913,994</u>	<u>6054%</u>	<u>2,591,390</u>	<u>4046%</u>	<u>6,504,738</u>	<u>4007%</u>	<u>103,210</u>

Source: 2000 CHAS 2010 U.S. Census, U.S. Census Bureau

As Figure II-2427 below illustrates, the shortage of large units is primarily in the rental category, where only 5.9% of the housing stock has three bedrooms, 1.2% of units have 4 bedrooms, and only 0.3% has 5 or more bedrooms.

Figure II-2427: Existing Housing Stock Number of Bedrooms by Tenure, Countywide

Bedroom Type	Owner Households		Renter Households		All Total Households	
	Number	Percent	Number	Percent	Number	Percent
0 BR	99,162	0.40.1%	774,212	3.02.1%	873,374	3.42.2%
1 BR	686,046	2.72.0%	2,207,114	8.71.1%	2,893,160	11.41.1%
2 BR	2,846,127	11.212.3%	2,454,152	9.714.8%	5,300,279	20.927.1%
3 BR	8,070,121	31.927.3%	1,483,797	5.97.5%	9,553,918	37.834.8%
4 BR	5,027,120	19.916.7%	311,631	1.21.6%	5,338,751	21.118.3%
5+ BR	1,269,352	5.04.2%	81,309	0.3%	1,350,661	5.34.5%
Total	17,997,645	71.162.6%	7,307,385	28.937.4%	25,305,030	100%

Source: 2000 Census, SF 3: H42 2012 American Community Survey, U.S. Census Bureau

Female-Headed and Single-Parent Households

Female-headed households fall into one of three primary groups in Marin:— single professional women, single parents, and seniors. The last two groups in particular may have a need for affordable housing. The housing needs of senior citizens are discussed above in the section on Seniors. The needs of female-headed households with children are particularly acute. In addition to difficulties faced by these households in finding and maintaining an affordable housing situation, these households also typically have additional special needs relating to access to childcare, health care, and other supportive services.

Single-parent households, like many large households, may have difficulty finding appropriately sized housing and, even more importantly, housing that is affordable. Despite fair housing laws, discrimination against children may make it more difficult for this group to find adequate housing. Women in the housing market, including but not limited to the elderly, low and moderate-income earners, and single parents, face significant difficulties to finding housing. Both ownership and rental units are extremely expensive relative to the incomes of many people in this population category. As shown in the chart below, there are a total of 25,398,261 households in the unincorporated area of the County, of which 2,404,201, or 8.38.4%, are female-headed households. Moreover, 4,262,130 or 5% of the total, are female-headed households with children under the age of 18, while 842,892 or 3.33.4%, are female-headed households without children under 18. The percentage that is female-headed households living in poverty is 22.2%, which is actually significantly lower than the 45.5% of households overall in the County that are living in poverty.

Figure II-2528: Female-Headed Households, Unincorporated County

Household Type	Number	Percent
Total Hhouseholds	25,39826,193	100%
Total Ffemale-Hheaded Hhouseholders	-2,1042,201	-8.38.4%
Female-Hheaded with Cchildren under 18	4,2621,309	5.0%
Female-Hheaded without Cchildren under 18	-842892	-3.33.4%
Total Families	16,52516,614	100%
Total Ffamilies Uunder the Ppoverty Llevel	-653914	-4.05.5%
Female-Hheaded Hhouseholds Uunder the Ppoverty Llevel	325370	-2.02.2%

Source: Census Bureau (2000 Census SF 3: P10 and P90) 2010 U.S. Census; 2012 American Community Survey, U.S. Census Bureau

In addition to the female-headed households with children, there are an estimated 454969 male single-parent households in the unincorporated County that are likely to have housing issues that are similar to those of their female single-parent counterparts. Housing costs are usually the greatest expense for single heads of household.

Strategies and Programmatic Responses to Meet Projected Needs

As with other special needs groups, large families and single-parent households would benefit from multi-family housing developments that include childcare facilities. The economies of scale available in this type of housing would be advantageous to these special needs groups, as well as to all other low-income households. Large families should also have adequate services and recreational areas for children and adults near their residences. Housing for large families should also be located near public transit. The preponderance of development in the unincorporated County is large homes, most frequently of three or more bedrooms. To specifically address the needs for larger units, the County will continue to apply the inclusionary requirement that inclusionary units developed shall be of equal number of bedrooms as the other units in the development. In addition, the County prioritizes units for larger families through the Marin Workforce Housing Trust Fund.

In addition to the specific sites named for multi-family housing, strategies in this element to increase multi-family housing opportunities include the promotion and streamlining of multi-family developments (*1.a Establish Minimum Densities on Housing Element Sites, 1.b Conduct a Comprehensive Affordable Housing Sites Inventory, 1.d Streamline the Review of Affordable Housing, 1.e Study Ministerial Review for Affordable Housing, 1.f Develop Multi-family Design Guidelines, 1.g Review and Update Parking Standards, and 1.mj Codify Affordable Housing Incentives Identified in the Community Development Element*).

Agricultural Workers

Marin's agricultural history remains a strong value and source of pride, particularly in the Coastal and Inland Rural Corridors of the County. According to the University of California Cooperative ExtensionUnited States Department of Agriculture (USDA), Marin County farms and ranches encompass approximately 167,000170,876 acres, or about 50% of the County's total land area. Rural West Marin has an economic base of cattle ranches, dairies, organic vegetable farms, poultry, mariculture, and tourism. Of the 276-323 agricultural operations in Marin, 86%the majority are third- to fifth-generation family-owned, and are not large by California standards, with an average size of 588 529 acres. The total population of West Marin, consisting of the Inland Rural and Coastal Corridors, is estimated to be around 12,000 people. There are an estimated 1,072 Agricultural workers are impacted by athe high cost of living, especially housing costs that are impacted influenced by vacation

rentals and high-end tourism. In order to promote a vibrant and economically sound agriculture base as part of Marin County's future, quality affordable housing for agricultural workers is needed.⁵⁰

Almost all agriculturally zoned land in Marin County is located in the unincorporated County, and it can be assumed that most data available on the agricultural worker population in the County is representative of the unincorporated County. ~~A~~The 2012 USDA Census in 2002 identified ~~494~~1,072 agricultural workers in the County, which accounts for approximately 0.8% of Marin's workforce.⁵¹ ~~The 2007 County profile published by the California Employment Development Department (EDD) estimated 600 agricultural workers, and in 2007, the U.S. Department of Labor Employment and Training Administration estimated between 800 and 1,000 agricultural workers in the County. However,~~ Agricultural workers are historically undercounted, and it is commonly believed that the number of agricultural workers is higher than any of these available estimates. ~~In 2006, the California Economic Development Department reported that agricultural jobs accounted for only 0.6% of the workforce in Marin County.~~

Distinct from other agricultural regions of the State, much of the County's agricultural production primarily requires a year-round, permanent workforce. As a result, the County does not experience a significant influx of seasonal workers during peak harvest times. Agricultural worker housing needs are dictated by the presence of parallel factors.

- ~~The majority~~ A large number of agricultural worker housing units, both for permanent and seasonal workers, are provided on-site by the employer-ranchers.
- As a largely permanent workforce, agricultural workers live in multi-person households, often with spouses and children.⁵² Agricultural workers' spouses are often employed in non-agricultural jobs, such as visitor-serving businesses in West Marin.

These factors indicate that the housing needs of agricultural workers are best met through the provision of permanent single- and multi-family affordable housing. Given the existing housing on ranches, two important issues arise:

- Ensuring that the workforce and their families are being housed in safe and healthy conditions is a major priority.
- Allowing agricultural worker households to determine the type and location of housing that is most suitable through enhancing housing choices and options.

Determining the unmet housing need for permanent workers is difficult, and the limited housing options available to agricultural worker households may contribute to the lack of knowledge about the housing needs of this population. Instead, agricultural worker households may choose to live on the ranch that provides their employment or in other affordable accommodations, which may vary considerably in condition and crowding.

The Unmet housing need for seasonal agricultural workers is not known, and is especially difficult to estimate, given the presumption that temporary housing is provided by the employer-rancher. However, limited space ~~and~~, septic capacity, and high building costs often make it difficult to house migrant

⁵⁰ 2012 USDA Census: UCCE Facts About Marin County Agriculture, July 2012

⁵¹ 2012 American Community Survey, U.S. Census Bureau

⁵² Evaluation of the Need for Ranch Worker Housing in Marin County, California, California Human Development Corporation, July 2008

workers, presenting disincentives for employer-ranchers to provide more than basic shelter with minimal amenities. Common challenges faced by agricultural worker households include:

- **Limited Income:** With an average median salary of less than \$2,400 per month, most agricultural workers fall within extremely low-income groups.⁵³ ~~In a 2008 Market Study conducted by the California Human Development Corporation for the Marin Community Development Agency, ranchers wishing to participate in a proposed housing replacement program indicated that average wages were close to \$9 per hour. These ranch owners reported full-time wages at an average of \$2,000 to \$2,400 per month, and that frequently no benefits, such as health insurance, were offered.~~
- **Overpaying/Lack of Affordability:** The Department of Housing and Urban Development (HUD) considers payment of more than 30% of a household's income for direct housing expenses as overpayment or an undue hardship. Using 2007-2014 wages and average rental prices, a Marin County household would have to earn a minimum of \$19.90 an hour in full-time employment to rent a studio apartment and not exceed the 30% affordability standard. ~~Likewise, a 2007 renter A household would need to make \$24.46, \$30.62, or \$40.87 per hour, respectively, to afford a 1-, 2- or 3-bedroom rental unit.~~ Opportunities for affordable rental housing or opportunities for homeownership are considerably constrained for the agricultural worker population.
- **Overcrowding:** Due to low incomes, agricultural workers have limited housing choices and are often forced to double up to afford rents. Overcrowding in temporary housing for seasonal workers ~~would~~ is estimated to be particularly prevalent, and many such units are not monitored for code enforcement on past development and building approvals unless complaints are lodged. ~~As a whole~~ Overall, the rate of overcrowding in the unincorporated County totals ~~2.61%~~ 1.1% of households are overcrowded, with a higher prevalence of overcrowding in renter households, ~~in the amount of at 6.51%~~.
- **Substandard Housing Conditions:** Many agricultural workers occupy substandard housing, such as informal shacks, illegal garages, barns or storage units, trailers, and other structures generally unsuitable for occupancy.⁵⁴ The County's Code Enforcement staff investigates complaints against property-owners for code violations, but does not actively monitor agricultural worker housing units for code compliance. Few HUD Section 8 vouchers are utilized in West Marin due to the scarcity of affordable units and the inability of these units to pass the required HUD Housing Quality Standards inspection.

Strategies and Programmatic Responses to Meet Projected Needs

The County's efforts and partnerships with organizations in West Marin serve to encourage and facilitate the development of housing affordable to agricultural workers.

- Marin County is collaborating with the Marin Community Foundation and California Human Development (CHD) ~~the Marin Workforce Housing Trust~~ to replace, rebuild and add new agricultural worker units located on private ranches. This program was initiated with a large stakeholders meeting, including advocates, ranchers, funders, and members of conservation groups. A pilot project is underway with six participating ranches. CHD is coordinating the program, providing predevelopment funds granted by the County, and working with the United

⁵³ 2012 American Community Survey, U.S. Census Bureau

⁵⁴ California Human Development Institute for Rural Housing, 1997-2008.

States Department of Agriculture to provide affordable financing. The rehabilitation work will be undertaken by the California Human Development Corporation.

- The Community Land Trust Association of West Marin (known as CLAM) was established as a nonprofit, community-based organization in 2001 to expand the stock of affordable housing in the Tomales Bay area and beyond. The County has sought CLAM's input during outreach for the Housing Element, and provides technical support to the organization and other parties working in the area that provide or support workforce and affordable housing.
- Marin County partnered with UC Cooperative Extension to create and develop the position of agricultural ombudsman to provide training in areas such as farm worker housing regulations, water supply, water quality and stream protection, and the use of agricultural easements. ~~As of~~Since 2006, eighteen staff from the County's Community Development Agency and the Department of Public Works participated in training and education on County planning and policy development regarding agriculture. Additionally, ~~twenty-one~~56 agricultural producers have received the ombudsman's assistance with business development and guidance through the County permitting process.

Additional actions to increase and improve the stock of agricultural worker housing units are part of this Housing Element (~~2.i Modify Development Code to Reflect Williamson Act, and 2.j Promote the Development of Agricultural Worker Units~~).

Individuals and Families Who Are Homeless

Homeless individuals and families have immediate housing needs. There are also many residents who lack stable housing but are not considered homeless. They live doubled up in overcrowded dwellings, often sleeping in shifts or renting closet space or "couch surfing" with family or friends. Although not living on the street, this population often has no means of stable accommodation and may experience periods of being unsheltered.

~~According to the~~The Marin County 2009-2013 Point In Time Count of Homeless Persons was conducted on January 24, 2013 and surveyed homeless and precariously housed individuals.
~~According to this survey, in January 2013 there are were 4,770,933 persons in the County who meet the Marin County Health and Human Services definition of homeless in January 2013, of which 195 were children.~~⁵⁵ 4,077,693 of these homeless individuals meet the HUD definition of unsheltered and in immediate need of housing.⁵⁶ An additional 4,388 persons were found to be at risk of homelessness and counted as precariously housed.⁵⁷ A total of 4,798~~More than an estimated 1,100~~⁵⁸ children and youth individuals meet the broader definitions of homeless used for established by the McKinney Vento

⁵⁵ For the purposes of the ~~2009-2013~~ Homeless Count, Marin County Health and Human Services included all individuals who meet the definition of unsheltered or sheltered as homeless. Unsheltered is defined as any person that resides in a place not meant for human habitation, such as a car, park, sidewalk, open space or on the street. ~~As part of the~~ "unsheltered" population ~~included were~~ individuals living on a boat or in a home lacking electricity or plumbing, in jail or an institution who would not ~~a~~ have a permanent address after release, who stayed temporarily with family or friends the night before the county and identified themselves as homeless on the day of the count. Sheltered refers to individuals residing in an emergency shelter or transitional housing program for homeless persons who originally came from the streets or an emergency shelter.

⁵⁶ HUD McKinney Vento supportive housing programs define homelessness as individuals who are living on the streets, in shelters, or in public spaces.

⁵⁷ A person is considered precariously housed and at risk of homelessness if they are about to lose housing and have no other place to live, or are housed but living temporarily with friends or family because they lack the resources and/or support networks to retain or obtain permanent housing and/or are housed but have moved frequently due to economic reasons and/or are living in severely overcrowded housing.

⁵⁸ Marin County Office of Education, Report to the Marin County Board of Education, March 2014

Education of Homeless Children and Youth programs as well as the Substance Abuse and Mental Health Services Administration (SAMHSA), a part of the U.S. Department of Health and Human Services.⁵⁹ Approximately 0.50.4% of Marin's population is homeless, similar to which aligns with the proportion of homeless people in California as a whole. Statewide, the homeless population is estimated at approximately 459,732136,826, or 0.4% of the State's total population.⁶⁰

To estimate the unmet need for shelter beds and to document the existing resources for homeless families and individuals, the County used information from the SB2 Policy and Technical Paper for Marin County Jurisdictions 2013 Point in Time Count and the 2008-2014 Marin County Continuum of Care funding application submitted to the U.S. Department of Housing and Urban Development to estimate the unmet need for shelter beds and to document the existing resources for homeless families and individuals. Figure II-2629 below provides a summary of the emergency shelter beds and transitional and supportive housing units for homeless people that are located throughout the 42 jurisdictions of Marin County. The Fireside Affordable Apartments, which provide 30 units of supportive housing, are located within unincorporated Marin County. Additional transitional or supportive units provided at scattered sites and located within the unincorporated County are unknown at this time.

Figure II-2629: Existing Shelter Beds and Transitional and Supportive Housing Units, Countywide†

Emergency Shelter Beds	Transitional Housing Units	Supportive Housing Units
179223 (163 year-round; 60 seasonal)	446316	476521

† All Marin County Jurisdictions Source: Marin County Health and Human Services Department, June 2014

Marin County is committed to expanding the resources for homeless individuals in our the community, particularly the supply of permanent supportive housing. The Countywide Plan and this Housing Element identify the need for housing for homeless and at-risk populations as a high priority. During fiscal year 2012/2013, the County, primarily through the Department of Health and Human Services (HHS), provides \$13,639,63915,252,662 in funds targeted to homeless populations during fiscal year 2012/2013. Recently the Department of Health and Human Services (H&HS) HHS has taken a more active role in homeless services. H&HS coordinated the One Day Point in Time Count of homeless people and the Continuum of Care application which brought almost two million dollars help to preserve over \$2.6 million in annual federal funding into the County for housing and services for homeless people in Marin County. H&HS also has also hired a full-time staff person who will act serves as the Countywide Homeless Services Coordinator. Homeless people in Marin County have access to a wide range of supportive services throughout the community designed to help them gain greater stability and self-sufficiency and to meet their health and behavioral health needs. These services include prevention, outreach, and supportive services. Appendix D: Inventory of Homeless Housing Resources provides a complete listing of the emergency shelter beds and transitional and supportive housing units available for homeless people throughout Marin County.

⁵⁹ In addition to the general McKinney Vento definition provided above, the McKinney Vento Education of Homeless Children and Youth programs includes non-permanent or inadequate living situations, such as shared housing, as well as individuals and families that are at risk of homelessness or experiencing housing instability. The SAMHSA defines homelessness as an individual who lacks a primary night-time residence including those in shelters as well as those living "doubled up" — defined as sharing another person's dwelling on a temporary basis where continued tenancy is contingent upon the hospitality of the primary leaseholder or owner and can be rescinded at any time without notice. Homeless children and youth means individuals who lack a fixed, regular, and adequate nighttime residence, as further defined by Section 725 of the McKinney-Vento Act.

⁶⁰ National Alliance to End Homelessness, 20072013 Annual Homeless Assessment Report (AHAR) to Congress, U.S. Department of Housing and Urban Development

Number and Characteristics of Homeless People

Using methodology derived in the SB2 Policy and Technical Paper for Marin County Jurisdictions, Marin County estimates that there is an average of 96 unsheltered homeless people in the unincorporated county at any given point in time. Based on countywide percentages the Marin County 2013 Point in Time Count, 60.58% of the County homeless population is was male and, 33.30% are was female, 40.3% was transgender, and the remaining 61.2% declined to state, the percent who are single male and single female was not available. Countywide, 70% of the homeless people surveyed are single and 20.26% of the homeless surveyed are were families with children under 18, 6% were transition age and unaccompanied youth,⁶¹ 47% were adults without children, and the remaining 40.21% declined to state or had another living arrangement. These estimates were drawn from the 2009 2013 Marin Homeless Point in Time Count, which was conducted on January 29, 2013 and surveyed homeless and precariously housed individuals.

The 2009-2013 methodology did not include an overall breakdown of the homeless population by jurisdiction, so estimates are based on the unincorporated County's share of the total Marin population. Since Because 27% of the total County population of the county lives in the unincorporated areas of Marin, it is estimated that 27% of the 351-414 unsheltered homeless population or 96-111 individuals are estimated to reside in the unincorporated area.

Figure II-2730 provides a breakdown of the percentage of subpopulations of homeless people in Marin County, including identification of specific service needs.

Figure II-2730: Homeless Persons by Subpopulations and Service Needs, Countywide

Subpopulations and Special Needs	Number of persons	Percentage of homeless population
Chronically Homeless	89	32.10%
Mentally ill	223	32.24%
Physical Disability	223	24%
Developmental Disability	46	5%
HIV/AIDS	27	3%
Chronic Substance Abuse Substance use	363	43.9%
Chronic health condition	65	7%
At least one health issue	485	52%
Co-occurring conditions (mental health and substance)	149	16%
Veterans		41%
HIV/AIDS		0%
Domestic Violence	242	39.26%
Veterans	69	7%
Families with children under age 18	99	11%
Unaccompanied Youth children (under age 18)	1	120.1%
Transitional age youth (age 18-24)	53	6%
Senior (65 Age 62 or older)	74	0.8%
Physical Disability		53%
Emotional Disability		0%

Source: SB2 Policy and Technical Paper for Marin County Jurisdictions, included in the Marin Housing Workbook, 2009- Marin County 2013 Point in Time Count Comprehensive Report Findings

⁶¹ Unaccompanied children are those experiencing homelessness who are under the age of 18; Transition Age Youth are those experiencing homelessness between the ages of 18 and 24.

This data demonstrates that homeless people in Marin County are likely to have at least one disability, with ~~over 3224%~~ reporting a mental illness, ~~and/or 39%~~ a substance abuse issue and ~~5324%~~ reporting a physical disability. The survey found that ~~3210%~~ were chronically homeless, meaning they had a disability and had been homeless continuously for 12 months or had experienced four episodes of homelessness over a three year period. This data is consistent with national studies that have found high levels of disability among homeless people and suggests that both health and behavioral health services are needed to assist this population. ~~Consistent with what has been found nationally, Marin's homeless population also includes a significant number of veterans (41%) and people with domestic violence issues (39%).~~

Assessment of Unmet Year Round Need for Emergency Shelter

Marin County estimates that a total of ~~96-140~~ year-round emergency shelter beds are needed to meet the needs of the ~~96-171~~ unsheltered homeless people in our community.⁶²

Assessment of Seasonal Need for Emergency Shelter

There is no data presently available documenting the increased level of demand for shelter in Marin County during particular times of the year. Due to the relatively mild climate, the only time of year when increased demand appears to be a factor is during the winter months (December to February). The biannual homeless count always takes place in the last week of January, a period when demand for shelter typically is at its highest. Since the year-round need described above is based on that biannual count, the seasonal need for emergency shelter is not likely to be greater than the year-round need.

Assessment of Unmet Need for Supportive Housing

Marin County's ~~most recent~~ 2014 application to HUD for Continuum of Care funding estimates that the ~~e~~County has an unmet need for ~~15 transitional housing units and 551 supportive housing units~~ 940 beds across jurisdictions in emergency shelters, transitional housing, safe havens, and permanent housing. There is no breakdown of this unmet need estimate by jurisdiction. However, Marin County has estimated the needed ~~units-beds~~ based on the percentage of the total number of unsheltered homeless people living in the community. Given ~~the estimate that~~ 27% of the total unsheltered homeless people in the ~~e~~County are estimated to residing-reside in unincorporated areas of Marin, the estimated unmet need for ~~transitional housing units is 4 and supportive housing units-beds is 148~~ 254.

Strategies and Programmatic Responses to Meet Projected Needs

Specific recommendations and SB2 compliance are discussed in the SB2 section under Section IV: Sites Inventory and Analysis. Additional actions to meet housing and service needs of homeless or near homeless households have been included in this Housing Element (*2.a Encourage Housing for Special Needs Households, 2.d Foster Linkages to Health and Human Services Programs, 2.e Support Efforts to House the Homeless and 2.f Engage in a Countywide Effort to Address Homeless Needs*).

Units at Risk of Conversion

As of ~~January 1, 2008~~ July 2014, there are ~~4,221~~ 4,368 deed restricted affordable housing units in Marin County.⁶³ Government Code Section 65583 requires each city and county to conduct an analysis and identify programs for preserving assisted housing developments. The analysis is required to identify any low-income units that are at risk of losing deed-restricted subsidies in the next 10 years. According to the California Housing Partnership Corporation, there are ~~no three developments with an aggregate total of 152~~ units deemed at risk of conversion in the unincorporated area of Marin County. Only one. Additionally, there are 10 developments with an aggregate total of 156 units within the entire

⁶² Marin County 2013 Point in Time Count, HHS Summary

⁶³ Marin County Affordable Housing Inventory, ~~2008~~ updated 2014

incorporated cities of the County was that are identified as at risk of conversion; it is in the Town of Tiburon primarily in Novato and San Rafael.

The Marin Housing Authority manages 326 Below Market Rate (BMR) home ownership units throughout Marin County has 91 Below Market Rate (BMR) home ownership units that are preserved by deed-restriction, of which 90 units are in the unincorporated County. The Marin Housing Authority processes all resales and monitors the affordability range for all Marin County these BMR units.⁶⁴ There are an additional 408 BMR units in the City of Novato that are managed by Hello Housing. From 2008 to July 2014, the total number of BMR units countywide decreased from 758 units to 734 units, primarily due to foreclosures as a result of the recent economic downturn.⁶⁵

The following sources were consulted as part of the research of at-risk units:

- California Department of Housing and Community Development
- California Housing Finance Agency
- United States Department of Agriculture
- California Tax Credit Allocation Committee (TCAC)
- California Debt Limit Allocation Committee

Strategies and Programmatic Responses to Meet Projected Needs

Program actions to preserve at-risk units include working with the property owners and/or other parties to ensure that units are preserved as part of the County's affordable housing stock. A key component of the actions will be to identify additional funding sources and timelines for action, as described in the Programs section (2.u Monitor Rental Housing Stock and 3.g Preserve Existing Housing Stock).

Disadvantaged Communities

New State Law Addressing Disadvantaged Communities SB 244 (Wolk, 2011) requires cities and counties to identify the infrastructure and service needs of unincorporated legacy communities in their general plans at the time of the next Housing Element update. SB 244 defines an unincorporated legacy community as a place that meets the following criteria:

- Contains 10 or more dwelling units in close proximity to one another;
- Is either within a city Sphere of Influence (SOI), is an island within a city boundary, or is geographically isolated and has existed for more than 50 years; and
- Has a median household income that is 80 percent or less than the statewide median household income.

No disadvantaged unincorporated communities are located within the unincorporated area of the County. The Department of Water Resources⁶⁶ identified one disadvantaged community in Nicasio. However, further analysis using data from the U.S. Census Bureau 2012 American Community Survey established that the median household income of Nicasio exceeded 80% of the statewide median income, and therefore the community not qualify as a disadvantaged community.

⁶⁴ Marin Housing Authority, July 2014

⁶⁵ Marin Housing Authority and Hello Housing, July 2014

⁶⁶ Department of Water Resources mapping tool <http://www.water.ca.gov/irwm/grants/resourceslinks.cfm>

Section III: Constraints and Opportunities for Housing Development

Nongovernmental Constraints

Land and Construction Costs

Land costs and other market constraints can significantly impact housing development and affordability. Two major factors contribute to high land costs: high demand and limited supply of developable land.¹

According to the Association of Bay Area Governments, wood frame construction at 20 to 30 units per acre is generally the most cost efficient method of residential development. However, local circumstances affecting land costs and market demand will impact the economic feasibility of construction types.

Construction costs are higher in the Bay Area than many other regions in the State. Another factor affecting costs is the use of prevailing wage labor. In 2008~~2013~~, construction costs for a typical apartment complex in the region (45 units per acre, structured parking, 800 square foot units), ~~are were~~ around ~~\$200,000~~~~240,000~~ a unit for prevailing wage labor and \$175,000² a unit and prevailing wage requirements increased costs from between 10% and 37% a unit.³ ~~for non-prevailing wage labor.~~ Projects receiving public subsidies, such as affordable housing developments, often must pay prevailing wages to comply with funding criteria.

Single-family Homes

According to ~~research completed for the 2009 Countywide Housing Element Workbook~~land sale records for fiscal year 2013/2014, the typical land value for a single-family residential lot ranges from approximately \$3100,000 to \$9700,000 in a jurisdiction such as Novato~~the unincorporated County~~, to \$1 million to \$53 million in a jurisdiction cities such as Tiburon and San Rafael.⁴ ~~In the unincorporated area of Marin~~Throughout the County, costs vary based on factors such as the desirability of the location and the permitted density. Developable lots for single-family dwellings are scarce, and lots that can accommodate multi-family development are even scarcer. Total development costs for a single-family home, including land and construction costs, are estimated to be about \$460-300 per square foot, according to a study commissioned in 2008 by the Marin County Community Development Agency.⁵ Using these figures, developing a 2,000 square foot dwelling can cost up to \$920,000~~600,000~~.

Multi-family Homes

In Marin County as a whole, land costs average around 15% to 20% of construction costs for multi-family developments. Generally, land zoned for multi-family and mixed-use developments costs more than land zoned single-family residential. Recent sales show land zoned for multi-family developments in the unincorporated area of Marin County average between \$1 million and \$1.75 million dollars per acre. Based on a model multi-family development in the County, land costs add \$50,000-\$65,000 per

¹ According to the Marin Economic Commission's *Marin Profile 2007: A Survey of Economic, Social and Environmental Indicators*, 84% of land area in Marin is designated for agriculture, parklands, open space, and watershed. Of the remaining land, 11 percent is developed and 5% is listed as potentially developable.

² CA Construction Academy, 2014

³ *The Effects of Prevailing Wage Requirements on the Cost of Low-Income Housing*. S. Dunn, J. Quigley, and L. Rosenthal, Cornell 2010.

⁴ DataQuick Report, July 2014

⁵ DataQuick Report, July 2014; CHF-CIRB Report, June 2014

unit, but can run as high as \$75,000 in some locations.⁶ Total development costs for a subsidized multi-family development are even higher at \$490 per square foot. A 10-unit multi-family development of 1,200 square-foot units would cost about \$5.8 million.⁷

~~Costs can change dramatically over time. According to local multi-family affordable housing developers, from 2000-2007 construction costs rose faster than inflation. In late 2007 costs leveled off and have since been declining. In late 2008 and early 2009, construction costs dropped roughly 10%.~~

Financing

~~The mortgage industry has been volatile since 2005, with a housing boom during 2005-2007, followed by the crash that led to the economic downturn of 2008. Until mid-Prior to 2008, home mortgage financing was readily available at attractive rates throughout Marin County and California. Rates varied, but ranged from around 6.25% to 7% between 2006 and 2008 for a 30-year fixed rate loan. While rates have since dropped significantly to a state and national average of 4.4% as of March 2014, terms and requirements have become ~~se~~more stringent that they, effectively preventing many low income and first-time households from becoming homebuyers.~~

~~The decline in the housing market and economic downturn has 2008 recession had a major impact on the availability of financing for individual homeowners and for housing developers. Starting in late 2008, it became harder to get more difficult to qualify for a home purchase loan, but even though the average interest rate fell to around 5% in early 2009 and then fell further to 3.8% as of May 2012 began to decline dramatically, dropping to a low of 3.4% as of December 2012 before beginning a steady increase to the current rate of 4.4%. In particular, people with poor credit history, lower incomes, or self-employment incomes, or those with unusual circumstances, have had trouble qualifying for a loan or were have been charged higher interest rates. In addition, most lenders are now requiring a 20% down payment, which poses a difficulty for moderate and lower income households and first-time homebuyers, especially in an market as expensive market such as Marin County. Small changes in the interest rate for home purchases dramatically affect affordability. A 30-year fixed-rate home loan for \$400,000-500,000 at a 5.4% interest rate requires monthly payments of roughly \$2,450-2,500. A similar home loan at a 7% interest rate has payments of roughly 243% more, or \$2,660-3,330.~~

Construction loans for new housing are difficult to secure in the current market. In past years, lenders would provide up to 80% of the loan-to-value ratio of the new construction cost. In recent years, due to market conditions and government regulations, banks require larger investments by the builder.

~~Currently, m~~Many builders are finding it difficult to get obtain construction loans for residential property. Complicated projects, such as mixed-use developments, are often the hardest-most difficult to finance. Non-profit developers may find it especially difficult-challenging to secure funding from the private sector.

Affordable housing developments face additional constraints in financing. Although public funding is available, it is allocated on a highly competitive basis and developments must meet multiple qualifying criteria, often including the requirement to pay prevailing wages. Smaller developments may be more difficult to make financially feasible. ~~This is,~~ because the higher per unit costs result in a sale or rental price that is above the affordability levels set for many programs. Additionally, smaller projects often require significant investments of time by developers. But because the overall budget is smaller and a developer's operating income is based on a percentage of total costs, the projects are often not feasible, without special incentives or significant local funding. These conclusions were compiled

⁶ Marin County Housing Element Workbook, 2009.

⁷ Vernazza Wolfe, 2008.

through research done for the 2009 Marin Housing Element Workbook process. Despite these barriers, smaller projects have been successfully built and managed in Marin County by several local community based organizations.

Affordable rental developments tend to be easier to finance than for-sale developments, as there are more sources of funding available. However, recent cuts in public spending statewide have put pressure on these sources. Tax credits ~~used to be a~~ valuable source of revenue for low-income housing developers, ~~but programs have been cut and the tax credit resale market has softened~~ however, few potential sites in the unincorporated County qualify for such credits. Though construction costs have been falling for all builders, the potential for tax credit revenue has been falling at an even greater rate, meaning that developers of low-income property are at a greater financing disadvantage than market-rate developers.

Community Resistance to New Development

Another constraint to housing production in Marin County is community resistance to new developments. Marin County's infrastructure has been strained and this leads to a number of concerns, primarily: 1) that new developments will may cause increased traffic; 2) about long-term sustainability of the local water supply; 3) about potential impacts on schools and other local infrastructure; and 4) that valuable open space will could be lost. Additionally, community character issues related to community character are often raised, such as how density may adversely affect the visual cohesiveness of the neighborhood, how affordable housing may impact property values, and or how affordable housing should be distributed more evenly throughout the County. At times, there is a tension between fair housing laws and a desire to provide preferential access to affordable housing for some community segments, such as nurses, teachers, and law enforcement personnel. In many cases, it is not possible to target housing to select groups. These concerns are often expressed during project review processes and can present significant political barriers to development.

The County of Marin seeks to address community opposition in a number of ways, including the following:

- Housing staff will continue to provide presentations and facts sheets about affordable housing. Concerns to be addressed include studies on property values and affordable housing, information on who lives in affordable housing, and traffic data on affordable developments, such as fewer vehicles owned, and fewer vehicle miles traveled by lower income households.
- ~~Work with groups such as the Marin Environmental Housing Collaborative (MEHC), an organization founded to bring together two interest groups, environmentalists and affordable housing advocates. The Collaborative works to identify common ground and promote smart growth principals.~~
- ~~Worked with the Marin Community Housing Action Initiative, a collaborative of the Marin Community Foundation, the Non-Profit Housing Association, and Greenbelt Alliance, which sought to analyze barriers to and advocate for affordable housing throughout Marin County.~~
- Housing staff will continue to ~~Coordinate~~ with local non-profit developers on how to effectively work with community groups, County staff, and elected officials.
- ~~Programs in this~~ This Housing Element includes programs are intended to encourage and facilitate early community planning of major developments in order to identify and address opposition at an early stage (1.b Conduct a Comprehensive Affordable Housing Sites Inventory and 1.f Develop Multi-family Design Guidelines 3.a Consider Methods for Improving County's Outreach with Respect to Affordable Housing and 3.c Provide and Promote Opportunities for Community Participation in Housing Issues).

Infrastructure

Public infrastructure is generally sufficient to meet projected growth demands. Electric, gas, and telephone services have capacity to meet additional projected need. Transportation, water, and sewer infrastructure are discussed in greater detail below.

Transportation

The County has two main thoroughfares. Highway 101 transverses the County north to south, extending from the Golden Gate Bridge in the south through the City-Center Corridor to the Sonoma County border at the north end of Novato, and Sir Francis Drake Boulevard is the primary east-to west thoroughfare in Marin, extending from Interstate 580 in the east, crossing under Highway 101 and connecting to Highway 1 in the community of Olema. Highway 1 also connects southern Marin to the coastal communities. In ~~2007~~2009, Marin County ranked seventh ~~third~~ among the Bay Area counties in daily vehicle hours of delay.⁸ However, as the impacts of the 2008 recession have improved, traffic has increased significantly. As a result of limited circulation routes, the County is impacted by severe traffic conditions. These were addressed in the Countywide Plan by limiting development to the lowest end of the density range in areas with failing level of service standards. However, exceptions are granted for affordable housing and housing that serves seniors (see the discussion of incentives below for more detail).

Marin is served by a network of bus service, including Golden Gate Transit, which provides inter-county regional bus service, and Marin Transit which operates local service and shuttles. Marin is also linked to San Francisco via ferry service from Larkspur, Sausalito, and Tiburon.

The future Sonoma Marin Area Rail Transit (SMART) system will expand the transit and commute choices available to Marin residents, providing significant new opportunities for transit oriented development (TOD) and pedestrian development (PeD) improvements in the areas surrounding the ~~four~~ five proposed SMART stations in the cities of San Rafael, Larkspur, and Novato. Although no SMART stations are projected to be located within the unincorporated County, the commuter train system will significantly affect the County's interwoven urban corridor areas. The SMART plan includes increased feeder bus services to enhance circulation to and from the train.

Water

Marin County's water supplies include surface water, groundwater, recycled water, and imported water. Surface water is the main source of urban areas in the eastern portion of the County while groundwater and surface water are the primary sources for rural areas. There are approximately six water districts supplying water to Marin residents. The Marin Municipal Water District (MMWD) and the North Marin Water District (NMWD) are the principal entities managing and delivering water to residential and commercial consumers. The Marin Municipal Water District serves the largest customer base in Marin, providing water to the eastern corridor of Marin County from the Golden Gate Bridge northward up to, but not including, Novato, and encompasses an area covering 147 square miles. The NMWD serves the City of Novato and the Point Reyes area of West Marin. Imported water is from the Sonoma County Water Agency (SCWA) which serves over ~~570,000~~ 600,000 residents in Sonoma and Marin counties.

Water delivery in West Marin encompasses a range of scales, from the large water districts to small community water districts and smaller, individual systems. The small community water districts include Bolinas Community Public Utility Districts (BCPUD), Stinson Beach County Water District (SBCWD), Inverness Public Utility District (IPUD), and Muir Beach Community Services District (MBCSD). The

⁸ <http://www.dot.ca.gov/hq/traffops/sysmgtpl/MPR/pdfs/mpr2009.pdf>. Mobility Performance Report, Caltrans 2011. ~~Annual Data Compilation, State Highway Congestion Monitoring Program, CalTrans, 2008.~~

community of Dillon Beach is served by two small independent water companies: the California Water Service Company (CWSC) and the Estero Mutual Water System (EMWS). SBCWD, MBCSD, and the Dillon Beach area primarily use groundwater for their water supplies, while IPUD and BCPUD rely mainly on surface water. Locales beyond the current municipal and community water service areas rely on individual groundwater wells, surface water, or small spring-based systems.⁹

Analysis:

The Marin Countywide Plan, updated in 2007, supports a land use pattern intended to shift future dwelling units from environmentally sensitive lands, which are often on septic and/or use well water, to locations within the City-Centered Corridor where public water and sewer systems are provided. Accordingly, the Sites Inventory ~~primarily~~ consists of properties located in the City-Centered Corridor, where services are available and it is most feasible to meet the County's current default density of 30 units per acre. This is likely to result in less water use per unit but some increase in overall water usage in the MMWD service area (see Figure III-1 below). Housing may be developed in West Marin at lower densities as appropriate, and may need to utilize wells and septic systems.

Despite a limited water supply, water districts have historically indicated sufficient projected supply to meet demand, with the exception of Bolinas Public Utility District, where there is a moratorium on new water meters ~~which that~~ has been in effect since 1971. The environmental review conducted for the Marin Countywide Plan in 2007 determined that development to the point of buildout¹⁰ would have significant and unavoidable impacts with respect to water supply. However, the County's RHNA allocation of ~~185,773~~ units for this planning cycle and projected development into the future do not approach the 4,476 additional housing units calculated as future buildout for unincorporated Marin. Additionally, while four of Marin's water districts, including those that serve the largest customer bases, ~~will~~ face capacity concerns given current supplies, alternative measures are part of the districts' long-term plans. In August 2009, MMWD's Board of Directors adopted a plan for a 5-million-gallon-per-day desalination facility in August 2009, intending to keep desalination available as one of Marin's potential water supply sources. However, in 2010, that plan was put on hold in favor of implementing conservation measures to meet demand.

In recent years, Both MMWD and NMWD undertook substantial water conservation programs in recent years resulting in significant reduction in water usage. Other measures utilized by Marin water districts have included reservoir expansion, a recycled water distribution system, and conservation programs. These measures worked well to conserve local water supplies until late 2013, when record low precipitation levels led to severe drought conditions throughout California, forcing the Governor to declare a statewide drought emergency as of January 2014. Due to these recently changed conditions, MMWD's Board is now reconsidering the district's options to supplement the current water supply and reduce drought vulnerability, including desalination, new conservation initiatives, expanding use of recycled water, and emergency interties with other Bay Area water agencies.¹¹ There are no anticipated overdraft issues for areas using ground water (wells). Taken together, these long-term planning efforts and approaches to water delivery and conservation alleviate concerns about water supply in areas served by public water. The West Marin water agencies generally have sufficient water on an average annual basis and do not anticipate projects to increase overall supply, however due to recent drought conditions the NMWD Board of Directors adopted Emergency Water Conservation Ordinances for its

⁹ See Exhibit 2 of the Hydrology and Water Quality Background Report, prepared as part of the environmental review documentation for the Marin Countywide Plan, adopted in 2007.

¹⁰ Buildout figures represent development to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations in the 2007 Countywide Plan and projects to the year 2030.

¹¹ Marin Municipal Water District (MMWD), May/June 2014 Newsletter

service areas in West Marin and Novato on April 1, 2014.¹² Effective July 1, 2014, the Ordinances will temporarily suspend new water connections to the District's water system and will prohibit any non-essential use of water. However, NMWD allows connections to applicants who are willing to enter into a deferral agreement on landscape installation. NMWD has also implemented a water rate increase averaging 5% for residential customers to encourage conservation. The smaller water agencies serving other parts of West Marin are addressing reduced supply by encouraging their customers to participate in voluntary reduction of water use and other conservation programs. Taken together, these long-term planning efforts and approaches to water delivery and conservation should alleviate concerns about water supply in areas served by public water.

There are no anticipated overdraft issues for areas using groundwater (wells). Water supply may constrain development in unserved areas may also be constrained by limited water supply; however, these areas are zoned at low densities and not identified as priority locations for future housing development. Figure III-1 shows the capacity for new development, up to buildouts provided in the Marin Countywide Plan, given current water supplies.

¹² North Marin Water District Ordinances No. 28 (Novato) and 29 (West Marin): <http://www.nmwd.com/pdfs/WM%20Emergency%20Ordinance032814.pdf>

Figure III-1: Water Capacity for New Development

Water Service Area	Communities Served	Existing Units	Sites Inventory Units	Development Potential+	Countywide Plan Buildout	Supply Deficits for Inventory	Notes/ Description of Limitation
MMWD	All cities and towns along the City-Centered Corridor from the Golden Gate Bridge to the southern border of Novato^	20,422	830 494	2,859	23,281	No	Current water sources are sufficient for the development of the units proposed in the Sites Inventory. Additionally, the district is pursuing alternative water sources (desalination) and measures such as conservation, and will continue to allow new development.
NMWD-Novato	Novato	2,854	408	262	3,116	No	<u>On 4/1/2014 NMWD adopted limitation on new water connections; however new connections can still proceed with a deferral agreement on landscape installation, so there is sufficient capacity to accommodate the 8 units in the Sites Inventory. Sufficient water capacity for existing units and to accommodate the number of units proposed in the Site Inventory.</u>
NMWD-West Marin	Point Reyes Station, Olema, Bear Valley, Inverness Park, Paradise Ranch Estates	790	20	472	1,262	N/A	<u>Current water sources are sufficient for development of the units proposed in the Site Inventory. Sufficient water capacity at present.</u> Additionally, the district is pursuing alternative water sources and measures such as conservation, and will continue to allow new development. <u>No new development proposed in the Sites Inventory.</u>
BCPUD	Bolinas	722	0	75	797	N/A	Currently at capacity. Community Plan allows the development of 68 to 75 open parcels. Due to current moratorium, future water demand anticipated to remain at or near current levels.
SBCWD	Stinson Beach	825	0	60	885	N/A	Sufficient water capacity at present. No new development proposed in the Sites Inventory.

IPUD	Inverness	623	240		647	No <u>N/A</u>	Sufficient water capacity for existing units and to accommodate units in the inventory at present. No new development proposed in the Sites Inventory.
MBCSD	Muir Beach	143	0	10	153	N/A	Sufficient water capacity for existing units and to accommodate remaining number of units before buildout.
CSWS	Dillon Beach	273	0	3	276	N/A	Sufficient water capacity for existing units and to accommodate remaining number of units before buildout.
EMWS	Dillon Beach	133	0	40	173	N/A	Sufficient water capacity for existing units and to accommodate remaining number of units before buildout.
Unserved Areas	Fallon, Inverness Park, Marshall, Nicasio, Tomales, Valley Ford*	356	0	853	1,209	No <u>N/A</u>	Water capacity dependent on availability of alternative sources, such as on individual groundwater wells, surface water, or small spring-based systems.
TOTAL	Unincorporated Marin	27,323	863 <u>502</u>	4,476	31,799	- <u>N/A</u>	<u>N/A</u>

Source: Marin Countywide Plan FEIR (2007) Exhibits 3.0-14, 5.0-17 and Section 4.9, NMWD website and CDA Staff.

Note: The distribution of existing units served by MMWD, served by water districts in West Marin and located in unserved areas in West Marin was estimated based on knowledge of existing units in West Marin communities and locations of known wells and community water systems in West Marin.

+This column represents the difference between the number of units per maximum Countywide Plan land use (buildout) and the number of existing units.

^These communities included: Lagunitas, Forest Knolls, San Geronimo Village, San Geronimo Valley, Woodacre, unincorporated Fairfax, Sleepy Hollow, Lucas Valley, Marinwood, Kentfield, Greenbrae, Greenbrae Boardwalk, Santa Venetia, Los Ranchitos, San Quentin, Bayside Acres, Country Club, Muir Woods, Homestead, Tamalpais Valley, Almonte, Marin City, Strawberry, Alto, and unincorporated Tiburon.

*These communities were identified as having wells outside of the existing municipal service areas (CWP FEIR, page 4.9 – 50). Currently, 482 private wells are identified in the Marin County Environmental Health Services database as having been drilled outside of the existing municipal and community water service areas. The wells are concentrated in the communities of Nicasio, Tomales and Marshall (CWP EIR 4.9-19).

** This includes sites which would require annexation, projects with pending annexations, and areas on wells.

Sewer

There are nine sanitary treatment plants in the City-Centered Corridor, most of which connect to lines from more than one sanitary district. There are three districts in West Marin, each with sewer lines and a treatment facility. Sanitary sewer districts have adequate capacity to treat wastewater for their service areas. Large areas of the County are served by on-site wastewater (septic) systems. As described in greater detail below, the County Environmental Health Services office regulates septic systems.

Analysis:

As shown in Figure III-2 below, Marin wastewater facilities are able to accommodate additional housing development above and beyond the RHNA allocation for this planning cycle. This excludes the Bolinas Community Public Utility District, which, as previously discussed, is not considered a service area for future housing development. All areas within the Housing Overlay Designation (HOD) and Affordable Housing Combining District (AH) are within a sanitary district or a service district that is responsible for ensuring wastewater effluent is treated.

Figure III-2: Existing Wastewater Treatment Capacity and Projected Wastewater Flows at Buildout

Wastewater Treatment Agency	Community Served	2005 Remaining Capacity (MGD)*	Additional Flow at Buildout	Remaining Capacity
Sausalito / Marin City Community Service District	Sausalito, Marin City, Tamalpais Valley, Marin Headlands, Muir Woods and surrounding areas	0.50	0.292	+0.208
Sewage Agency of Southern Marin	Mill Valley, Tamalpais Valley, Almonte, Alto, Homestead Valley and surrounding areas	1.10	0.236	+0.864
Sanitary District #5	Tiburon, Belvedere and surrounding areas	0.21	0.001	+0.209
Central Marin Sanitation Agency	San Rafael, Ross Valley, Larkspur, Corte Madera, Kentfield, Greenbrae, Ross, San Anselmo, Fairfax, Sleep Hollow, Murray Park, San Quentin and surrounding areas	2.00	0.377	+1.623
Las Gallinas Valley Sanitary District	San Rafael, Marinwood, Terra Linda, Santa Venetia, Smith Ranch Road, Lucas Valley and surrounding areas	0.59	0.205	+0.385
Novato Sanitary District	Novato and surrounding areas	1.35	0.002	+1.348
Bolinas Community Public Utility District+	Bolinas and surrounding areas (downtown)	n/a	0.059	n/a

Source: Marin Countywide Plan FEIR (2007) Exhibit 4.10-7.

*Dry Weather Capacities in million gallons per day (MGD).

+Bolinas Community Public Utility District currently has a moratorium on additional wastewater hookups due to lack of treatment capacity and limitations on water.

Areas not served by sanitary sewers are subject to larger minimum lot requirements and are limited to the lowest end of the density range permitted in the Countywide Plan, which limits the potential for construction of multi-family units in the Inland Rural and Coastal Corridors. Properties near

streams, baylands, and in the lowlands of the Inland-Rural Corridor are heavily constrained by high groundwater, which can result in limited residential capacity.

Septic

Septic systems are utilized on properties throughout the County (see Countywide Plan CWP-Map 2-8 for parcels with buildings and septic systems). Septic use is typical in the rural areas of West Marin and low-density residential areas such as the northern side of the Tiburon Peninsula. The County utilizes a permitting procedure for the design of new septic systems that requires review of engineering plans. There are two types of septic systems – standard and alternative – available to address a range of site-specific factors. Both types of septic systems are subject to the County’s permitting process for wastewater treatment and disposal. Standard septic system design is based on accepted design principles that are assumed to ensure proper functioning of the system for extended periods. Because ~~the standard~~ systems are expected to operate properly with property owner maintenance, there is no County inspection process after the initial inspection. Older septic systems within the County are standard septic systems. Alternative septic systems may be necessary when site conditions do not lend themselves to installation of a standard type of system. However, ~~since because~~ these are based on newer technologies, ongoing inspections are required to ensure proper operation. County Environmental Health Services tries-strives to respond to requests for septic system permits within 30 days of submission of the septic system design. The permitting process and associated costs, shown in Figure III-3, do not constitute a constraint to development, as the costs are relatively minimal in relation to overall development costs, and are necessary to protect the health and safety of the community and environment.

Figure III-3: Permit Application Costs for Septic Systems

Permit Application Costs	Standard Septic System	Alternative Septic System
Site Review (and soil profiles)	\$970	\$970
Percolation Test (pre-soak and test)	\$1,296	\$1,296
Pre-Application Fee	\$752854	\$752854
New System or Upgrade or Repair (contractor installed), 1 to 3 bedroom	\$2,3312,913/\$1,760	\$4,271/\$8,538/\$3,845
New System or Upgrade (contractor installed), each additional bedroom	\$259	\$259
New System or Upgrade (owner installed), 1 to 3 bedroom	\$2,913	-
New System or Upgrade (owner installed), each additional bedroom	\$389495	-\$495
Operating Permit, Residential		
Construction Inspection – additional inspection	\$163467	\$171623

Source: Septic Program Fee Schedule (EHS); FAQs about Septic Systems (EHS) 2010; Septic System Permits & Fees effective 7/1/2011, Marin County Environmental Health Services

Development setbacks and the preservation of riparian vegetation can minimize the adverse effects of wastewater discharge. The County maintains information on it's the Septic Matters website (www.septicmatters.org) to disseminate information to for community members about septic systems, and maintains a database to help improve the management of septic systems throughout the County.

Flood Control and Management

Government Code 65302 requires all cities and counties to assess their flood hazard and to prepare for potential flooding. In particular, it requires all cities and counties:

- to amend the safety and conservation elements of their general plan to include analysis and policies regarding flood hazard and flood management information upon the next revision of the housing element after January 1, 2009, and
- to annually review the land use element for those areas subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the State Department of Water Resources (DWR), effective January 1, 2008.

Marin County Code 23.09.010 addresses statutory authorization for the enforcement of Government Code Section 65302 (Ord. 3293§1, 1999). Marin County is in compliance with §65302.d.3, §65302.g.2, §65302.g.3, and §65302.g.4 of the California Government Code, and no revisions were found to be necessary for the safety element of the Countywide Plan with respect to flood hazards, as outlined in Appendix J.

Governmental Constraints

Regulatory standards provide consistency and foster a high quality and cohesive built environment. Standards may also present conflicts in land use objectives and pose constraints to the production of affordable housing.

This chapter analyzes land use regulations, procedures, and fees to identify possible solutions to policy conflicts. Government Code Section 65583(a)(5) requires in particular that local agencies analyze governmental constraints that hinder the agency from meeting its Regional Housing Needs Allocation. ~~Since all of the housing units required in Marin County by the 1999—2006 Regional Housing Needs Allocation were either constructed or approved, at the required income levels, it appears that, overall, the governmental constraints imposed by the County have not prevented the County from providing its regional fair share of housing.~~

Land Use and Permit Controls

While the unincorporated County comprises a large land area, most of the land is not zoned for residential development, as it is publicly owned as parklands, watershed, or open space. Agricultural conservation easements and related zoning also limit the ability to develop vacant lands. Most land suitable for residential development has been built upon. Remaining vacant lands zoned for residential uses tend to have significant environmental constraints, which either substantially increase construction costs or preclude development altogether, including sites with steep slopes or wetland habitats. As a strategy for dealing with these constraints, the County has adopted programs in its Countywide Plan ~~which that~~ promote opportunities for reuse of underutilized commercial centers, support mixed-use development, and encourage more dense development along transit routes. Marin County also encourages residential development in more urbanized areas or within villages in the Inland Rural and Coastal Corridors. While there is no growth boundary in effect at a countywide level, there are ~~community expansion~~ village limit boundaries (CEBs/VLBs) in effect in ~~four the nine Coastal Zone communities in the Coastal Zone including of~~ Muir Beach, Stinson Beach, Bolinas, Olema, Point Reyes Station, Inverness Ridge, Marshall, Tomales, and Dillon Beach. The ~~CEBs/VLBs~~ were established to preserve agricultural lands for agricultural use while at the same time allowing for reasonable growth within ~~urban-village~~ areas in accordance with the Coastal Act.

There are two fundamental types of zoning districts in unincorporated Marin, called ~~conventional zoning districts and planned zoning districts~~. Conventional zoning districts have specific numerical subdivision and development standards, including minimum lot area, minimum setbacks, height limits, and floor area ratio limits. Provided a development project conforms to those standards, no discretionary development applications are required. Contrary to the land use control approach used in conventional zoning districts, planned districts have few specific numerical standards. Instead, they encourage development to be clustered in the areas most suitable for development on a given site to conserve a larger portion of that site in its natural state. No minimum lot areas are established for subdivisions in planned districts, but the number of lots allowed on a property is governed by a density standard specific to that district. As a result, subdivision applications in planned districts are likely to have smaller lot sizes with a larger percentage of the original lot left as open space in comparison to subdivisions in conventional districts where lot sizes are governed by the minimum lot areas applicable to the applicable to that particular district. The distinction between conventional and planned zoning districts is most important in governing the subdivision and development of properties.

Activities and functions on a property are governed by various classifications of use, which are regulated through zoning controls. Each zoning district contains a list of uses that are “principally permitted” or “conditionally permitted,” and all uses not listed are prohibited in that zoning district. Discretionary planning approval is not necessary to establish a principally permitted use, but a conditional use permit is required to establish any conditionally permitted use on a property. Planning permits are discussed in more detail in the Processing and Permit Procedures section.

There are three primary types of uses allowed on private properties in unincorporated Marin: (1) agricultural; (2) commercial; and (3) residential. Zoning regulations for each of these groups are outlined in Chapter 22 of the Marin County Code, which describes uses, design standards, and requirements. The County’s zoning regulations are similar to those of the other jurisdictions in Marin, especially with respect to more urbanized areas. Zoning is consistent with ~~General~~ Countywide Plan land use designations as adopted on November 7, 2007.

Figures ~~III-7, III-8, and III-9~~ 1, 2, and 3 in Appendix IX summarize residential development standards. The figures indicate (where applicable) minimum lot size, minimum setbacks, height, and floor area ratios (FAR). Figures ~~III-10, III-11 and III-12~~ 4, 5, and 6 in Appendix IX identify permitted or conditionally permitted residential uses by zoning district.

Affordable Housing is a principally permitted use (P) in all districts that allow residential uses, except the Agriculture and Conservation district. Additionally, the density for affordable housing is the maximum density allowed by the Countywide Plan land use designation, rather than the zoning district’s density standard.

Residential Districts - Conventional Zoning

Within conventionally zoned districts, including R1, R2, RA, RE, and RF, single-family homes are permitted by right when conforming to the zoning district standards. Conventional single-family residential zoning districts also allow the following as permitted residential uses: second units, room rentals, group homes of six or fewer residents, residential accessory structures, and residential care facilities. Other permitted uses include home occupations, schools, child care centers, and churches. Buildings cannot exceed 35 feet in height and must not exceed a floor area ratio (FAR) of 30%. Minimum lot sizes in residential districts vary from 6,000 square feet to 10 acres.

The zoning requirements of two-family (R2) conventional zoning districts are similar to those of single-family districts. A lot in an R2 district may be as small as 4,000 square feet. R2 districts allow

all the same uses as R1 districts, as well as the construction of two-family units by right, which is not allowed in R1 districts.

Residential Districts - Planned Zoning

Planned districts allow more flexible site designs than do conventional districts, but development applications in these districts are usually discretionary. Flexibility is permitted to enable house design and siting that respect the natural features of the site. Planned districts do not have specific setback requirements or minimum lot areas in order to encourage clustering. Ultimate development potential is based on the maximum density allowable by the zoning district and Countywide Plan.

In contrast to conventional zoning districts, the County's planned districts do not have quantified building standards, with the exception of a 30 or 35 foot height limit for primary structures and ridgeline setbacks. The effect of this height limit on multi-family housing is analyzed in Table III-4. The development standards for planned districts are contained in Development Code section 22.16 Planned District Development Standards, which pertain to such issues as building placement, architectural design, building height and massing, grading and vegetation removal, protection of streams and wetlands. Potential permitting constraints posed by planned districts are addressed below under the heading Processing and Permit Procedures.

There are two planned residential districts: Residential Single-family Planned (RSP) and Residential Multiple Planned (RMP). The Agricultural Residential Planned (ARP) zoning district is formally listed as an agricultural zoning district, but essentially acts as a mixed agricultural/-residential use district, where both agricultural and residential uses are principally permitted on lots less than five acres in area. A description of land use controls ~~vis-à-vis~~ in relation to development standards is provided in ~~Figure III-82 of Appendix I: Development Standards, Planned Districts.~~ The principally permitted uses in conventional and planned residential districts are the same. RSP districts allow the same uses as R1 districts, RMP districts allow multi-family development, and ARP districts allow uses consistent with other agricultural districts, including the construction of agricultural worker housing. The maximum number of units allowed on each lot varies from 0.01 per acre up to 45 per acre, depending on the special characteristics of an area. For example, on steep slopes, only one unit may be allowed for every four acres of land; hence, the area may be zoned RSP-0.25 or RMP-0.25. The Community Development Element of the general plan establishes an upper limit to residential density. Affordable housing may exceed the zoned density in favor of the maximum density established by the general plan.¹³

Multi-family Development

Multi-family housing, including duplexes, triplexes, fourplexes, and apartments, is permitted in the Residential, Multiple Planned District (RMP), and the Residential/Commercial Multiple Planned District (RMPC). Duplexes are a permitted use in the Residential, Two-Family District (R2), and require ~~only~~ discretionary review. Multi-family housing is also permitted in commercial districts including Retail Business (C1), Administrative and Professional District (AP), Limited Roadside Business District (H1), Planned Commercial District (CP), Planned Office (OP), and Village Commercial/Residential District (VCR). All single-phase multi-family developments ~~which are single phase~~ are eligible for a master plan waiver; ~~M~~ multi-phase projects require a master plan.

The majority of multi-family housing developed recently in Marin has been affordable housing, likely due to limited multi-family zoning, high demand for single family dwellings, and incentives offered

¹³ Development Code 22.24.020.A – Density for Affordable Housing Projects. For affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range, subject to all applicable Countywide Plan policies.

for affordable housing. Multi-family housing development often faces regulatory challenges. Consequent delays can affect the financial feasibility of these projects. In an effort to increase certainty for multi-family development, the Development Code includes an ~~has been amended to exemption for~~ affordable housing from the master plan and precise development plan processes ~~(1.d Streamline the Review of Affordable Housing, subprogram a).~~

Further acknowledging the constraint posed by design review and the lack of specificity in the Development Code around the design of multi-family developments, the Board of Supervisors pursued and received a technical assistance award to develop Multi-family Residential Design Guidelines ~~that were adopted in 2012~~ ~~(1.f Develop Multi-family Design Guidelines).~~ ~~(Marin County's Single-Family Residential Design Guidelines have made had a demonstrable impact in the design review process. They assist applicants in planning site and architectural design, increase design certainty, and help minimize design revisions.)~~ ~~Establishing similar~~ The guidelines for multi-family housing projects will help guide the preparation of development plans, expedite the process for developers and planners, and assure local residents that projects under review must meet appropriate predetermined design features.

Additional measures will be considered to establish specific development criteria in planned zoning districts to allow for residential development to be permitted ministerially ~~(1.e Simplify Review of Residential Development Projects in Planned Districts).~~ ~~And to~~ To allow flexibility to established height limits, this element includes a program to amend the Development Code to increase the allowable height for multi-family residential development ~~(1.g Adjust Height Limits for Multi-family Residential Buildings).~~

Non-residential Districts – Commercial

Housing is encouraged in commercial districts. The Community Development Agency has completed amendments to the Development Code that introduce residential uses in certain commercial districts and implement mixed-use housing policies contained in the Countywide Plan (CD-8.7). Chapter Section 22.32.150 of the Development Code contains mixed use standards for the Commercial Planned (CP), Retail Business (C1), Administrative Professional (AP), and Limited Roadside Business (H1) commercial districts. For ~~parcels-lots~~ larger than 2 acres, at least 50% of the new floor area must be developed with new housing. For ~~parcels-lots~~ less than 2 acres in size, at least 25% of the new floor area must be developed with housing. Residential density in those districts is a maximum of 30 units per acre. Unit sizes are restricted to a minimum of 220 square feet and a maximum of 1,000 square feet per unit to encourage more affordable housing types. Housing should be accessory to the primary commercial use, except affordable housing. The promotion of residential uses in commercial districts significantly increases the capacity for medium density development and supports the development of walkable communities.

The following analysis assesses the combined effects of the County's development standards, applicable depending on zoning district, to identify possible conflicts and their effects on the cost and supply of housing. The development standards are found in Article II of Title 22, the County's Development Code.

Figure III-4: Residential Development Standards

Standard	Impact
<p>Height Limits. Conventional Zoning Districts: 25 feet in the Coastal Zone and 35 feet in the interior. Single family residences may reach a height of 45 feet when they meet minimum 15-foot side yard setbacks.</p> <p>Planned Zoning Districts: 25 feet in the Coastal Zone and 30 feet in the interior, except on protected ridgelines, where they are 18 feet.</p>	<p>Height limits in conventional districts may be exceeded through variance approval (22.20.060.F.1) and height standards are flexible. The fact that multi-family residences cannot reach 45 feet when they meet certain side yard setbacks constrains their design. <u>Subsequent code amendments may allow multi-family development to reach similar height limits as single family residences that meet 15-foot side yard setbacks. (See program 1.i Adjust Height limits for Multi-family Residential Buildings).</u> The County's development of a <u>Multi-Family Residential Design Guidelines adopted in 2012-2013 and subsequent Development Code amendments may help establish appropriate multi-family residential height standards provide further guidance for height and design of multi-family development. (see program 1.f Develop Multi-family Design Guidelines).</u> Subsequent code amendments may allow multi-family development to reach similar height limits as single family residences that meet 15-foot side yard setbacks. (See program 1.p Adjust Height limits for Multi-family Residential Buildings).</p>
<p>Parking Requirements. Conventional Zoning Districts and Planned Zoning Districts: 1.2 spaces per studio unit; 1.5 spaces per one bedroom unit; 2.0 spaces per two bedroom unit, 2.5 spaces per unit over two bedrooms.</p>	<p>These parking requirements are not significantly different from other Marin jurisdictions. Additionally, parking requirements are reduced if a development is eligible for a density bonus. A broader analysis of parking standards is provided earlier later in this chapter.</p>
<p>Minimum Lot Area. Conventional Zoning Districts: 7,500 sq ft for RA, RR, RE, R1, R2; n/a for RSP, RMP; not including applicable to floating homes or mobile home parks. Combining B districts modify minimum lot area and development standards.</p> <p>Planned Zoning Districts: Not applicable, but density standards are established in the zoning district.</p>	<p>The discretionary nature of subdivisions increases the uncertainty for developers seeking approval, and therefore raises the costs of investment.</p>
<p>Setbacks. Conventional Zoning Districts: 25 feet front, 6 feet on sides, 10 feet on street sides, 20% of lot depth to 25-foot maximum for RA, RR, RE, R1, R2 districts; n/a not applicable for RSP, RMP; not including applicable to floating homes or mobile home parks. Combining B districts modify minimum setback standards.</p> <p>Planned Zoning Districts: Not applicable, but tentative maps or master plans may establish building envelopes. Appropriate setbacks are normally established through design review.</p>	<p>The inflexibility of setback standards in conventional zoning districts may result in increased construction costs on steep sites.</p> <p>In planned zoning districts, the discretionary nature of design review applications increases the uncertainty for developers seeking approval, and therefore raises investment costs. Establishing criteria for ministerial review of development projects in planned districts would reduce the uncertainty and resulting costs developers face. (See program 1.o Simplify Review of Residential Development Projects in Planned Districts).</p>
<p>Density. Zoning districts determine density, which can range from 1 unit/60 acres in the Agricultural, Residential Planned (ARP) zoning district to 45 units per acre in the Residential, Multiple Planned (RMP) district. In addition, the County Plan's community design principles encourage "like facing like," whereby different uses abut at the back of the property, not the front. This principle could affect the placement of affordable housing next to other types of development, particularly less dense uses. Parcels to the front or side of low density residential properties may be zoned at or near the density of the low density residential property.</p>	<p>The lower density permitted in many zoning districts may pose a constraint to multi-family housing. A number of programs in this element are intended to address this, including creating a combining zoning district to permit affordable housing at increased densities (See programs 1.e Establish an Affordable Housing Combining District, 1.k Simplify Review of Residential Development Projects in Planned Districts, and 1.p Adjust Height Limits for Multi-family Residential Buildings). <u>In 2013, the Affordable Housing Combined Zoning District (AH) was created and applied to three sites in the unincorporated County to permit affordable housing at increased densities.</u></p>

Analysis:

Conventional districts and planned districts both have strengths and weaknesses with respect to development costs and impediments. In many instances, the hilly terrain found throughout much of Marin increases construction costs unless there is some flexibility in the development standards applicable to a project. However, anecdotal evidence suggests that the more serious impediment to housing development is the uncertainty involved with discretionary planning permits. Permit processing is discussed in greater detail under the Processing and Permit Procedures section.

To ensure that the County's development standards do not have the prohibitive effects on the development potential or cost of affordable multi-family development, a number of programs in this housing element remove possible barriers:

- *1.a Establish Minimum Densities on Housing Element Sites* would ~~prohibits the~~ approval of development on sites identified in the Housing Element with fewer units than shown in the Sites Inventory and Analysis.
- ~~1.f Develop Multi-family Design Guidelines will address the potential impacts of community design principles discussed above related to land use transitions.~~
- ~~1.p Adjust Height Limits for Multi-family Residential Buildings~~ will ~~will~~ would allow increased height limits for multi-family development.

Additionally, affordable multi-family development will most likely qualify for density bonus concessions to development standards, as outlined in Section 22.24.030 of the Development Code.

Non-residential Districts: Agricultural

The development of agricultural worker housing is a priority in the unincorporated County, ~~and of particular interest as the Community Development Agency is engaged in an update~~ as reflected by the recent amendment to the County's Local Coastal Program (LCP), which added agricultural worker housing as a principally permitted use in coastal agricultural zones.¹⁴ Agricultural worker housing was already a permitted use in the inland agricultural/open space zones of A2, A3 to A60, ARP, and OA.¹⁵ ~~As stated in the County's Development Code (22.32.023):~~

~~"Agricultural worker housing providing accommodations for twelve or fewer employees shall be considered a principally permitted agricultural land use for the following zoning districts: A2, A3 to A60, ARP, and C-ARP, C-APZ, O-A, and C-OA, and are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards)."~~

~~Figure III-12.6 in Appendix I details the permit requirements for various residential uses within the zoning districts that allow agricultural worker housing to be considered as a principally-permitted land use.~~

The zoning districts that allow agricultural worker housing as a principally-permitted agricultural use render the Marin County Development Code consistent with Health and Safety Code Section 17021.6, ~~with one exception (see program 2.j Promote the Development of Agricultural Worker Units in Agricultural Zones).~~ All of the remaining agricultural zoning districts allow agricultural worker housing as a principally permitted use in order to encourage and facilitate the development of agricultural worker housing. ~~The current permit requirements of the C-APZ zoning district allow~~

¹⁴ Marin County Local Coastal Program, Land Use Plan Amendment, Certified by Coastal Commission 5/14/14

¹⁵ Marin County Development Code Section 22.32.023

~~agricultural worker housing as a conditional use, but are being updated in the Local Coastal Program to become consistent with the Health and Safety Code.~~

The agricultural zoning districts consist primarily of agricultural areas characterized by low density housing. The County's Development Code reflects efforts to focus agriculture uses in agricultural zoning districts through two primary means: lot size and density provisions related to agricultural worker housing. The minimum lot size ranges from two to ~~60~~ sixty acres, except in the Suburban Agricultural and Limited Agriculture Districts ~~which that~~ allow 7,500 square-foot lots. Such large lot size requirements constrain the development of housing in areas where the County is committed to maintaining the viability of agriculture. ~~Furthermore, the County's Development Code is also consistent with provisions of Health and Safety Code 17021.5. Section 22.32.023 of the County's Development Code states:~~

~~"Each agricultural worker housing that provides accommodation for six or fewer employees...equivalent to one dwelling unit with the exception that agricultural worker housing providing accommodations for 7 to 12 employees shall not be counted for purposes of computing residential density."~~

~~This section of the Development Code ensures that agricultural worker housing for six or fewer employees is a permitted use, with the same allowances as a single family dwelling. Recognizing agriculture's role as a primary industry and substantial contributor to Marin County's economic vitality, the Housing Element includes a programs to encourage agricultural worker housing on large, protected agricultural parcels (2.i Modify Development Code to Reflect Williamson Act), and another to increase or upgrade the quality of existing agricultural worker housing, and to clarify Development Code provisions related to the density calculations for agricultural worker housing (2.j Promote the Development of Agricultural Units in Agricultural Zones).~~

Zoning Standards for Special Housing Types

~~In accordance with recently enacted State law (Chapter 633 of Statutes 2007, SB 2), transitional and supportive housing are considered residential uses of property and are subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This Housing Element contains recently implemented programs that clarify the Development Code's consistency with SB 2 (1.j Zone and Provide Appropriate Standards for SRO Units, 1.k Zone and Provide Appropriate Standards for Homeless Shelters and 1.l Enable Transitional and Supportive Housing).~~

Open Space, Lot Coverage, and Unit Size Requirements

There are no minimum open space or maximum lot coverage standards for development projects in Marin. However, in conformance with the Quimby Act, a parkland dedication of three acres for every 1,000 people in a project area is required for subdivisions. Where there is no park or recreation facility designated, a fee in lieu of dedication shall be required. The fee is based on the fair market value of land that would otherwise be required.

The County has no unit size requirements except for limitations on the size of residences in commercial zones, with the exception of the C-APZ district, and on second units to encourage more affordable housing types. Please see discussion in the relevant section.

Building Code and Enforcement

Marin County adopts the California International Building Standards Code (Title 24, CCR) and ~~Uniform subsidiary codes that establishes~~ minimum standards for building construction. The County

has amended two specific provisions contained in the ~~model~~ State codes which can impose additional costs on residential development: 1) Fire sprinklers are required in ~~all new residential structures and any~~ residential addition or substantial remodel that exceeds 50% of the area of the original structure, and 2) Class 'A' roofing is required because of potential fire hazard. The standards may add material and labor costs but are felt to be necessary minimum standards for the health and safety of firefighters, those occupying the structures and the general public.

The County also enforces local provisions of the ~~California Building Standards Code (Title 24)~~, specifically ~~those provisions related to energy conservation and green building efficiency~~. While these requirements have been strengthened over time resulting in increased construction costs, greater energy efficiency results in lower operating costs for the resident and lower greenhouse gas production resulting from the construction process. For additional information on the County's energy efficiency efforts, refer to Section IV: Sites Inventory and Analysis.

The County's code enforcement program is complaint-driven. The County has four staff dedicated to building and zoning code enforcement while additional staff is dedicated to septic system monitoring and enforcement. Most complaints are resolved voluntarily through corrective action by the property owner, although some require additional actions through hearings and assessment of fines. In instances where work is done without building permits, additional fees and penalties are assessed and the work must meet minimum code standards.

Code enforcement staff ~~has~~ have been trained on available resources and makes referrals when appropriate. For example, they make referrals to Marin Housing Authority for the rehabilitation loan program, to the Marin Center for Independent Living for accessibility re-habilitation needs, ~~or~~ and to the Department of Health and Human Services for support services. The County has adopted policy consistent with Health and Safety Code Section 17980(b)(2), and code enforcement staff uses these guidelines in their enforcement activities.

Parking Standards

Marin County's parking standards are based on the anticipated use of a structure. Figures III-5 and ~~Figure III-6~~ below outlines current parking requirements. Projects that apply for a density bonus are eligible to apply reduced parking standards, consistent with Government Code Section 65915.

Parking requirements can increase the costs and difficulty of developing affordable housing projects. Flexibility in applying these requirements could make development easier and reduce costs. Currently, a 50% reduction in parking is allowed for senior housing. The County will evaluate further options for reduced parking requirements, especially for infill sites close to transit, second units, and affordable housing projects where research confirms a lower per-capita rate of vehicle ownership (1.g) *Review and Update Parking Standards*). These concepts will be evaluated in the context of whether implementing alternative standards can make a project feasible or reduce costs without burdening the immediate neighborhood, and make the best use of limited land resources.

Figure III-5: Summary of Parking Requirements for Multi-Family Development

Size of Dwelling Unit	Minimum Parking Spaces Required per Section 24.04.340	Reduced Parking Requirements with Density Bonus, per Section 22.24.030
Studio units	1.2 spaces per unit	1 space per unit
One bedroom units	1.5 spaces per unit	1 space per unit
Two bedroom units	2.0 spaces per unit	2 spaces per unit
Three bedroom units	2.5 spaces per unit	2 spaces per unit
Four bedroom units	2.5 spaces per unit	2.5 spaces per unit

Source: Marin County Code, Sections 24.04.340 and 22.42.030

In preparation for this housing element, staff ~~The 2009 Marin Countywide Housing Element Workbook~~ conducted a cross jurisdictional survey of parking standards (Figure III-6), which shows that Marin County's requirements are among the lowest for single-family homes and duplexes but are slightly higher than surrounding municipalities for apartments. This Element contains a program to consider further parking reductions (*1.gi Review and Update Parking Standards*).

Figure III-6: Parking Comparison – Marin Jurisdictions

City/County	Single Family Home		Duplex (2 units 3BR each)		Single family home with second unit		Studio Apartment		One Bedroom Apt		Two Bedroom Apt		Three Bedroom Apt		Four Bedroom Apt	
	Covered	Total	Covered	Total	Covered	Total	Covered	Total	Covered	Total	Covered	Total	Covered	Total	Covered	Total
Belvedere	0	2	0	4	0	33.25	0	01.25	1.25	1.2	1.2	1.2	2	2	2	2
Corte Madera	1	2	2	4	1	3	1	1.5	1	1.5	1	2	1	2	1	2
Fairfax	1	3	2	5	4	4	1	21	1	2	1	2	1	2	1	02
Larkspur	40	42	20	74	40	53	0	1	0	1	0	1.5	0	22.5	0	22.5
Mill Valley	0	32	0	64	0	3	0	32	0	32	0	32	0	32	0	32
Novato	1	2	2	4	1	33.5	1.2	1.2	40	1.5	40	2	40	2.2	n/a	n/a
Ross	1	2	n/a	n/a	1	3	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
San Anselmo	0	2	0	4	0	3	0	1	0	1	0	21.5	0	2	0	2
San Rafael	2	2	2	43	2	3	01	1	01	41.5	01	4.5	1	2	1	2
Tiburon	0	2	0	3	0	3	0	1.5	0	1.5	0	2	0	2.5	0	2.5
County of Marin	0	2	0	24	0	34	0	1.2	0	1.5	0	2	0	2.5	0	2.5

Source: ~~Marin Countywide Housing Workbook~~ 2014 Survey of local jurisdiction parking requirements; Marin County Code Section 22.04.340

On/Off Site Improvement Standards and Exactions

Marin County Code provides minimum design guidelines to achieve health and safety requirements. Administered by the Department of Public Works and the Community Development Agency, standards for on- and off-site improvements are detailed in Appendix H. The summary includes requirements related to street improvements, driveways, landscaping, easements, drainage, parkland dedication and fees, sewage disposal, and water supply.

Analysis:

Overall, the purpose of on- and off-site requirements is to ensure the health and safety of residents. While required on- and off-site improvements may add to the cost of housing on affected properties, it is not evidenced that these requirements and associated costs represent a higher standard than other jurisdictions in the County and beyond. For example, the required width of public utility easements is no less than 10 feet for the unincorporated County, San Rafael, and Novato. Parkland dedications and fees are calculated in an identical fashion to San Rafael and Novato. Additionally, street and driveway widths and grades in the County's Development Code are on par with the requirements set forth in Novato's and San Rafael's Codes or Ordinances. On- and off-site improvement requirements do not constitute extraneous requirements, with the exception perhaps of landscaping and parkland dedication requirements. However, the requirements are not onerous, and the additional cost associated with these requirements may enhance property value and minimize the constraint presented by community opposition to new development. Parkland dedication fees are waived for affordable housing developments. Therefore, the County's improvement requirements do not pose constraints to the development of housing.

Cumulative Impacts of Development Standards on the Cost and Supply of Housing

The County's development standards ensure procedural consistency, promote a cohesive built environment, and protect the long-term health, safety, and welfare of the community. However, particular requirements may appear reasonable on their own, but may limit development opportunities when combined with other requirements. Sometimes, the combined effect of different development controls can limit the feasibility of certain types of development. ~~The best way to evaluate the cumulative impacts of development standards on the cost and supply of housing is to analyze whether the County met its fair share of the RHNA. The County in fact exceeded its RHNA obligations at all income levels between 1999 and 2006 with housing built and approved in the County.~~

Second Units

A larger discussion of second units is presented in Section IV: Sites Inventory and Analysis, including data on units permitted, the 2007-2008 Amnesty Program, and the affordability survey. Consistent with Government Code Section 65852.2, second units are allowed in all residential zoning districts as a permitted use. New second units are limited to 750 square feet in size, although a program in this housing element will study opportunities for permitting larger second units. The ~~2008~~2014 second unit survey found that smaller units in Marin County are not necessarily more affordable. Therefore, the County will further analyze second unit size and consider an increase in allowable size to accommodate families, ~~particularly in the Coastal Zone (pProgram XXX1.fg).~~

Owner occupancy of the primary or secondary unit is required except in the communities of Bolinas and Inverness, and may be waived in the Tamalpais area. Owner occupancy is a potential constraint to ongoing availability of second units, ~~but has not been an issue to date and a revision to this provision is being considered as part of pProgram XXX1.fg.~~

Parking standards for second units require one space for a studio or one bedroom, and two spaces for ~~a~~ units with two or more bedrooms ~~unit~~. All parking spaces should be off-street and independently accessible. Particularly in the urban areas of the County, adding on-site parking to an existing residential lot can be onerous. In order to encourage the development of second units, the County addresses these constraints through a subprogram to allow flexibility in second unit parking requirements (*1.fg Undertake Adjustments to Second Unit Development Standards*, subprogram *1.fg(cd) Develop standards to allow flexibility of second unit parking requirements, etc.*).

Figure III-7: Development Standards, Conventional Zoning Districts

ZONING ¹ DISTRICT	EXAMPLES OF PERMITTED USES (Without use permit)	MINIMUM ^{2,3} LOT AREA	MINIMUM SETBACKS ^{4,5,6} (Front) (Side) (Rear)			MAXIMUM ^{7,8} HEIGHT (Main building)	MAXIMUM ^{9,10} FAR (Floor Area Ratio)
R-1	<ul style="list-style-type: none"> Single-family dwelling Accessory buildings and uses Home occupations Public parks and playgrounds Crop and tree farming Nursery and greenhouses 	7,500 sq. ft.	25 ft.	6 ft.	20% of lot depth/ 25 ft. maximum	30 ft. maximum	30%
R-1:B-1		6,000 sq. ft.	25 ft.	5 ft.			
R-1:B-2		10,000 sq. ft.	25 ft.	10 ft.			
R-1:B-3		20,000 sq. ft.	30 ft.	15 ft.			
R-1:B-4		1 acre	30 ft.	20 ft.			
R-A	<ul style="list-style-type: none"> All uses permitted in R-1 Limited livestock uses (see Section 22.32.030, M.C.C.) Dairy on five acres or more 	7,500 sq. ft.	25 ft.	6 ft.	20% of lot depth/ 25 ft. maximum	30 ft. maximum	30%
R-A:B-1		6,000 sq. ft.	25 ft.	5 ft.			
R-A:B-2		10,000 sq. ft.	25 ft.	10 ft.			
R-A:B-3		20,000 sq. ft.	30 ft.	15 ft.			
R-A:B-4		1 acre	30 ft.	20 ft.			
A-2	<ul style="list-style-type: none"> All uses permitted in R-1 Limited agricultural uses Horse stables and riding academies Dog kennels having six or less dogs 	2 acres	25 ft.	6 ft.	20% of lot depth/ 25 ft. maximum	30 ft. maximum	30%
A-2:B-1		6,000 sq. ft.	25 ft.	5 ft.			
A-2:B-2		10,000 sq. ft.	25 ft.	10 ft.			
A-2:B-3		20,000 sq. ft.	30 ft.	15 ft.			
A-2:B-4		1 acre	30 ft.	20 ft.			

FOOTNOTES:

- For information regarding other zoning districts, please contact the Marin County Community Development Agency, Planning Division.
- Minimum lot area requirements increase on sloping lots (see Chapter 22.82, Marin County Code).
- Design review approval is required on vacant lots proposed for development that are at least 50% smaller than the required lot area (Section 22.12.030, M.C.C.).
- Setback requirements for corner lots, double frontage lots, and detached accessory structures may vary (see Sections 22.08.040 & 22.10.040, M.C.C.).

Affordable housing	P	P	P	P	P	P	P	P	P	22-22
Floating home marinas	—	—	—	—	—	—	—	—	MP	22-32.070
Floating homes	—	—	—	—	—	—	—	—	MP	22-32.075
Group homes, 6 or fewer residents	P	P	P	P	P	P	P	P	P	22-32.080
Group homes, 7 or more residents	U	MU	U	U	U	U	MU	MU	MU	22-32.080
Guest house	P	MP	P	P	P	P	—	—	—	22-32.090

Home occupations	P	MP	P	P	P	P	MP	MP	MP	22.32.100
Mobile home parks		—	—	—	—	U	MU	MP	—	22.32.110
Mobile homes	—	—	—	—	—	—	—	MP	—	22.32.110
Multi-family dwellings	—	—	—	—	—	—	MP	—	—	
Organizational houses	U	MU	U	U	U	U	MU	—	—	
Residential accessory uses and structures	P	MP	P	P	P	P	MU	MP	MP	22.32.130
Residential care facilities	P	MP	P	P	P	P	MP	MP	MP	22.32.080
Room rentals	P	MP	P	P	P	P	MP	—	—	
Residential second units	P	P	P	P	P	P	P	—	—	22.32.140
Single-family dwellings	P	MP	P	P	P	P	MP	—	P	
Tennis and other recreational uses	P	MP	P	P	P	P	MP	MP	MP	22.32.130
Transitional and supportive housing	—	—	—	—	—	—	MP	—	—	
Two-family dwellings	—	—	—	—	—	P	MP	—	—	

Key to Permit Requirements

	Permit Requirement	Procedures in Development Code Section:
P	Permitted use	
U	Conditional use, use permit required	Chapter 22.48
MP	Permitted use, master plan/Precise Development Plan required	Chapter 22.44
MU	Conditional use, use permit required where authorized by master plan/PDP	Chapter 22.44
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Figure III-11: Permit Requirements by District, Commercial Districts

RESIDENTIAL USES	VCR Village Commercial Residential	RMPG Residential Commercial Multiple Planned	C+ Retail Business	CP Planned Commercial	AP Admin and Professional	OP Planned Office	H1 Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	Development Code Section:
Affordable Housing	P	P	P	P	P	P	P	P	U	Chapter 22.22
Group homes, 6 or fewer residents	P	P	—	—	—	P	U	—	—	22.32.080
Group homes, 7 or more residents	U	MU	—	—	—	MU	U	—	—	22.32.080
Guest houses	P	MP	—	—	—	MP	U	—	—	22.32.090
Homeless Shelter	—	—	P	P	U	U	U	—	—	22.32.095
Home occupations	P	MP	P	MP	P	MP	P	—	—	22.32.100
Multi-family dwellings	U	MP	P	MP	P	MP	P		—	22.32.150

Organizational houses	U	MU	U	—	—	MU	U	MU	—	
Residential accessory uses and structures	P	MP	P	—	P	MP	P	—	—	22.32.130
Residential care facilities	P	MP	—	—	—	MP	U	—	—	22.32.080
Room rentals	P	MP	P	MP	P	MP	U	—	—	
Single family dwellings	P	MP	P	MP	P	MP	P		—	22.32.150
Tennis and other recreational uses	U	MP	U	MU	—	MU	U	—	—	22.32.130
Two family dwellings	U	MP	P	—	P	MP	P		—	22.32.150

Key to Permit Requirements

	Permit Requirement	Procedures in Development Code Section:
P	Permitted use	
U	Conditional use, use permit required	Chapter 22.48
MP	Permitted use, master plan/Precise Development Plan required	Chapter 22.44
MU	Conditional use, use permit required where authorized by master plan/PDP	Chapter 22.44
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Figure III-12: Permit Requirements by District, Agricultural Districts

	A2	A3 to A60	ARP	C-ARP	OA	C-OA	C-APZ
RESIDENTIAL USES	Agriculture Limited	Agriculture and Conservation	Agriculture Residential Planned	Coastal, Agriculture Residential Planned	Open Area Zoning/ Combining District	Coastal, Open Area District	Agriculture Production Zone
Affordable housing	P	U	P	P	—	U	U
Agricultural worker housing	P	P	P	PP	P	U	PP
Group homes, 6 or fewer residents	P	P	P	MP	—	—	P
Group homes, 7 or more residents	U	U	MU	MU	—	—	P
Guest house	P	P	MP	MP	P	P	—
Home occupations	P	P	MP	MP	P	P	P
Private residential recreational facilities	U	U	MU	MU	—	—	—
Religious residential retreats	U	U	MU	MU	—	—	—
Residential accessory uses and structures	P	P	MP	MP	P	P	P
Residential care facilities	P	P	MP	MP	—	—	P
Residential second units	P	P	P	MP	—	—	—
Room rentals	P	P	MP	MP	—	—	P
Single family dwellings (attached or detached)	P	P	MP	MP	U	U	U
Tennis and other recreational uses	P	P	MU	MU	U	—	—

Key to Permit Requirements

	Permit Requirement	Procedures in Development Code Section:
P	Permitted use	
U	Conditional use, use permit required	Chapter 22.48
MP	Permitted use, master plan/Precise Development Plan required	Chapter 22.44
MU	Conditional use, use permit required where authorized by master plan/PDP	Chapter 22.44
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Countywide Plan Program Constraints

The 2007 Countywide Plan contains a range of policies that address the competing land use pressures in Marin. Sea level rise, many areas of environmental sensitivity, limited water and sanitary resources, and high levels of traffic congestion precipitated policies that restrict residential development to the lowest end of the density range in many areas of the County. Most of these policies, however, exempt affordable housing from density limitations, acknowledging the critical need for low income housing in the community. Examples of such policies are below.

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

CD-8.7(5) Establish Commercial/Mixed-Use Land use Categories and Intensities. *For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.*

Considering these limitations and feedback from the development community, a program ~~(1.d Streamline the Review of Affordable Housing)~~ in this Element has been implemented that County policy exempts affordable housing from underlying zoning in favor of the high end of the General Plan density range.¹⁶ Another program will study the implications and opportunities of a ministerial review process for affordable housing, which would seek to limit lengthy and expensive delays and hurdles in the pre-development process while ensuring that environmental protection measures consistent with the Countywide Plan are incorporated (1.e Study Ministerial Review for Affordable Housing).

Housing Overlay Designation

The 2007 Countywide Plan update established a Housing Overlay Designation (HOD) as one mechanism to provide a range of housing types, sizes, and prices to accommodate special needs populations and workers employed in Marin County. The purpose of the HOD is to encourage affordable housing on sites close to transit and services. Underlying land uses may include Multi-family (MF), General Commercial (GCP), Neighborhood Commercial (NC), Office Commercial (OC), Recreational Commercial (RC), ~~or and~~ Public Facilities (PF). The HOD policy ~~names identifies~~ 11 specific sites which that must be developed per HOD specifications should any development occur on the site. Additional projected HOD development may be distributed to other qualifying sites throughout urban areas within the City Centered Corridor, to a maximum of 658 residential units. A minimum of 30 units per acre is required, except sites designated Neighborhood Commercial. The policy requires that approximately 50% of residential development should be affordable to low or very-low income households. The County intends to

¹⁶ Marin County Development Code, Chapter 22.24.020.A Density for Affordable Housing Projects.

partner with applicants to support the high level of affordability. Projects qualifying for the designation are entitled to development standards adjustments such as parking, floor area ratio, height, and fee reductions

One site under the HOD policy has undergone a community planning process. A conceptual plan that included a mix of shops and residential uses was accepted by the Marin County Board of Supervisors in November 2006. Retail uses were revived at the site in 2011, and a planning application for 825 units of housing, including affordable and market rate rentals units housing is was deemed complete in XXX as of 9/26/13 and is currently undergoing environmental review expected in late 2012. Two other sites, California Park and Oak Manor, have the potential to develop in this planning period. Several HOD sites, including Marin City Shopping Center, Strawberry Shopping Center, Fireside Motel and Gallinas School, were recently redeveloped prior to the HOD policy and are unlikely to produce housing in this Housing Element cycle. The HOD has the potential to produce additional housing on un-named, voluntary sites that qualify for the designation. A program in this housing element considers whether revisions to the HOD policy may be made to improve the effectiveness of the program (1.d Evaluate the Housing Overlay Designation).

Processing and Permit Procedures

Marin County's planning permit review process includes three types of actions.

1. Ministerial actions: ministerial planning permits and building permits
2. Discretionary actions: use permits, development permits, and mapping applications
3. Legislative actions: land use plan amendments, rezoning, and master plans

Ministerial Actions

Ministerial actions are taken by planning and building and safety division staff for projects that involve the imposition of predetermined and objective criteria. Ministerial actions taken by planning staff include approvals of second units, daycare facilities, and homeless shelters. Building and safety division staff issue building permits. Ministerial actions are by far the most common type of decision issued by the County and are a routine part of development throughout the State. Ministerial actions are the most cost effective means for regulating land use and development at the County's disposal and provide developers with high levels of certainty because the standards applied are clear and objective. Ministerial permits are not subject to CEQA or to appeal.

Discretionary Actions

Discretionary actions are decisions on planning permits that involve subjective reasoning and may be taken by planning staff, the Planning ECommission, or the Board of Supervisors. Discretionary planning permits are far more common than legislative actions, and are required for projects that vary considerably in their size and complexity. Permit processing requires an evaluation of an application based on substantial evidence in the record and approvals can only be issued for projects that meet predetermined findings related to the County's policies, regulations, and guidelines. For certain types of applications, including use permits and tentative maps, public hearings are required by State law. Provided an application is categorically exempt from CEQA, a decision will be issued within three months of the date that a complete application is submitted. If environmental review is required for the project, a negative declaration will normally take an additional six months and an environmental impact report (EIR) will normally take an additional year. Discretionary planning permits may be subject to CEQA and are subject to appeal to the Planning ECommission and subsequently to the Board of Supervisors.

Anecdotal evidence suggests that discretionary planning permits are a significant regulatory impediment to housing development. Higher costs and delays are common because discretionary actions are subject to CEQA and are appealable. Furthermore, risk deters financing opportunities, and community opposition to affordable housing projects may result in their eventual denial. While the policies and standards implemented through the discretionary permit process are not an outright constraint on the construction of new housing, the additional public review, as part of the process, can increase time and costs to secure project approval. The single-family residential design guidelines have been instrumental in curtailing the impacts of design review on a project's cost and timeline. A p.pProgram 4.f in the previous is Housing Element implemented calls for the development of multi-family residential design guidelines, which are intended to increase developmental certainty and create a higher level of transparency in the project review process. The most common types of discretionary planning permits are described below.

Use Permits

The use permit is an effective tool that enables regulatory flexibility and the mix of residential and commercial development that make up balanced neighborhoods. The review procedures for use permits require circulation of a public notice and a public hearing before the Deputy Zoning Administrator. Public review is not an additional constraint because a public hearing for design review is also generally required in planned districts. Findings for a use permit require that the use is conditionally permitted within the zoning district, and that the project would not result in detriments to the local community.

Design Reviews and Precise Development Plans

New residential developments in planned districts, homes in conventional districts that exceed 4,000 square feet of floor area or 30 feet in height, and commercial development projects are generally subject to design review. Precise development plans are design reviews for multiple properties and are sometimes related to a master plan approved for a particular property. Design reviews and precise development plans set forth in detail the design and placement of development on a site. Design reviews are the most common type of discretionary planning permit and an important tool used to implement the policies contained in the eCountywide pPlan and local community plans, the planned district development standards in the eDevelopment eCode, and the single-family and multi-family residential design guidelines, and any standards required by an applicable master plan for the property. Fees for design review are outlined in Figure III-46-10 as part of the Fees and Exactions section. Smaller, less expensive projects benefit from a smaller fee, and affordable housing projects may have the design review fee waived.

Variances

Variances are required for projects in conventional zoning districts that do not meet the development standards. The findings for variance approval, which are mandated by State law, and require that a the property is be constrained by special physical circumstances that are unique to that particular property. Site constraints such as steep slopes and substandard lot sizes are an impediment to developing housing, but variances provide some regulatory relief and in some limited cases and can allow a project that would otherwise not be able to go forward.

Subdivisions

Subdivision of property requires submittal and approval of a tentative map or a vesting tentative map, which serve primarily to locate existing and proposed boundaries of all lots, building envelopes, and associated roads and utilities. If a developer seeks approval of a vesting tentative map in a planned zoning district, design reviews for the future development on the new

lots are typically required. Public hearings before the Deputy Zoning Administrator are required for subdivisions. Subdivisions typically require a negative declaration, but larger subdivisions may be required to undergo an EIR.

Coastal Permits

Most development, subdivisions, and the intensification of use within the Coastal Zone is subject to a Coastal Development Permit, which is a discretionary permit that is subject to standards certified by the California Coastal Commission in Marin County's Local Coastal Program (LCP). Coastal permits are unusual in that they regulate both development and use, even when a particular use is principally permitted within a given zoning district. For this reason, very few projects are exempt from discretionary review in the Coastal Zone. Risks and costs and delays associated with the coastal permit process are further increased because most coastal permit approvals are appealable to the California Coastal Commission, leading to additional costs and delays except for principally permitted uses outside of a geographic appeal jurisdiction. Affordable housing projects are not exempt from coastal permit requirements; however, proposed LCP amendments would establish affordable housing as a principally permitted use in coastal residential and commercial/mixed-use districts. This means a coastal permit approval for an affordable housing project in one of these districts would only be appealed if proposed within the Coastal Commission's geographic appeal area. Marin County's Local Coastal Plan is undergoing review and amendment as of July 2012. The amendments to the LCP are expected to be certified by the Coastal Commission in December 2014. Consistency between the Housing Element and the Local Coastal Program LCP are required by law. Programs in this Housing Element that relate to the Coastal Zone have been developed collaboratively with staff working on the Local Coastal plan update LCP Amendment.

Legislative Actions

Legislative actions must be taken by the Board of Supervisors, and are the most unusual type of planning related action. Legislative actions are usually reserved for major projects or initiated in an effort to achieve long-term planning goals, and the process for their approval is commensurately complex and time consuming. Legislative actions are subject to the California Environmental Quality Act (CEQA), but are not subject to appeal.

Plan and Code Amendments

Amendments to the Countywide Plan or Community Plans are most commonly initiated by the County Planning Division in conformance with State guidelines regarding general plan amendments. Text amendments to the Development Code are also normally initiated by the Planning Division in order to address changing circumstances and public attitudes. Property rezoning applications are usually initiated by private developers in an effort to modify the restrictions pertaining to their property.

Master Plans

A master plan establishes standards for future development on use of a particular property, which serve as and establishes site specific zoning standards for future development. Master plans are required in for projects in a planned zoning district that involve more than 15,000 square feet of commercial floor area or more than five housing units to be built over multiple phases in subsequent years. Master plans generally provide conceptual development envelopes, potential uses, and other information at a less detailed level than would otherwise be required for use permits or development permits. Please see the discussion of multi-family housing and master plan requirements above for further details.

In 2012, the County amended the Development Code to exempt affordable housing projects from master plan and precise development plan requirements, except where an applicable

Community Plan or Community based visioning plan approved by the Board of Supervisors contains policies that directly require master plans for development on specific properties.¹⁷ ~~thereby implementing Housing Element program 1.d Streamline the Review of Affordable Housing.~~ This allowance is intended to shorten the costly pre-development process undertaken by affordable housing developers in order to secure approvals. Such projects will, however, still be subject to design review and applicable requirements of State law.

Multi-phased development on large parcels in planned districts often begins with the submittal and approval of a master plan. A master plan consists of written and graphic material setting forth a general development scheme. The master plan allows flexibility in determining building placement, height, bulk, and mass that will be most suitable for the site.

Master plan applications are ~~heard~~ reviewed by the Planning Commission, and ~~then~~ recommended to the Board of Supervisors for adoption. Generally, final action is taken by the Board of Supervisors within 60 days from the date that environmental review is completed. The necessary findings required by review of master plans ensure consistency between the project and the goals and policies of the Countywide Plan and community plans. These including:

- Consistency with the Countywide Plan and any applicable ~~Community Plan.~~
- Not detrimental to the public interest, health, safety, convenience or welfare of the ~~County.~~
- ~~Site is e~~Environmentally and physically suitability ~~le for of~~ the development.

The ~~e~~County's standard submittal requirements for master plans include an affordable housing plan, which must indicate the "Construction schedule and phasing of inclusionary units in relation to market rate units." The findings require by Development Code ~~s~~Section 22.22.110 to approve an affordable housing plan indicate that the plan must "Specify the construction of affordable housing units and/or timing of payment of fees. All affordable housing units and other phases of a development shall be constructed prior to, or concurrent with, the construction of the primary project, unless the review authority approves a different schedule."

Timing for Permit Processing

Time requirements for review of the merits of a project are contingent on project complexity and environmental impacts. If a house design meets County standards and Uniform Building Code requirements in a conventionally zoned agricultural or urban zoning district, a building permit can be granted without further review. Processing times are usually between ~~eight~~ 5 to 10 weeks after the completed application has been submitted. Figure III-43 ~~7~~ displays application processing times which account for staff's review time, exclusive of applicant response time to ~~incompleteness items~~ notices. Many of these processes overlap or occur concurrently. Total processing times for a general plan amendment, assuming an EIR is needed, is approximately ~~65~~ 58 weeks. If an EIR is not required, the timing would be significantly reduced. Other discretionary permits have immediate processing times of 7 to 12 weeks. An initial study, depending on the complexity, could add up to ~~24~~ 21 weeks.

Figure III-437: Median Processing Times by Planning Permit Type

Type of Approval or Permit	Average Processing Times	Median Processing
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¹⁷ ~~Marin County Development Code Section 22.44.035—The following land uses are exempt from the requirements of a Master Plan and/or Precise Development Plan: ... B. Affordable housing, except where an applicable Community Plan or Community based visioning plan approved by the Board contains policies that directly require Master Plans for development on specific properties.~~

	Unincorporated County (weeks)	Times Countywide Average (weeks)*
Ministerial Review	95	3-5
Conditional Use Permit	127	7-12
Zone Change	6558	20-24
General Plan Amendment	6558	20-24
Site Plan Review	N/A	2-3
Development Discretionary Review with public hearing	126	8-12
Tentative Maps	1211	12-18
Subdivisions	12	12-36
Initial Environmental Study (additional time)	2421	12-38
Environmental Impact Report	52104	48
Variance	125	7-12

Source: Marin County Community Development Agency, July 2014; 2009 Marin Housing Workbook

*The low end of the range represents the processing times for straight forward applications; the high end of the range represents processing times for more complex applications.

Efficiency of discretionary permit approvals has increased in the last several years. In the first quarter of 2010/2011 Fiscal Year 2012/2013, the Planning Division issued decisions for 8479% of the discretionary permits that do not require environmental review within the designated 48-day timeframe. The average number of days to issue a decision (as measured from the date the application was found determined to be complete) was 30.534 days for the 32 decisions that were issued during the first quarter 2012/2013. Below is a comparison of Planning Division performance during the same period in prior fiscal years.

Figure III-448: Discretionary Permit Performance Comparisons for Expedited Timeframes

	Fiscal Year 2008- 2009	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Average number days to process discretionary permits exempt from environmental review	42	43	33	38	34
Percentage of discretionary permits processed within 48 days from a complete application (only project exempt from environmental review)	5671%	8962%	8479%	75%	79%
# Projects	32	35	32		

Source: Marin County Community Development Agency, 2014

Customer Assistance

In an effort to clarify the application and permitting process for the public, the Community Development Agency has prepared a number of Fact Sheets that explain the review process, submittal requirements, and the time frames for processing permits, including design reviews, master plans, coastal permits, use permits, variances, environmental review, and second unit permits.

For major applications, the County encourages applicants to schedule a pre-application consultation to discuss the development concept with planning staff prior to actual submittal. The applicant benefits from the pre-application meeting by learning about local plans, codes,

infrastructure availability, and related matters. A general consulting meeting service is also available for smaller-scaled applications.

The County ~~is also has created a project review committee considering expanding its pre-application service to offer applicants the opportunity to schedule a collaborative review of proposed development with a group comprised of Community Development Agency staff from the current planning, environmental review, environmental health services and, affordable housing program, and building and safety programs, as well as with representatives from other departments such as including the Department of Public Works, and the Fire Marshal. This group meets to discuss major or controversial projects in order would help to identify potential challenges and to convey the potential problem considerations to the applicant early in the process. Future plans for this committee are to expand representation to include other outside agencies.~~

Environmental Review

Marin County reviews residential development projects for compliance with State and local environmental quality review regulations that promote, preserve, and enhance the public welfare. ~~Most~~ Many residential projects are exempt from environmental review ~~either as an action application that is either ministerial in nature, and thus not subject to the California Environmental Quality Act (CEQA), or statutorily or categorically exempt under from CEQA pursuant to sState CEQA gGuidelines.~~

~~Some P~~ Projects subject to environmental review pursuant to the California Environmental Quality Act (CEQA) are determined to have only minor adverse impacts which can be reduced to a less than significant level or eliminated by mitigations incorporated into the project design. Environmental review for a project that ~~has is~~ determined through preparation of an initial study ~~to have no significant impacts or that mitigates impacts to less than significant normally takes an additional typically can add six months to a year to accomplish the project's approval timeline, depending whether the project receives a negative declaration or is subject to an EIR resulting in a negative declaration or a mitigated negative declaration.~~

If the residential development project 1) has potential environmental impacts that are not determined to be mitigated to a level of less than significant, or 2) requires further study to determine the significant impacts, appropriate mitigations, and/or project alternatives, processing time ~~may will most likely take longer and could require preparation of an environmental impact report (EIR), depending on the complexity of the project and the scope of impacts, mitigations, and alternatives to be analyzed.~~

Appendix K discusses the Supplemental Environmental Impact Review conducted on the Housing Element for both 2007-2014 and 2015-2023 and the impact on future environmental review for any proposed housing developments.

Analysis:

To analyze whether or not the processing and permit procedures of the County are potential or actual constraints to the development of housing, they were compared with the zoning codes and development standards of Novato and San Rafael. Novato also requires master plan and precise development plans for certain types of development and certain site constraints, using nearly identical criteria and a very similar process to that at the County. Likewise, San Rafael employs a two-tiered review system for development proposals which roughly mirrors the County's ~~M~~ master plan process. Single-family homes not located on ridgelines undergo a lower level of review and site planning, while single-family homes on ridgelines and multi-family

developments undergo a more stringent review and site planning process. The processing times (Figure III-437) for development proposals within the unincorporated County are, on average, equivalent to local cities and towns, and therefore are not found to be a constraint in comparison to the other jurisdictions. ~~The Board of Supervisors has directed staff to engage a Citizen's Advisory Panel to identify and improve efficiencies in the entitlement review process as part of the Community Development Agency's 2012/2013 work program. In 2012, the Board of Supervisors directed Community Development Agency staff to form a citizen advisory group to evaluate strategies and opportunities for improvements to the County's development review process. As of July 2014, this group, referred to as the Regulatory Improvements Advisory Committee (RIAC), has completed a report with its findings to help inform the County's future efforts to improve its development review process, which will be reviewed by the public and the Board of Supervisors prior to implementation.~~

To ensure that the County's permitting procedures do not have the prohibitive effects on the development potential or cost of affordable multi-family development, a number of programs in this housing element remove possible barriers:

- ~~• 1.d Streamline the Review of Affordable Housing allows the density of affordable housing developments to be established by the Marin Countywide Plan density range without the requirement of a use permit in zones that allow residential uses. It also exempts affordable housing from the master plan and precise development plan review.~~
- 1.k Simplify Review of Residential Development Projects in Planned Districts
- 1.l Adjust Height Limits for Multi-family Residential Buildings

Incentives for Affordable Housing

Amendments to the Marin County Development Code in 2008 and 2012 clarified incentives for affordable housing development. Chapter 22.24 clearly outlines a range of incentives, such as density bonuses, technical assistance, site development alternative standards, and fee waivers to encourage and facilitate the development of affordable homes. Incentives for inclusionary and 100% affordable housing include:

- Density for affordable housing projects. For affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range, subject to all applicable eCountywide Plan policies.
- County density bonus. An increase in density of up to 10% of the number of dwelling units normally allowed by the applicable zoning district in a proposed residential development or subdivision.
- Interior design. The applicant may have the option of reducing the interior amenity level and the square footage of inclusionary units below that of large market-rate units. The County strongly encourages the use of green building principles, such as the use of environmentally preferable interior finishes and flooring, as well as the installation of water and energy efficient hardware, wherever feasible.
- Unit types. In a residential project that contains single-family detached homes, inclusionary units may be attached living units rather than detached homes or may be constructed on smaller lots.
- On-site inclusionary housing for commercial and industrial development. As an inducement to include on-site inclusionary housing in a commercial or industrial development, the County may grant a reduction in the Development Code's site development standards or in architectural design requirements that exceed the minimum

building standards approved by the State Building Standards Commission in compliance with State law (Health and Safety Code Sections 18901 et seq.), including, but not limited to, setbacks, coverage, and parking requirements.

- Affordable housing on mixed-use and industrial sites. In commercial/mixed-use and industrial land use categories, as designated in the Countywide Plan, the floor-area ratio may be exceeded for income-restricted units that are affordable to very low, low, or moderate-income persons, subject to any limitations in the Countywide Plan.
- Impacted roadways. In areas restricted to the low end of the density range due to vehicle Level of Service standards, affordable housing developments may be considered for densities higher than the low end standard ~~per~~ in the Countywide Plan.
- Fee waivers. The County may waive any County fees applicable to the affordable or income-restricted units of a proposed residential, commercial, or industrial development. In addition, for projects developed pursuant to Housing Overlay Designation policies and for income-restricted housing developments that are affordable to very low or low income persons, the Director may waive fees or transfer In-Lieu Housing Trust funds to pay for up to 100% of Community Development Agency fees.
- Projects developed pursuant to Housing Overlay Designation policies. Residential development projects developed in conformance with Housing Overlay Designation policies may be granted adjustments in development standards, such as parking, floor area ratio, and height, as provided in the Countywide Plan.
- Technical assistance. In order to emphasize the importance of securing affordable housing as a part of the County's affordable housing program, the County may provide assistance to applicants in qualifying for financial subsidy programs.
- Priority processing. The County shall priority process projects developed pursuant to Housing Overlay Designation policies and affordable housing developments that are affordable to very low or low income persons.

Because permit review can increase the costs of housing construction, priority processing of planning and building permits for projects affordable to lower income households has been identified as a valuable incentive. However, measurable timeframe and process standards for priority processing need to be further established to make this incentive more effective, and are identified as a program in this Housing Element (*2.p Expedite Permit Processing of Affordable and Special Needs Housing*).

The Community Development Agency has also increasingly taken the opportunity to connect applicants for affordable housing projects and community groups in the pre-application process by noticing, facilitating, or funding community engagement and visioning and community engagement exercises. This Housing Element contains a number of programs to continue this practice:

- ~~• 1.b Conduct a Comprehensive Affordable Housing Sites Inventory~~
- ~~• 1.f Develop Multi-family Design Guidelines~~
- 2.a Encourage Housing for Special Needs Households
- 2.e Support Efforts to House the Homeless
- 2.f Engage in a Countywide Effort to Address Homeless Needs
- 2.o Encourage Land Acquisition and Land Banking
- 3.c Provide and Promote Opportunities for Community Participation in Housing Issues
- 3.j Provide and Participate in Local Affordable Housing Training and Education
- ~~• 3.k Update Affordable Housing Trust Fund Operating Procedures~~
- 3.l Provide Leadership to the Marin Workforce Housing Trust

- 3.m] Assist with Local Funding for Affordable Housing
- 3.en] Coordinate Among Project Funders.

Affordable Housing Combining District

During the previous housing element cycle, The eCounty Program 1.e established an affordable housing combining zoning district. This district will allow affordable housing development at 30 units per acre and offers development concessions on sites in the City Centered Corridor that are otherwise governed by a lower density zone. This approach will allow compact development to occur on portions of very large parcels that may have environmental conservation features. It also provides a financial edge to affordable housing over market rate developers. The program specifies that eligible sites should be identified in the Housing Element. Proposed sites are identified in Figure III-159. These properties are also identified in the Sites Inventory (Figure IV-6). Units projected in that table reflect current zoning, and do not represent any increased capacity that may result from implementation of the affordable housing combining zoning district.

Figure III-159: Affordable Housing Combining District Sites

Site Name	Acres by Parcel	Acres Total	Countywide Plan 2007	Zoning 2009	AH-Combining District
St. Vincent's / Silveira	314.189 250.882	1110	PD-Agriculture and Env Resource	A2	AH zone - limited to 3.5 acres at 30 duac
Marin City Community Development	3.87	3.87	MF-2	RMP-4.2 RE-B3	AH zone - limited to 0.5 acres at 30 duac
Golden Gate Seminary	48.45 25.13	73.57	MF-2	RMP-2.47	AH zone - limited to 2 acres at 30 duac

Source: Marin County Community Development Agency, 2014

Fees and Exactions

Permit Fees – County Agencies

Local fees add to the cost of development. Figure III-16-10 illustrates the increased cost to two development scenarios incurred from fees assessed by Marin County in 2008/2014. The first scenario is a 2,400 square-foot, three-bedroom, single-family home on a 10,000 square-foot lot with a 400 square-foot garage at a density of 4 units per acre, construction cost of \$500,000, and an estimated sale price of \$800,000. The second scenario is a multi-family condominium development with ten 1,200 square-foot, two-bedroom units, on 0.5 acres, with a construction cost of \$400,000 per unit, to be sold at an average of \$500,000 per unit. Line item fees related to processing, inspections, and installation services are limited by California law to the cost to the agencies of performing these services. Most jurisdictions, the County of Marin among them, establish fees that are designed to cover the costs of staff time charged on an hourly basis and materials, consistent with California law. The County's 2012 adopted fee schedule can be found as Appendix E. Fees have increased since 2008/09 to respond to the lack of permit revenue resulting from the decline in the housing market.

Figure III-1610: Permit and Impact Fees Assessed by Marin County (20092012)

Permit Type / Impact Fee	Scenario A: Single-family house, 2400 sq ft, 3 bedrooms. 10,000 sq ft lot, 4 units/acre. Construction \$500,000/unit. Sale \$800,000/unit.	Scenario B: 10-unit condo development, 1,200 sq ft, 2 bedrooms. 0.5 acre lot, 20 units/acre. Construction \$400,000/unit. Sale \$500,000/unit.
Design Review	4,4055,670	50,14556,700
Building Permit	3,5133,751	47,01726,149
Plan CheckReview	2,4416,900	41,57948,110
Plan Storage	0	0
Title 24 Energy Fee	703	3,408
BSC "Green" Tax	20	160
Seismic Tax	050	0400
Affordable Housing Impact Fee	2,000	0
Technology Fee	520	1,030
Engineering Plan Check	1,200	1,200
Engineering Site Inspection	0	0
Site Encroachment Fee	895	895
Planning Plan CheckZoning Review	7051,695	70516,950
Plumbing/Gas Permit	344	824
Electrical Permit	144	624
Mechanical (incl. fire sprinklers/alarms) Permit	144	624
Crime Prevention	0	0
General Plan Surcharge	6441,065	3,4927,430
Residential Development Tax	0	0
Construction Permits	0	0
Other	237285	4302,180
Roads	3,7085,000	48,00040,000
County Development Fees - Example	\$18,18830,386	\$108,048206,684 (\$10,80520,668 per unit)

Source: Marin County Community Development Agency, 2014

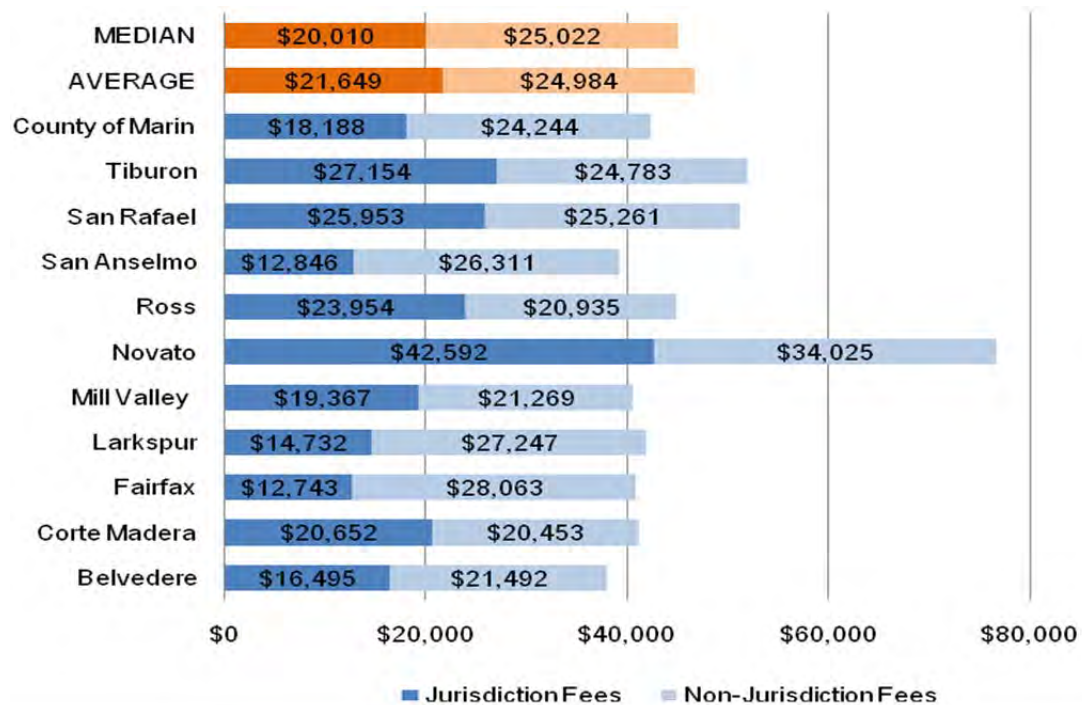
The County provides partial or full fee waivers for projects that incorporate affordable units. The Agency Director can waive or transfer from the County In-Lieu Housing Trust Fund up to 100% of the planning, building, and environmental health services fees for projects that include below market rate housing units, subject to the requirement that the project meet the eligibility standards for State or Federal housing funding. The amount of fees waived is determined based on the proportion of the project that consists of below market rate housing and the permanency of the housing subsidy. Historically, fees on affordable housing projects have been either waived or paid for with County Housing Trust funds.

A 2009-2014 review of other localities in Marin found that the County's fees are generally comparable to those of the neighboring cities and towns. To provide a cross-jurisdiction comparison of development costs, the 2009 Marin Countywide Housing Element Workbook surveyed all 12 local jurisdictions on residential development fees. Jurisdictions provided development fees for the two hypothetical scenarios discussed above. The following two figures

(Figure III-47-11 and Figure III-48-12) illustrate the portion of planning, building, and impact fees that contribute to the total charged by each jurisdiction. Fees collected by outside agencies, such as water, sewer, and school impact fees, are also not included. Typically, school impact fees are set by the school district, water connection and impact fees are set by the water district, and sewer connection and impact fees are set by the sanitary district. Water and sewer fees are fairly consistent throughout the jurisdictions in the County, with the exception of Novato, where water fees are considerably higher.

In the comparison for both the single-family home (Figure III-47-11) and the multi-family development (Figure II-12), the County of Marin's fees were close to the median, including \$18,188 in jurisdiction fees and \$24,244 for non-jurisdiction fees for all County jurisdictions.

Figure III-47-11: Comparison of Total Development Fees, Single Family Home



Source: 2009 Marin Countywide Housing Element Workbook, Development Fee Survey Report

Jurisdiction:	Fees for Single-Family Home:				
	<u>Design Review</u>	<u>Building Permit</u>	<u>Planning/Zoning Review</u>	<u>Environmental Review (deposit)</u>	<u>Rezoning</u>
<u>Unincorporated Marin</u>	<u>5,670</u>	<u>3,751</u>	<u>1,695</u>	<u>14,500</u>	<u>39,765</u>
<u>Belvedere</u>	<u>3,200</u>	<u>3,234</u>	<u>2,102</u>	<u>3,606</u>	<u>n/a</u>
<u>Corte Madera</u>	<u>2,000</u>	<u>2,790</u>	<u>2,600</u>	<u>2,500</u>	<u>2,500</u>
<u>Fairfax</u>	<u>781</u>	<u>5,200</u>	<u>282</u>	<u>2,500</u>	<u>3,000</u>
<u>Larkspur</u>	<u>1,100</u>	<u>4,509</u>	<u>500</u>	<u>1,000</u>	<u>2,000</u>
<u>Mill Valley</u>	<u>1,775</u>	<u>3,969</u>	<u>990</u>	<u>535</u>	<u>1,075</u>
<u>Novato</u>	<u>5,526</u>	<u>3,531</u>	<u>2,295</u>	<u>9,543</u>	<u>6,518</u>
<u>Ross</u>	<u>448</u>	<u>5,808</u>	<u>1,329</u>	<u>3,727</u>	<u>5,212</u>

<u>San Anselmo</u>	<u>1,200</u>	<u>3,536</u>	<u>1,200</u>	<u>1,920</u>	<u>1,200</u>
<u>San Rafael</u>	<u>1,167</u>	<u>4,079</u>	<u>2,651</u>	<u>10,346</u>	<u>7,176</u>
<u>Tiburon</u>	<u>2,825</u>	<u>4,718</u>	<u>3,067</u>	<u>50 to 1,600</u>	<u>3,500</u>

Source: 2014 Marin County Community Development Agency survey of local jurisdiction permit fees

The same comparison for the multi-family development (Figure III-4812) found that the County's fees were considerably below the median, including the lowest fees charged by a jurisdiction, at \$62,308, and \$168,655 in non-jurisdiction fees.

Figure III-4812: Comparison of Total Development Fees, 10-unit Condo

<u>Jurisdiction:</u>	<u>Fees for Multi-Family Development:</u>				
	<u>Design Review (per unit cost)</u>	<u>Building Permit (per unit cost)</u>	<u>Planning/Zoning Review (per unit cost)</u>	<u>Environmental Review (deposit)</u>	<u>Rezoning</u>
<u>Unincorporated Marin</u>	<u>5,670</u>	<u>2,615</u>	<u>1,695</u>	<u>14,500</u>	<u>39,765</u>
<u>Belvedere</u>	<u>3,200</u>	<u>26,738</u>	<u>17,380</u>	<u>3,606</u>	<u>5,000 deposit</u>
<u>Corte Madera</u>	<u>2,000</u>	<u>3,940</u>	<u>3,525</u>	<u>2,500</u>	<u>2,500</u>
<u>Fairfax</u>	<u>4,851</u>	<u>5,200</u>	<u>282</u>	<u>2,500</u>	<u>3,000</u>
<u>Larkspur</u>	<u>1,100</u>	<u>3,733</u>	<u>500</u>	<u>1,000</u>	<u>2,000</u>
<u>Mill Valley</u>	<u>1,890</u>	<u>32,690</u>	<u>990</u>	<u>535</u>	<u>1,075</u>
<u>Novato</u>	<u>184</u>	<u>663</u>	<u>431</u>	<u>9,543</u>	<u>6,518</u>
<u>Ross</u>	<u>448</u>	<u>4,808</u>	<u>1,329</u>	<u>3,727</u>	<u>5,212</u>
<u>San Anselmo</u>	<u>1,200</u>	<u>2,921</u>	<u>1,200</u>	<u>1,920</u>	<u>1,200</u>
<u>San Rafael</u>	<u>1,167</u>	<u>3,379</u>	<u>2,196</u>	<u>10,346</u>	<u>7,176</u>
<u>Tiburon</u>	<u>2,825</u>	<u>15,059</u>	<u>9,788</u>	<u>50 to 1,600</u>	<u>3,500</u>

Source: 2014 Marin County Community Development Agency survey of local jurisdiction permit fees



Source: 2009 Marin Countywide Housing Element Workbook, Development Fee Survey Report

Inclusionary Housing

Marin County has had an inclusionary housing requirement since 1980. Section 22.22.090 of the Development Code currently requires that residential subdivisions shall provide 20% of the total units or lots for affordable housing. Ownership developments must be affordable to low income households. Rental developments are subject to a rental housing impact fee, or may alternatively provide very low income units within the development. All inclusionary units must be income restricted in perpetuity. Units should be provided within the development, although the ordinance allows for flexibility; the review authority may grant a waiver if the alternative proposal demonstrates a better means of serving the County in achieving its affordable housing goals than the requirements. Waiver options may be units constructed off-site, real property may be dedicated, or 125% of the in-lieu fee may be paid.

A fee study was conducted in 2008 to update the in-lieu fee. The basis for the fee is the difference between the development costs and prices of modest housing in Marin County and the amount that lower income households can afford to pay for housing. To establish this affordability gap, the gaps for rental and for-sale housing were identified and then combined. The in-lieu fee in 2009-2014 is \$232,020 for each unit of required affordable housing not constructed; this encourages actual provision of affordable units. Funds are deposited into the Affordable Housing Trust Fund.

In addition, the fee study looked at whether the increased inclusionary fee posed a constraint to housing development. The study found that the inclusionary housing requirements are not a constraint on market rate housing development because the inclusionary housing program in Marin has been in effect since 1980 and is well known by members of the real estate and development community and have has been incorporated into the cost of land. Another way to determine if the new fee is a constraint is to compare Marin County's in-lieu fee with fees charged in surrounding areas. In theory, if Marin County's in-lieu fee is much higher than what neighboring jurisdictions impose, then it is possible that developers will build in neighboring

cities, rather than pay the higher in-lieu fees in Marin County. The fee is comparable to San Francisco and San Rafael, and not significantly higher than in a number of other surrounding jurisdictions.

Affordable Housing Impact Fee

Because the majority of homes constructed in Marin County consist of custom built high-end market units, most residential development is not subject to the Inclusionary Housing requirement. The County found it appropriate to establish a fee on single-family home development to address the shortage of low-income homes in the community. A nexus study was conducted in 2008 to determine the appropriate amount for an affordable housing impact fee to be charged on new single-family home development ~~which that~~ would mitigate the impact of an increase in demand for affordable housing due to employment growth associated with the new single-family development.

The Affordable Housing Impact Fee, adopted in October 2008, applies to all new single-family homes greater than 2,000 square feet. Teardowns and major remodels that would result in over 500 square feet of new space and a floor area of greater than 2,000 square feet are also subject to the Affordable Housing Impact Fee. The fee is either waived or reduced when a second unit is included as part of the proposed project. Fees are assessed as shown in Figure III-49-13 below:

Figure III-49-13: Affordable Housing Impact Fee

Example Home Size	Fee Per Square Foot	Housing Impact Fee (\$5 and \$10 per sq ft)	If proposed project includes second unit or agricultural worker unit
< 2,000	\$0	\$0	\$0
2,500	\$5	\$2,500	\$0
> 3,000	\$10	\$10,000	\$5,000
3,500	\$10	\$15,000	\$7,500
4,000	\$10	\$20,000	\$10,000

Source: Marin County Ordinance No. 3500, adopted 10/14/2008

From its inception in January 2009 through ~~May 2012~~ June 2014, the Affordable Housing Trust Fund collected ~~\$747,390~~ \$1,548,121 in Affordable Housing Impact Fees from large new single-family homes or additions.

Permit Fees – Outside Agencies

Unincorporated Marin's water and sanitary disposal needs are serviced by 20 separate water, sanitation, community service, and public utility districts. In ~~June 2009~~ May 2014, the Community Development Agency informed all districts of the ~~2009-2014~~ Housing Element update through written correspondence. Per SB 1087, the letter detailed:

- The need to accommodate new residential units per the Regional Housing Needs Allocation at the prescribed income levels.
- The requirement that water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households.

Upon adoption, the Community Development Agency will provide a copy of the Housing Element to water and sewer providers.

As discussed previously, fees from outside agencies constitute a significant share of the total fees charged to a project. While the County does not control outside agency fee schedules, an analysis of cumulative fee impacts establishes a broader picture of potential housing constraints. A program is included to work with these agencies to encourage fee waivers for affordable and special needs housing (3.e *Coordinate with Other Agencies*).

Water Connection and Impact Fees

Water fees are determined by each water district. Marin is served primarily by two districts, North Marin Water District and Marin Municipal Water District. This fee analysis continues using the two previously described housing scenarios of a 2,400 square-foot house and a 10-unit condo development.

Figure III-20-14 below summarizes typical water fees for new residential developments. It includes installation fee, connection fee, meter charge, and any other initial fees required prior to the commencement of service. Monthly service fees and any other ongoing charges are not included.

Recognizing that water connection fees may serve as an constraint to affordable housing development, the Marin Municipal Water District (MMWD) offers a 50% fee reduction for qualified affordable housing projects (affordable to low and moderate income households for at least 30 years, with at least 50% of the project affordable to low income households), as well as to second units deed-restricted to rents affordable to lower-income households for a minimum of 10 years.

Figure III-20-14: Average Water Fees

Service Area	Water District	Single-family Home	10-Unit Condo Development
Belvedere	Marin Municipal Water District	\$14,141	\$102,890 (\$10,289 per unit)
Corte Madera			
Fairfax			
Larkspur			
Mill Valley			
Ross/Kentfield			
Tiburon			
San Anselmo			
San Rafael			
Novato	North Marin Water District	\$23,275 \$32,580	\$76,175 (\$7,618 per unit) \$151,800 (\$15,180 per unit)

Source: 2009 Marin Countywide Housing Element Workbook, Marin Municipal Water District and North Marin Water District, 2014

Sewer Connection and Impact Fees

Unincorporated Marin is served by approximately 16 sanitary districts. Each sanitary district categorizes and calculates sewer fees using a different method. A new residential development

may be subject to fees for permits, inspections, connection, and impact. Terminology between districts is not standardized. The average fees provided in Figure III-24-15 summarize typical sewer fees for new residential developments. The figures include installation fees, connection fees, inspection fees, and any other initial fees charged prior to the commencement of service. Monthly service fees and any other ongoing charges are not included. Despite the number of sanitary districts and charging methods, sewer fee levels are remarkably consistent across the surveyed jurisdictions.

Figure III-24-15: Average Sanitary Fees

Service Area	Sanitary District	Single Family Home	1-Condo Unit	10-Unit Condo
Belvedere	Sanitary District No. 5	\$7,351	\$6,083	\$60,290 (\$6,029 per unit)
Tiburon		\$7,282	\$6,026	\$59,720 (\$5,972 per unit)
Corte Madera	Sanitary District No. 2 (Jurisdiction)	\$6,747 8,340	\$6,747 8,340	\$67,470 83,400 (\$6,747 8,340 per unit)
Fairfax	Ross Valley Sanitary District No 1.	\$6,794 10,304	\$6,594 10,304	\$56,940 103,040
Larkspur* †				(\$5,694 10,304 per unit)
Ross				
San Anselmo				
Mill Valley	Jurisdiction's Mill Valley Department of Public Works	\$4,000 6,125	\$4,000 6,125	\$40,000 61,250 (\$4,000 6,125 per unit)
Novato	Novato Sanitary District	\$7,390 10,440	\$7,390 10,440	\$73,900 104,400 (\$7,390 10,440 per unit)
San Rafael	Las Gallinas Sanitary District	\$6,200 8,025	\$6,200 8,025	\$62,000 80,250 (\$6,200 8,025 per unit)

Source: Survey of Marin County sanitary districts, 2014

*~~†~~Jurisdiction calculated slightly lower fees than sanitary district. ~~(2008)~~.

Housing for People with Disabilities

As noted in the Special Needs section of the Housing Needs Assessment, persons with disabilities have specific housing needs related to affordability, accessibility, access to transportation and services, and alternative living arrangements (such as Single Room Occupancy units and housing that includes supportive services). The County ensures that new housing developments comply with California building standards (Title 24 of the California Code of Regulations) and Federal requirements for accessibility.

Reasonable Accommodation

A series of Federal and State laws have been enacted over the past several years to prohibit policies that act as a barrier to individuals with disabilities who are seeking housing. Among such laws are the Federal Fair Housing Amendments Act of 1988, California's Fair Employment and Housing Act, and the State's ~~H~~ousing ~~e~~lement law. Additionally, the U.S. Department of Housing and Urban Development (HUD) requires that localities utilizing Community

Development Block Grant (CDBG) funds prepare an Analysis of Impediments to Fair Housing Choice. Taken together, these pieces of legislation require jurisdictions to take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities.

Consistent with Federal and State law, each housing element should contain policies and programs to implement fair housing laws and to provide housing for all needs groups. Fair housing laws and supporting Federal and State legislation require all cities and counties to further housing opportunities by identifying and removing constraints to the development of housing for individuals with disabilities, including local land use and zoning barriers, and also to provide reasonable accommodation as one method of advancing equal access to housing.

The fair housing laws require that cities and counties provide flexibility or even waive certain requirements when it is necessary to do so in order to eliminate barriers to housing opportunities for people with disabilities. An example of such a request might be for installation of a ramp in a front yard to facilitate access from the street to the front door.

The State Attorney General, in a letter to the City of Los Angeles in May 2001, stated that local governments have an affirmative duty under fair housing laws to provide reasonable accommodation, and that “[i]t is becoming increasingly important that a process be made available for handling such requests that operates promptly and efficiently.” The Attorney General advised jurisdictions not to rely on existing variance or conditional use permit processes, because they do not provide the correct standard for making fair housing determinations, and because the public process used in making entitlement determinations fosters opposition to much needed housing for individuals with disabilities. In response to the Attorney General’s letter, many cities throughout the State are adopting fair housing reasonable accommodation procedures as one way of addressing barriers in land use and zoning regulations and procedures.

A fundamental characteristic of a fair housing reasonable accommodation procedure is the establishment of appropriate findings that reflect the intent and specific language of both the Federal and State fair housing statutes. This is somewhat different from traditional or typical zoning cases, because here the focus of review is on the need of the individual with disabilities to overcome barriers to housing, not on the topography of the site or unique characteristics of the lot. The focus here is solely on the special needs of the individual to utilize his or her home or dwelling unit, which is directly related to the individual’s disability. It is this reasoning that underlies the Attorney General’s warning not to utilize variance criteria for such determinations.

Procedures for Ensuring Reasonable Accommodations

To provide exceptions in zoning and land use criteria for housing for persons with disabilities, Marin County has an ordinance to allow reasonable accommodations.¹⁸ ~~currently utilizes either a variance or an encroachment permit process to accommodate requests, such as for special structures or features (e.g., access ramps or lifts) needed by persons with physical disabilities. While both variance and encroachment permit applications may be handled through an administrative procedure, the standard used to evaluate such exceptions may conflict with laws applicable to housing for persons with disabilities. As a result, this Housing Element includes a program to establish in the Development Code a written and administrative reasonable accommodation procedure for providing exceptions in zoning and land use regulations for housing for persons with disabilities (2.g *Ensure Reasonable Accommodation*).~~

¹⁸ Marin County Ordinance 3609, adopted 12/3/2013

Efforts to Remove Regulatory Constraints for Persons with Disabilities

The State has removed any local discretion for review of small group homes for persons with disabilities (six or fewer residents). The County does not impose additional zoning, building code, or permitting procedures other than those allowed by State law. There are no County initiated constraints on housing for persons with disabilities caused or controlled by the County. The County also allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. Such retrofitting is permitted under Chapters 11 A & B, of the 2007-2013 version of the California Building Code Title 24. Further, the County works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint. Finally, this Housing Element includes a program to amend the Development Code to clarify that retrofitted access ramps are permitted in setback areas (2.g *Ensure Reasonable Accommodation*).

Zoning and Other Land Use Regulations

Marin County implements and enforces Chapters 11 A & B, 2007-2013 California Building Code Title 24. The County provides information to all interested parties regarding accommodations in zoning, permit processes, and application of building codes for housing for persons with disabilities.

The County has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of housing for these individuals.

Examples of the ways in which the County facilitates housing for persons with disabilities through its regulatory and permitting processes include:

- The County permits group homes of all sizes in all residential districts. All of the County's commercial zones also allow group homes. The County has no authority to approve or deny group homes of six or fewer people, except for compliance with building code requirements, which are also governed by the State.
- The County does not restrict occupancy of unrelated individuals in group homes and does not define family or enforce a definition in its zoning ordinances.
- The County permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the County. The Land Use Element of the General Plan does not restrict the siting of special needs housing.

Permitting Procedures

The County does not impose special permit procedures or requirements that could impede the retrofitting of homes for accessibility. Requirements for building permits and inspections are the same as for other residential projects. Staff is not aware of any instances in which an applicant experienced delays or rejection of a retrofitting proposal for accessibility to persons with disabilities. As discussed above, County Code allows group homes of six or fewer persons by right, as required by State law. No use permit or other special permitting requirements apply to such homes. The County does require a use permit for group homes of more than six persons in all residential and commercial zones that allow for residential uses. The County does not impose special occupancy permit requirements or business licenses for the establishment or retrofitting of structures for residential use by persons with disabilities. If structural improvements ~~were are required~~ are required necessary for an existing group home, a building permit would be required. If a new structure were proposed for a group home use, design review would be required as for other new residential structures. The permit process has not been used to deny

or substantially modify a housing project for persons with disabilities to the point where the project became no longer feasible.

Universal Design

Marin County has not adopted a universal design ordinance governing construction or modification of homes using design principles that allow individuals to remain in their homes as their physical needs and capabilities change. However, universal design principles are strongly encouraged. A program in this Housing Element calls for the adoption of universal design standards during this planning period (2.g *Ensure Reasonable Accommodation*).

Fair Housing

An important aspect of Fair Housing choice is the availability and access to a variety of housing that is suited and affordable to a range of household types and income levels. The County of Marin actively seeks to further non-discrimination in housing in a variety of ways. Marin County's Child Discrimination Ordinance of 1989 prohibits certain activities that are not spelled out in Federal and State laws. The Community Development Agency contracts with Fair Housing of Marin to issue an Analysis of Impediments to Housing Choice in Marin County. The last Analysis and Implementation Plan were completed in 2011. Additionally, the Marin Housing Authority issues a statement on affirmatively furthering fair housing in their programs, including the Housing Choice Voucher Program, supportive housing programs, and homeownership programs. Staff from the Community Development Agency participates in the Fair Housing Task Force with staff from Fair Housing of Marin, the District Attorney's office, and interested community members.

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Section IV: Sites Inventory and Analysis

Land Characteristics of Marin County: Development Policy and Objectives

Marin County includes a total area of approximately 606 square miles of land and water, of which 91,065 acres are taxable¹. Nearly 84% of the County consists of open space, watersheds, tidelands, parks, and agricultural lands.² Significant public amenities include the federally protected Golden Gate National Recreation Area, the Marin Islands National Wildlife Refuge, the Muir Woods National Monument, the Point Reyes National Seashore, and the San Pablo Bay National Wildlife Refuge. 11% of Marin County's area has been developed, primarily within cities and towns, near services, and along major transportation corridors. Much of the additional land potentially available for development (approximately 5% of the County) is in incorporated cities and towns.

The Marin Countywide Plan recognizes four separate environmental corridors present in the County, based on specific geographical and environmental characteristics and natural boundaries formed by north-south running ridges.

The Baylands Corridor, encompassing lands along the shoreline of San Francisco, San Pablo, and Richardson Bays, provides heightened recognition of the unique environmental characteristics of this area and the need to protect its important resources. The area generally contains marshes, tidelands, and diked lands that were once wetlands or part of the bays, and adjacent, largely undeveloped uplands. Less than one percent of the County's residents live in the Baylands Corridor.

The City-Centered Corridor, along Highway 101 in the eastern part of the County near San Francisco and San Pablo bays, is designated primarily for urban development and for protection of environmental resources. This corridor is divided into six planning areas, generally based on watersheds, and is intertwined with Marin's 11 cities and towns. Nearly 96% of Marin County's population lives in the City-Centered Corridor, where the majority of development is concentrated.

The Inland-Rural Corridor in the central and northwestern part of the County is primarily designated for agriculture and compatible uses, as well as for preservation of existing small communities. Less than 2% of Marin County's population lives in the Inland-Rural Corridor.

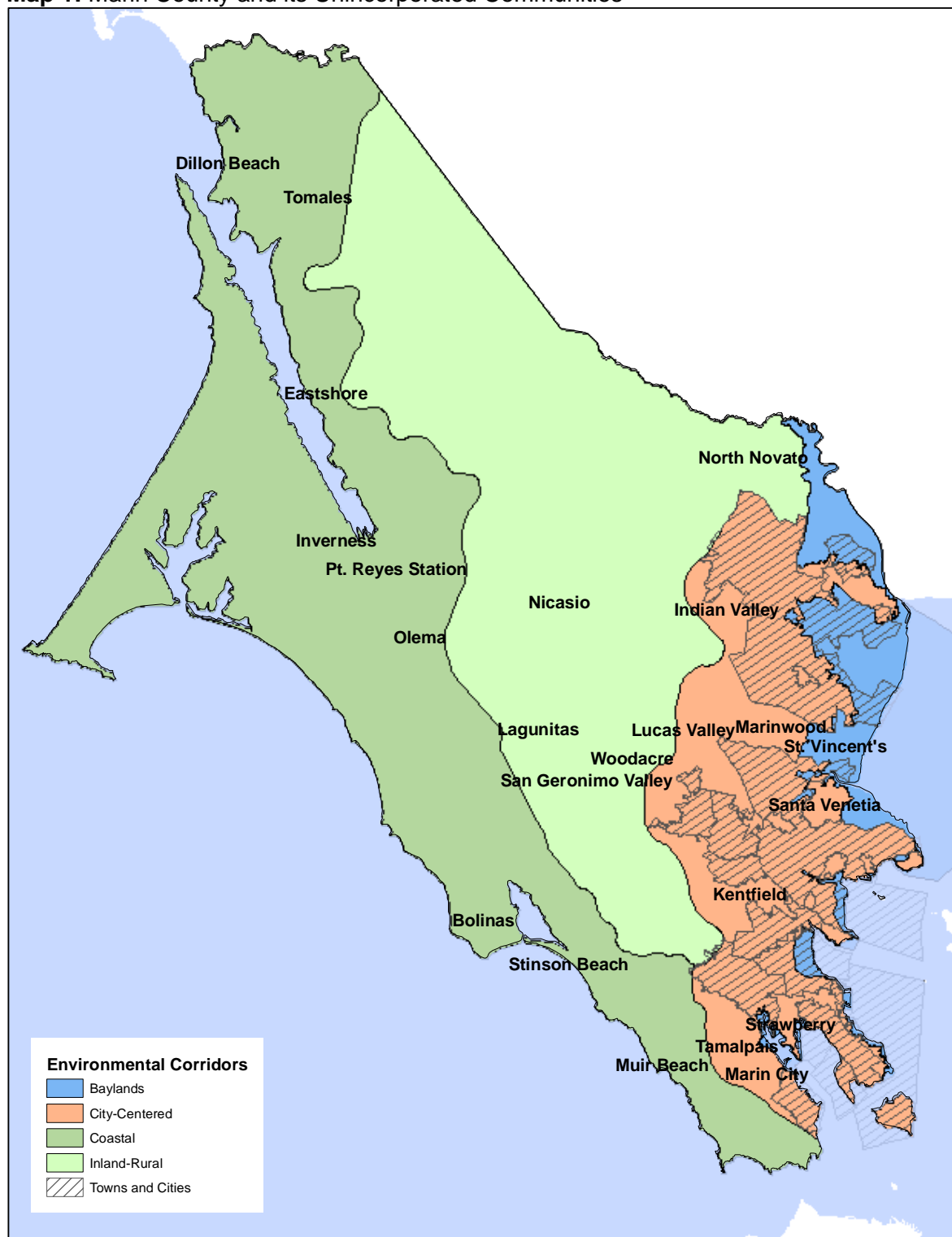
The Coastal Corridor is adjacent to the Pacific Ocean and is designated primarily for agriculture, Federal parklands, recreational uses, and the preservation of existing small coastal communities. Approximately 2% of Marin County residents live in the Coastal Corridor.³

¹ Marin County Assessor-Recorder's Office, June 2008

² Marin Countywide Plan, Built Environment Element, page 3-10.

³ General Demographic Characteristics for Marin County California Cities and Places, Marin County Community Development Agency

Map 1: Marin County and its Unincorporated Communities



As a result of policies in the Countywide Plan, community plans, and the Local Coastal Program, residential development in Marin County is directed to the City-Centered Corridor and limited in the Inland-Rural and Coastal Corridors. Urban-type development of moderate densities is most compatible with the City-Centered Corridor, close to transit, services, and Marin's cities and towns.

The Inland-Rural and Coastal communities recognize the need, and advocate for, housing affordable to visitor serving employees, agricultural workers, and other local workers in their communities. Multi-family or moderately dense development permitted in the coastal areas is directed as infill within the various villages.

Affordable Housing in Marin County

As of ~~2008~~2014, there were approximately 6,560 households benefiting from deed restricted affordable housing throughout Marin County's 12 jurisdictions.⁴ The income-restricted housing stock includes 6,657 units comprised of:

- over 101 privately managed rental properties with ~~3,057~~2,890 units;
- 274 inclusionary rental units;
- 758 below-market ownership homes;
- 9 public housing properties;
- 2 State funded properties comprising 573 units; and
- ~~2,121~~269 Section 8 vouchers.

~~770~~839 of these units restricted to moderate, low, very low, and extremely low income households are located in the unincorporated County (Figure IV-1), not including Section 8 vouchers. The majority of affordable housing is in the City-Centered Corridor, although there are several deed restricted rental and ownership properties in the villages of West Marin and the Inland-Rural Corridor. These developments demonstrate the future potential for affordable housing in a range of communities and geographic locations throughout the diverse environs of unincorporated Marin.

Figure IV-1: Units Restricted for Affordability in the Unincorporated County (~~2008~~2014)

	Very Low 0 – 50%	Low 50-80%	Moderate 80-120%	TOTAL
Restricted rentals	325 373	4762	13	385 448
BMR ownership	0	35 34	56	91 90
Public housing	296	0	0	294 296
TOTAL	619669	8296	69	770834

Source: Marin County Community Development Agency, as provided to ABAG Marin Housing Authority, 2014

Income limits are updated annually by the US Department of Housing and Urban Development (HUD) for each county or metropolitan statistical area (MSA) and are used to determine the affordability levels of needed housing. The State Department of Housing and Community Development (HCD) also adjusts the standards set by HUD and releases income limits. Many State and local programs use these eligibility limits instead. Examples of wages as they relate to income categories are illustrated in Figure II-16.

⁴ Marin County Affordable Housing Inventory (updated 2014), Marin County Community Development Agency.

Regional Housing Needs Allocation

The Regional Housing Needs Allocation (RHNA) is a key part of State housing element law (Government Code Section 65580) and is a central factor in satisfying periodic required updates of the housing element. Every city and county in the State of California has a legal obligation to respond to its fair share of the existing and projected future housing needs in the region in which it is located. Housing element law requires local governments to update land use plans, policies, and zoning to accommodate projected housing growth. The RHNA figure is not a projection of residential building permit activities, but of housing need based on regional growth projections and regional policies for accommodating that growth. On ~~July~~January 18, ~~2007~~2013, the Executive Board of the Association of Bay Area Governments adopted the ~~2007-2014-2022~~ 2015-2023 Regional Housing Need Allocation Plan for the San Francisco Bay Area regional allocation of need numbers, which included a formula for distributing the regional housing need across all the jurisdictions in the nine-county Bay Area.⁵ The allocation methodology relied on two primary components: sustainability, to promote growth in sustainable locations, and fair share intended to achieve the requirement that all cities and counties in California work to provide a fair share proportion of the region's total housing need for households at all income levels~~weighted factors, including 40% household growth, 20% existing employment, 20% employment growth, 10% job growth near transit, and 10% household growth near transit.~~ Figure IV-2 summarizes the Regional Housing Needs Allocation for all jurisdictions in Marin County.

Marin jurisdictions ~~overall~~ saw a significant decrease in the 2007-2014 2014-2022 RHNA allocation from the ~~1999-2007-2014~~ allocation. This was due to the methodological decision to focus growth in transit-oriented areas of the Bay Area. Because Marin has no fixed transit and a relatively low service level of bus transit, the RHNA share was reduced. ~~The figures for unincorporated Marin County increased, however, due to changes (contractions) in sphere-of-influence boundaries for several of the County's cities, which had the effect of shifting housing needs from affected cities to the unincorporated County.~~

Figure IV-2: Regional Needs Housing Allocation, ~~2007-2015-2014~~2015-2023 Planning Period

<u>Jurisdiction</u>	<u>RHNA Units Needed By Income Category</u>				<u>2015-2023 Total</u>	<u>2007-2014 Total</u>
	<u>Very Low (0-50% HAMFI)†</u>	<u>Low (51-80% HAMFI)</u>	<u>Moderate (81-120% HAMFI)</u>	<u>Above Moderate (120%+ HAMFI)</u>		
<u>Belvedere</u>	<u>4</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>16</u>	<u>17</u>
<u>Corte Madera</u>	<u>22</u>	<u>13</u>	<u>13</u>	<u>24</u>	<u>72</u>	<u>244</u>
<u>Fairfax</u>	<u>16</u>	<u>11</u>	<u>11</u>	<u>23</u>	<u>61</u>	<u>108</u>
<u>Larkspur</u>	<u>40</u>	<u>20</u>	<u>21</u>	<u>51</u>	<u>132</u>	<u>382</u>
<u>Mill Valley</u>	<u>41</u>	<u>24</u>	<u>26</u>	<u>38</u>	<u>129</u>	<u>292</u>
<u>Novato</u>	<u>111</u>	<u>65</u>	<u>72</u>	<u>167</u>	<u>415</u>	<u>1,241</u>
<u>Ross</u>	<u>6</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>18</u>	<u>27</u>
<u>San Anselmo</u>	<u>33</u>	<u>17</u>	<u>19</u>	<u>37</u>	<u>106</u>	<u>113</u>
<u>San Rafael</u>	<u>240</u>	<u>148</u>	<u>181</u>	<u>438</u>	<u>1,007</u>	<u>1,403</u>
<u>Sausalito</u>	<u>26</u>	<u>14</u>	<u>16</u>	<u>23</u>	<u>79</u>	<u>165</u>
<u>Tiburon</u>	<u>24</u>	<u>16</u>	<u>19</u>	<u>19</u>	<u>78</u>	<u>117</u>
<u>Unincorporated</u>	<u>55</u>	<u>32</u>	<u>37</u>	<u>61</u>	<u>185</u>	<u>773</u>

⁵ The 2014-2022 Regional Housing Needs Allocation (RHNA) applies to the Housing Element planning period of January 31, 2015 to January 31, 2023 ("2015-2023").

TOTAL	618	367	423	890	2,298	4,882
NEW CONSTRUCTION NEEDED BY INCOME CATEGORY						
City	Very Low (0-50% AMI)†	Low (51-80% AMI)	Moderate (81-120% AMI)	Above Moderate (120%+ AMI)	2007-2014 Total	2000-2007 Total
Belvedere	5	4	4	4	17	10
Corte Madera	68	38	46	92	244	179
Fairfax	23	12	19	54	108	64
Larkspur	90	55	75	162	382	303
Mill Valley	74	54	68	96	292	225
Novato	275	171	221	574	1,241	2,582
Ross	8	6	5	8	27	21
San Anselmo	26	19	21	47	113	149
San Rafael	262	207	288	646	1,403	2,090
Sausalito	45	30	34	56	165	207
Tiburon	36	21	27	33	117	164
Unincorporated	183	137	169	284	773	521
Total Marin County	1,095	754	977	2,056	4,882	6,515

Source: http://www.abag.ca.gov/planning/housingneeds/pdfs/Final_RHNA.pdf;

http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf and Marin County Community Development Agency

† Extremely Low Income (ELI) units are assumed to be 50% of the Very Low (VL) income RHNA figure, or 91 units, for the unincorporated County.

Every housing element must demonstrate that the local jurisdiction has made adequate provisions to support development of housing at various income levels (extremely low, very low, low, moderate, and above moderate) to meet its 'fair share' of the existing and projected regional housing need. However, because local jurisdictions are rarely, if ever, involved in the actual construction of housing units, the RHNA numbers establish goals that should be used to guide planning and development decision-making. Specifically, the numbers establish a gauge for determining whether the County is allocating adequate sites at a range of densities to accommodate for the development of housing. The proxy to demonstrate that the County can achieve housing goals for lower income households is the identification of available sites that allow residential uses at 30 units per acre.

The County permitted residential units in excess of the RHNA figures in all income categories for the last planning period (1999-2007) (see Appendix A is an - Evaluation of 2003-2007-2014 Regional Housing Needs Allocation and the County's progress in permitting residential development during the last planning period).

Quantified Objectives

Each jurisdiction should establish local housing objectives in relation to needs, resources, and constraints. Reasonable housing construction and preservation targets should be identified, with appropriate programmatic goals and policies to respond to these objectives.

This housing element contains three broad housing goals, supported by a range of implementation programs, to achieve the County's quantified objectives:

Goal 1 Use Land Efficiently

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

Goal 2 Meet Housing Needs Through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices, and designs.

Goal 3 Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments so as to respond to housing needs effectively over time.

The primary means through which Marin's quantified objectives will be achieved are a combination of new construction, rehabilitation, and conservation/preservation of market-rate to affordable units. As an example, conversion and rehabilitation will significantly support lower income housing objectives, with the rehabilitation and conversion of 20153 housing units at the Ridgeway Apartments Forest Knolls Trailer Court, and of single family homes through the federally funded Rehab Loan Program. The Marin Agricultural Housing program also aims to rehabilitate up to 40200 agricultural worker housing units in the next 5 years, 1545 of which are represented in the extremely low income category in Figure IV-3. Affordable housing objectives will also rely, in part, on new construction, consistent with potential opportunities reported in the site inventory in Figure IV-6. Development trends have historically shown that moderate and above moderate income housing objectives will be met through new construction of single family homes and second units. Figure IV-3 below outlines how these three strategies can achieve the County's quantified objectives over the planning period.

Figure IV-3: Quantified Objectives by Income Category

	New Construction	Rehabilitation	Conservation/ Preservation	TOTAL
Extremely Low				<u>13040</u>
Permits issued or projects pending	<u>40025</u> ⁶			
Rehab Loan Program		45		
Marin Agricultural Housing Program		<u>15</u>	45	
Very Low				<u>444171</u>
Permits issued or projects pending	<u>40435</u>			
Rehab Loan Program		<u>96</u>	40	
Marin Agricultural Housing Program		<u>3030</u>		
<u>Gates Coop Houseboat Community</u>		<u>10</u>		
Low				<u>38224</u>
Permits issued or projects pending	<u>40512</u>			
<u>Ridgeway Rehab and Forest Knolls Trailer Court Conversion</u>		449	<u>20</u>	
<u>Gates Coop Houseboat Community</u>		<u>6</u>		
Moderate				<u>7575</u>
Permits issued or projects pending	75			
Above Moderate (Market Rate)				<u>19241</u>
Permits issued or projects pending	<u>19241</u>			

⁶ Marinwood Plaza (Inventory assumptions are 25 ELI, 35 VL and 12 L)

TOTAL	<u>166625</u>	<u>157164</u>	<u>2025</u>	<u>343814</u>
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Sites Inventory and Analysis

This section of the Housing Element addresses the requirements of Government Code Sections 65583 and 65583.2, which require the County to provide an inventory of sites suitable for housing development that can accommodate Marin County's short-term housing development objectives, as determined by the Regional Housing Needs Allocation for the Housing Element planning period of January 2007 to December 2014 January 31, 2023.

Methodology to Satisfy the Regional Housing Needs Allocation

Marin County's housing needs will be met through the implementation of a variety of strategies. The primary method for addressing the adequate sites requirement is the identification of available vacant and underutilized sites that are appropriately zoned and likely to develop within this planning period. Analysis includes a parcel-specific inventory of appropriately zoned, available, and suitable sites that can provide realistic opportunities for the provision of housing to all income segments within the community. Figure IV-6 provides a summary inventory of potential housing sites, each of which is analyzed in detail in Appendix F: Site Inventory Profiles. Affordable housing potential is discussed later in this section under the heading *Description of Affordable Housing Opportunity Sites*.

The secondary method of addressing the adequate sites requirement is through an inventory of dwellings that received building permits between January 1, 2007, the beginning of the Regional Housing Needs Allocation (RHNA) period (January 1, 2014), and December 2014 the beginning of the Housing Element planning period (January 31, 2015). Additionally, 34 units converted from market rate to deed restricted affordable rental units are accounted for in the overall development inventory. Figure IV-4 provides a summary of building permits issued or units converted ~~since the beginning of this planning period in July 2014~~.

The combination of these strategies, including the available land inventory, units constructed to date, and conversions, demonstrates that land is available to meet the total RHNA figure during the ~~timeframe~~ planning period of this Housing Element (2007-2014) 2015-2023.

Residential Development Permitted ~~Between January 2007 and December 2014~~ During the RHNA Period

A jurisdiction may utilize units constructed or under construction between the base year of the RHNA period (January 1, 2014) and the beginning of the new Housing Element planning period (January 31, 2015) to meet the RHNA. These units can be credited against the RHNA to determine the balance of site capacity that must be identified.

Figure IV-4 lists building permits issued from ~~January 2007 to December 2014~~ January 1, 2014 to July 31, 2014, showing progress in meeting the ~~2007-2014~~ 2014-2022 regional housing needs.

Figure IV-4: Unit Development Inventory: Building permits issued between January 2007 and December 2012 (updated 1/17/13) January through July 2014

Type of Building Permits Issued <u>1/1/14 – 7/31/14</u>	Units by Income Level*					Method of Affordability: (1) Sales price (2) Rent price (3) Type of Subsidy
	Total Units	VL	L	M	AM†	
Single-family building permits	48820	90	90	98	17912	8 Moderate, rentsales price worker units. No subsidy.
Multi-family building	0	0	0	0	0	n/a
Houseboats and Mobile home permits issued	100	0	0	100	0	Moderate, no subsidy.n/a
New second units permitted	983	100	481	301	101	Rent price. See Second Unit Survey 2008-2014 discussion below.
Ridgeway Apartments-- converting to low income (60% AMI)	34	0	34	0	0	Rent price. RDA set-aside funded conversion of market units.
Total units under construction or rehabilitation permits issued	33023	100	821	499	18913	n/a
RHNA 2007-- 20142014-2022	773185	18355	13732	16937	28461	RHNA 2007-- 20142014-2022
Remaining need	443162	17355	5531	12028	9548	Remaining need

Source: Marin County Community Development Agency, July 2014

†VL = Very low income; L = Low income; M = Moderate income; AM = Above moderate income.

Note: A detailed discussion on income categories for second units can be found in the section titled Second Units.

Conversion of the Ridgeway Apartments

Marin County is eligible to utilize the provisions of the alternate adequate sites program, set forth in Government Code Section 65583.1(c), through the conversion of 153 units in a multi-family apartment complex from market rate to 100% affordable. Thirty-four units in the lower income category are contributed to the Unit Development Inventory (Figure IV-4), representing 25% of that income category as limited by the statute for conversion of multi-family rental units of 4 or more from non-affordable to affordable housing (65583.1(c)(2)(b)).

The Ridgeway Apartments is a 225-unit rental property in Marin City. Prior to conversion there were 72 units restricted for very-low and extremely low income households. Marin County, the Marin County Redevelopment Agency, and St. Anton Partners collaborated to convert 153 unrestricted units to long-term restricted units affordable to low income households and to extend the term of affordability for the existing deed restricted units. The Redevelopment Low-Moderate Income Housing Funds (20 percent set-aside) were dedicated to Ridgeway Marin LLP for the conversion and maintenance of the 153 affordable units. As of 2012, the annual 20% set-aside was approximately \$330,000, and the set-aside is pledged to the Ridgeway Marin LLP until 2041, the duration of the redevelopment bond payments. This pledge predated the Dissolution Acts, and is therefore an Enforceable Obligation under the ABx1

26 legislation, and has been reviewed and approved by the Oversight Board and the Department of Finance. Compliance with statutory requirements is itemized in Figure IV-5 below.

This Housing Element contains a program (*Monitor Rental Housing Stock*) that addresses conversion of market-rate housing units to long-term deed restricted affordable rentals, with a subprogram that specifically addresses the Ridgeway conversion.

Figure IV-5: Ridgeway Apartments Compliance with Adequate Sites Alternative Criteria

Government Code	Method of Compliance
Section 65583.1(c)(4)	Marin County provided committed assistance through a legally enforceable agreement during the first two years of the planning period. The recorded agreement is included as an appendix to the Housing Element (Appendix H).
Section 65583.1(c)(1)(A) and (B)	Marin County has dedicated \$337,000 annually in committed assistance for conversion of 153 units from market rate to long-term deed restricted affordable rentals using Redevelopment Low-Moderate Income Housing Funds, and this commitment will continue through the term of the Redevelopment Agency bond obligations.
Section 65583.1(c)(1)(B) Section 65583.1(c)(2)(B)(i)	Funds were sufficient to rehabilitate and convert the identified units at affordable rents. The converted units are affordable to low- or very low-income households and are deed restricted to households at 60% of area median income through 4% tax credit and bond requirements.
Section 65583.1(c)(2)(B)(ii)	Units were not affordable to very low- or low-income households at the time they were identified for acquisition.
Section 65583.1(c)(2)(B)(iii)	If the acquisition results in displacement of very low- or low-income households, relocation assistance will be provided to those occupants permanently or temporarily displaced, consistent with Health and Safety Code Section 17975, including rent and moving expenses equivalent to four (4) months. A relocation plan was in place. All displaced households that were over 60% of AMI and between 80% AMI received rental and relocation assistance and those above 80% AMI received moving assistance.
Section 65583.1(c)(2)(B)(iv)	Units were decent, safe, and sanitary upon occupancy, as verified by the County Building Division. The conversion included major rehabilitation.
Section 65583.1(c)(2)(B)(v)	Affordability and occupancy restrictions will be maintained for at least 55 years.
Section 65583.1(c)(3)	The County has met at least some portion of its RHNA need for very low and low income households in the previous and current planning periods. In particular, the County issued 270 building permits for very low and low income units in the previous planning period, and 57 building permits for very low and low income units in the current planning period.
Section 65583.1(c)(7)	Marin County has submitted a written report to the Board of Supervisors; scheduled for July 10, 2012 and will submit to the California Department of Housing and Community Development that will identify the specific units for which committed assistance has been provided or which have been made available to low- and very low-income households in compliance with the above provisions. This report will be provided during the third year of the planning period (2012).

Land Inventory

The County's land inventory was developed for the previous housing element using a combination of resources, including the County's GIS parcel database and review of policies in the Marin Countywide Plan Community Development (land use) Element and the Marin County Development Code (zoning). Sites were also vetted through direct community input, a series of community workshops, ~~citizen's Housing Element Task Force~~, and current development proposals. This cross-analysis resulted in identification of suitable sites and an estimate of potential residential development capacity for these sites. Small and large residentially zoned and mixed-use parcels are included to accommodate a range of housing types and income categories.

The land inventory began with the 16 sites included in the 2007-2014 Housing Element (see Figure IV-5), which was the result of a review of over 29,000 assessor's parcels. Studies were conducted by Countywide Plan land use designation groupings. Vacant and underutilized parcels were evaluated for residential potential. To encourage compact and sustainable development, an emphasis was placed on sites within existing communities and proximity to major roads and services. Opportunities for housing related to community need and local support were also evaluated, particularly in the Inland-Rural Corridor and Coastal Corridor. Development potential on identified sites was also compared to community plans for consistency. Competitiveness for tax credit funding was also considered. The resulting site inventory in Figure IV-6 accommodates Marin County's ~~remaining~~ need with properties currently identified as housing policy sites, or sites that comply with the County's default density. Only properties with potential to develop within the planning period were included in the inventory. Each site, its governing land use, and development potential are further detailed in Appendix F: Site Inventory Profiles.

~~Some properties included in the inventory have received planning entitlements for residential development. Marin County reports annually to the Department of Finance on unit development in terms of building permits finalized. Therefore, these potential units have not been reported to that agency in terms of housing development.~~

Figure IV-5: 2007-2014 Housing Element Sites

Site Address
<u>100 Marinwood Ave, San Rafael</u>
<u>2400 Sir Francis Drake Blvd, Fairfax</u>
<u>Woodland Ave at Auburn Street, San Rafael</u>
<u>204 Flamingo Road, Mill Valley</u>
<u>St. Vincent's Drive, San Rafael</u>
<u>Paradise Drive, Tiburon</u>
<u>12 Tamarin Lane, Novato</u>
<u>1970 Indian Valley Road, Novato</u>
<u>150 Shoreline Highway, Mill Valley</u>
<u>11101 State Route 1, Point Reyes Station</u>
<u>Seminary Drive, Mill Valley</u>
<u>441 Drake Ave, Sausalito</u>
<u>217 Shoreline Highway, Mill Valley</u>
<u>Lucas Valley Road, San Rafael</u>

30 Roosevelt Street, San Rafael

650 North San Pedro Road, San Rafael

Development Projections by Income Category

The Available Land Inventory, Figure IV-6, is organized to provide housing in three categories.

- A. ~~Affordable housing~~ Lower income sites – 30 units per acre, or Countywide Plan policy
- B. ~~Moderate Income sites – Likely to produce smaller units~~ Entitled projects, not yet submitted building permits, rentals and condominiums
- C. ~~Additional potential~~ Above moderate income sites (market rate) – sites with current development capacity

Marin County's Regional Housing Need Allocation is satisfied with the identification of sites in these three first two income categories, second units, plus the units produced to date (Figure IV-4).

Housing units in the Extremely Low Income, Very Low, and Low (ELI, VL, L) column of Figure IV-6 represent projected realistic capacity for affordable housing units on a site. Moderate and Above Moderate units are represented in a separate (M, AM) column. For each site, residential capacity by income category was determined by the zoned density, or the overriding Countywide Plan affordable housing requirement or land use designation. Housing Overlay Designation (HOD) sites identified in the Countywide Plan (CD-2.c) require residential development on those sites at a minimum of 30 units per acre (CD-2.d)⁷, ~~and units were assigned consistent with that policy.~~ Sites with a pending project application were assigned a unit capacity in the range of the project. ~~Additional Potential Sites includes site opportunities that have been identified but do not meet the County's default density, or have less surety in developing affordable housing.~~

Marin County implements its inclusionary requirement as outlined in Development Code Chapter 22.22, which requires any residential development of two or more units to provide 20% of the units to be affordable to low income households. However, the potential for inclusionary housing is not contemplated in this analysis, consistent with HCD guidelines, which do not encourage projected inclusionary housing to satisfy adequate sites requirements.

Similarly, affordable housing projections for each site do not contemplate the potential for increased density through a density bonus.

⁷ Except for sites with a general plan land use designation of Neighborhood Commercial, where at least 25 units per acre applies (CD-2.d.5).

Figure IV-6: Available Land Inventory Summary—Remaining Units

BC Attachment #6

Site #	Site Name & Address	Property APN	Parcel Acres	Total Acres	CWP Land Use	Zoning	ELI, VL, L	M	M/AM		Notes
A: Affordable housing sites—30 units per acre, or Countywide Plan policy						-	-				
#1	Marinwood Plaza 100 Marinwood Ave	164-471-64	0.449	4.75	HOD/ GG 30 units/acre	CP 30 units/acre	8572		010		HOD. Affordable housing required by CWP policy. Non-profit developer in contract. Single ownership.
		164-471-65	1.934								
		164-471-69	0.809								
		164-471-70	1.561								
#2	Oak Manor 2400 Sir Francis Drake Blvd	174-011-36	0.527	1.58	HOD/ GG 30 units/acre	C1 30 units/acre	10		0		HOD. Affordable housing required by CWP policy
		174-011-33	1.057								
#3	California Park Woodland Avenue	018-075-12	0.269	1.56	HOD/ MF2 30 units/acre	RSP 4 4 units/acre	5040		0		HOD. Affordable housing required by CWP policy. Single ownership.
		018-075-14	0.067								
		018-075-15	0.041								
		018-075-17	0.045								
		018-075-18	0.042								
		018-075-19	0.174								
		018-075-20	0.044								
		018-075-21	0.043								
		018-075-22	0.042								
		018-075-27	0.029								
		018-086-17	0.175								
		018-086-10	0.188								
		018-086-13	0.046								

		018-086-14	0.271								BCS Attachment #6
		018-086-15	0.044								
		018-086-16	0.047								
#4	Old Chevron Station 204 Flamingo Rd.	052-041-43	0.79	0.79	GC 30 units/acre	GP 30 units/acre	10	0		30 units/acre zoning. Reduced to contemplate larger units & amenities on site.	
#5	St. Vincent's & Silveira St. Vincent's Dr., Silveira Parkway	155-011-08	250.26	1,110	PD- Agriculture and Env Resource	A2	100	50	1271		221 units, including affordable housing requirement specified in CWP policy. Two property owners. % of development potential for each is indicated in CWP.
		155-011-28	73.49								
		155-011-29	20.21								
		155-011-30	220.67								
		155-121-16	3.77								
Site #	Site Name & Address	Property APN	Parcel Acres	Total Acres	CWP Land Use	Zoning	ELI, VL, L	M	M / AM		Notes
B: Existing projects, not yet submitted building permits						-					
#6	Easton Point Paradise Drive	059-251-05	110	110	PR, SF 6 47 units/acre	RMP 0.2,	0		43		Stipulated judgment.
						R-1					
#7	Tamarin Lane 12 Tamarin Lane	143-190-12	6.54	6.54	SF 3 1 units/1-5 acres	ARP-2	0		5		Entitled 2007 with condition for 2 second units required. Extension approved.
#9	Manzanita mixed use 150 Shoreline Hwy	052-371-03	0.58	0.563	GC 30 units/acre	GP 30 units/acre	1	2		Entitled 2011 with condition for 1 affordable unit.	
#11	650 N. San Pedro 650 North San Pedro	180-231-05 180-231-06 180-231-07	5.984 3.201 1.117 0.727 5.272	16.3	SF 4 1-2 units/acre	RE-B3 20,000sft min lot area	0	10		Entitled 2012 for 10 units.	

		180- 231-09 180- 291-04								BCA Attachment #6	
-	Second Units Projected — 520 second units projected per year (Jan 20152 — Dec July 201423)						1821	$\frac{1}{0}$	129		
-	A+B: Affordable housing and entitled projects Inventory						274		193		
-	Unit Development Inventory Jan '07-Dec 2011 (Fig. IV 4)						92		238		
-	Subtotal Available Land Inventory A+B and Building Permits to date (Fig. IV 4)						366		431		
-	Regional Housing Need Allocation (2007-2014) 773 units						320		453		
C: Additional potential sites							-				
#8	Indian Valley 1970 Indian Valley Rd	146- 261-21 146- 261-28	1.9 5.66	7.7	SF 3 1 units/1.5 acres	A2-B4 1 acre lot min	0		5		Entitlement expired.
#10	Grandi Bldg. 11101 State Route 1	119- 234-01	2.5	2.5	C-NC 20 units/acre	C-VCR-B2	2		0		Entitlement expired for 2 affordable units.
	<i>[Moved up to B: Existing Projects]</i>										
#12	Golden Gate Seminary Seminary Dr.	043- 261-25 043- 261-26	48.45 25.13	73.57	MF-2 1-4 units/acre	RMP-2.47	2520	$\frac{20}{20}$	20		Application pending revision and further review, property owner developing new proposal.
Site #	Site Name & Address	Property APN	Parcel Acres	Total Acres	CWP Land Use	Zoning	ELI, VL, L		M / AM		Notes
#13	Marin City Community Development 441 Drake Ave	052- 140-36	3.87	3.87	MF-2 1-4 units/acre	RMP-4.2/ AH Combining District	15		0		Non-profit owner working with housing partner
#14	Armstrong Nursery 217 & 221	052- 061-17	0.056	1.77	NC 20 units/acre	RMPC-6	0		10		20 units/acre 2007 general plan for affordable housing per development code incentive

	Shoreline Hwy	052-061-19	0.957								BCS Attachment #6
#16	Grady Ranch Lucas Valley Rd.	164-310-15 164-310-17 164-310-19	86.7 38.0 105.1	240**	PR 1 unit/acre	RMP 0.031 RMP 0.031 RMP 0.379	240		0		Owner pursuing development plan for all affordable housing project.
#17	Roosevelt Street 30 Roosevelt	179-124-08	0.18	0.18	SF 6 4-7 units/acre	RA-B1	2		0		County owned single family property, dedicated for affordable housing.
-	C: Additional potential Subtotal					-	284		35		
-	Total Available Land Inventory Total (A+B+C)					-	558		233		
Available Land Inventory + Unit Development Inventory Jan '07-Dec 2011 (Fig. IV 4)							650		466		

Site Address	Property APN(s)	Parcel Acres	Total Acres	CWP Land Use	Zoning	Lower Income	Moderate Income	Above Moderate Income	TOTAL
St. Vincent's Drive, San Rafael (St. Vincent's / Silveira)	<u>155-011-08</u>	<u>244.768</u>	<u>55</u> developable	<u>PD: Agriculture and Environmental Resource Planned Designation</u>	<u>A2: AH</u>	<u>100</u>	<u>50</u>	<u>71</u>	<u>221</u>
	<u>155-011-28</u>	<u>72.66</u>							
	<u>155-011-29</u>	<u>20.22</u>							
	<u>155-011-30</u>	<u>221.71</u>							
	<u>155-121-16</u>	<u>2.82</u>							
100 Marinwood Ave, San Rafael (Marinwood Plaza)	<u>164-471-64</u>	<u>0.45</u>	<u>5</u>	<u>HOD/GC (30 units/acre)</u>	<u>CP (30 units/acre)</u>	<u>72</u>	<u>0</u>	<u>10</u>	<u>82</u>
	<u>164-471-65</u>	<u>1.9</u>							
	<u>164-471-69</u>	<u>1.05</u>							
	<u>164-471-70</u>	<u>1.6</u>							
Woodland Ave at Auburn St, San Rafael (California Park)	<u>018-075-12</u>	<u>0.34</u>	<u>1.77</u>	<u>HOD/MF2 (30 units/acre)</u>	<u>RSP-4 (4 units/acre)</u>	<u>40</u>	<u>0</u>	<u>0</u>	<u>40</u>
	<u>018-075-14</u>	<u>0.07</u>							
	<u>018-075-15</u>	<u>0.04</u>							
	<u>018-075-17</u>	<u>0.05</u>							
	<u>018-075-18</u>	<u>0.05</u>							
	<u>018-075-19</u>	<u>0.18</u>							
	<u>018-075-20</u>	<u>0.05</u>							
	<u>018-075-21</u>	<u>0.05</u>							
	<u>018-075-22</u>	<u>0.05</u>							
	<u>018-075-27</u>	<u>0.06</u>							
	<u>018-086-10</u>	<u>0.18</u>							
	<u>018-086-13</u>	<u>0.05</u>							

	<u>018-086-14</u>	<u>0.28</u>							
	<u>018-086-15</u>	<u>0.05</u>							
	<u>018-086-16</u>	<u>0.05</u>							
	<u>018-086-17</u>	<u>0.22</u>							
<u>Seminary Drive, Mill Valley</u> <u>(Seminary)</u>	<u>043-261-25</u>	<u>50</u>	<u>73.61</u>	<u>MF2 (1-4 units/acre)</u>	<u>RMP-2.47</u>	<u>20</u>	<u>20</u>	<u>0</u>	<u>40</u>
	<u>043-261-26</u>	<u>23.61</u>							
<u>441 Drake Ave, Sausalito</u> <u>(Marin City CDC)</u>	<u>052-140-36</u>	<u>4.06</u>	<u>4.06</u>	<u>MF2 (1-4 units/acre)</u>	<u>RMP-4.2</u>	<u>15</u>	<u>0</u>	<u>0</u>	<u>15</u>
<u>150 Shoreline Hwy, Mill Valley</u> <u>(Manzanita Mixed-Use)</u>	<u>052-371-03</u>	<u>0.59</u>	<u>0.59</u>	<u>GC (30 units/acre)</u>	<u>CP (30 units/acre)</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>3</u>
<u>2400 Sir Francis Drake Blvd, Fairfax</u> <u>(Oak Manor)</u>	<u>174-011-36</u>	<u>0.54</u>	<u>1.59</u>	<u>HOD/GC (30 units/acre)</u>	<u>C1 (30 units/acre)</u>	<u>0</u>	<u>10</u>	<u>0</u>	<u>10</u>
	<u>174-011-33</u>	<u>1.05</u>							
<u>Paradise Drive, Tiburon</u> <u>(Easton Point)</u>	<u>059-251-05</u>	<u>110</u>	<u>110</u>	<u>PR, SF6 (4-7 units/acre)</u>	<u>RMP-0.2; R-1</u>	<u>0</u>	<u>0</u>	<u>43</u>	<u>43</u>
<u>1970 Indian Valley Rd, Novato</u> <u>(Indian Valley)</u>	<u>146-261-21</u>	<u>1.9</u>	<u>8.27</u>	<u>SF3 (1 unit/1-5 acres)</u>	<u>A2-B4 (1 ac lot min)</u>	<u>0</u>	<u>0</u>	<u>5</u>	<u>5</u>
	<u>146-261-28</u>	<u>6.37</u>							
<u>12 Tamarin Lane, Novato</u> <u>(Tamarin Lane)</u>	<u>143-190-12</u>	<u>6.34</u>	<u>6.34</u>	<u>SF3 (1 unit/1-5 acres)</u>	<u>ARP-2</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>3</u>
<u>Second Units Projected: 5 second units projected per year of planning period (Jan 2015 - Jan 2023)</u>						<u>21</u>	<u>10</u>	<u>9</u>	<u>40</u>
<u>Total Units Allocated</u>						<u>269</u>	<u>92</u>	<u>141</u>	<u>502</u>
<u>Regional Housing Need Allocation (2014-2022)</u>						<u>87</u>	<u>37</u>	<u>61</u>	<u>185</u>
<u>Units allocated above RHNA (2014-2022)</u>						<u>182</u>	<u>55</u>	<u>80</u>	<u>317</u>

Description of Affordable Housing Opportunity Sites

The housing opportunity sites below are discussed below, and funding opportunities are discussed specifically to highlight their capacity for affordable housing. Sites identified with only market rate capacity are not discussed below but are fully analyzed also described in Appendix F: Site Inventory Profiles.

Affordable housing sites (#1 through #5)

St. Vincent's Drive, San Rafael (St. Vincent's / Silveira)

The St. Vincent's and Silveira properties include approximately 1,100 acres of mostly agricultural land in the City Centered Corridor between the cities of San Rafael and Novato. The land is adjacent to Hwy 101, bisected by the SMART rail line, and bordered by residentially developed areas on two sides. The site is located in the vicinity of the Civic Center, with proximity to medical services and retail. The current uses of the site include a private school, non-profit facilities, and agricultural uses. The lots are owned by two parties, and the development potential is split between them.

The 2007 Countywide Plan assigned development potential of 221 residential units clustered on 5% of the total acreage, including up to 121 market rate units and 100 affordable units. The Countywide Plan land use is Planned District, Agricultural and Environmental Resource areas. An Affordable Housing Combining District was applied to allow the 100 affordable units to develop at 30 dwelling units an acre. The Countywide Plan requires a master plan for this site (Policies SV-2.2 and 2.5), which will require analysis and public vetting. The County's standard submittal requirements for master plans include an affordable housing plan, which must indicate the construction schedule and phasing of any required affordable units. All affordable housing units and other phases of a development shall be constructed prior to, or concurrent with, the construction of the primary project, unless the review authority approves a different schedule. A subdivision map and precise development plan would be required.

Residential development opportunity at St. Vincent's / Silveira has been in place since the development of the 2007 Countywide Plan. It is considered an affordable housing site in this Housing Element because affordable and workforce housing are a primary component of the general plan objectives and policies specific to the properties.⁸ A project without a significant affordable component would be inconsistent with the Countywide Plan and likely unfavorable to the Board of Supervisors. One hundred affordable housing units would support the financial feasibility of a project and be consistent with the Plan.

Development and Funding opportunities and Incentives

In 2008, a senior project including different levels of care from independent living to assisted living, complemented with affordable workforce housing, was considered for this site. Shuttle services and alternative transportation were also contemplated to maximize the development potential. The site is eligible for a number of incentives offered to affordable housing. The Affordable Housing Combining District allows up to 30 units per acre, fee waivers, and development standards adjustments. The site may be competitive for a HUD 202 project, and eligible for local funding sources including CDBG, HOME and Housing Trust.

Site #1 — 100 Marinwood Avenue, San Rafael (Marinwood Plaza)

⁸ Marin Countywide Plan, Built Environment Chapter, Policy SV-2.3 Allow for a Mix of Uses. Residential development should emphasize workforce and senior housing, especially for very low or low income households, and special needs housing, rather than large estates. Also see Policies SV-2.4, 2.5 and 5.1.
http://www.co.marin.ca.us/depts/CD/main/fm/cwpdocs/CWP_CD2.pdf

This 4.75-acre infill site is an under-utilized commercial center with a recently revitalized grocery store. A large regional non-profit housing provider is in contract to develop primarily affordable housing, and submitted an application ~~was deemed complete in June of 2013.~~ The preliminary precise development plan includes retention of the existing market, demolition of adjacent commercial uses, and use of a majority of the acreage for affordable housing. The Countywide Plan land use is General Commercial (FAR .1 to .4), and the site is subject to the Housing Overlay Designation (HOD), which requires residential development at a minimum of 30 units per acre, up to 100 units for this site. The underlying mixed use zoning on this HOD site, Commercial Planned (CP), allows residential uses accessory to the primary commercial use up to 30 dwelling units per acre. A lengthy community planning process resulted in a guiding principles document which was accepted by the Board of Supervisors in 2007, and identifies desired project components such as a neighborhood market and ancillary retail, housing types and affordability, and site design. The site is adjacent to the Hwy 101 corridor, close to transit, services, and employment centers.

Development and Funding Opportunities and Incentives

The Marinwood site is an excellent location for a 94% tax credit project. The site is located in the award winning Dixie School District, close to the Marinwood Community Center, which offers community amenities and services, and is in the proximity of major employers, including the County of Marin, Autodesk and Kaiser Permanente. Because of the high level of affordability required on HOD sites, the County is offering development standard adjustments, such as parking, floor area ratio, height and fee reductions, as well as funding from local sources. The County currently has set aside \$484,000 in local transportation funds to improve pedestrian and bicycle access to the site and intends to grant funds from the Housing Trust toward the project.

Site #2 ——— Oak Manor

~~This 1.58-acre site is an underutilized commercial center on the major east-west thoroughfare in unincorporated Fairfax. The site is located near transit, services and schools. The Countywide Plan assigned the Housing Overlay Designation (HOD) to this site which requires residential development at a minimum of 30 units per acre, up to 10 units at this site. The HOD requires 50% of residential development to be affordable to low and very low income households and any new development must include a residential component. The underlying mixed use zoning on this HOD site, Retail Business (C1), allows residential uses accessory to the primary commercial use up to 30 dwelling units per acre. Design review would be required on this site and could be accomplished within the planning period. Current uses include an auto repair shop, a convenience store and a laundry mat as well as a pizza restaurant and two other vacant retail spaces. Undeveloped and underutilized land suitable for development is very rare in the community which increases the likelihood of development. The site has a large underutilized parking lot and redevelopment could occur above or to the side of the existing commercial use, or the site could be completely redeveloped with commercial space and housing. Residential use is encouraged and required by the Countywide Plan in the case of redevelopment or major remodel.~~

Development and Funding Opportunities and Incentives

~~As with site #1 this is a HOD site. Due to the high level of affordability required, the County is offering development standard adjustments, such as parking, floor area ratio, height and fee reductions as well as funding from local sources. The County would intend to grant funds from the Housing Trust when an affordable housing developer is identified. A small special needs project could be appropriate on the site and given the proximity to amenities it could be eligible for State funding such as 9% tax credits.~~

Site #3 ——— Woodland Avenue at Auburn Street, San Rafael (California Park)

This vacant 4.821.77 acre site is comprised of 168 contiguous assessor's parcels under single ownership. The land is adjacent to the SMART right of way and close to retail, community uses and bus

service. The site is also across the street from low density residential uses in a pastoral setting. Per the HOD policy, this site could accommodate up to 50 units of housing at 30 units per acre, with at least 50% affordability. The underlying zoning on this HOD site is a Residential Single-Family Planned district (RSP-4). Entitlement actions would include a County-initiated rezone, and design review, which could be accomplished concurrently prior to the end of the planning period. Affordable housing is not subject to master plan or precise development plan requirements.

Development and Funding Opportunities and Incentives

~~Due to the high level of affordability required, the County is offering development standard adjustments, such as parking, floor area ratio, height and fee reductions, as well as funding from local sources. Because the site abuts the SMART right of way, a project would require careful design to buffer noise and particulate matter from any future rail activity. It should be noted, however, that the SMART project currently does not have funding or a schedule to develop this segment of track. An evaluation has indicated that this site would be competitive for 9% tax credits, a critical source of funding for lower income housing. Due to the high level of affordability required, the County is offering development standard adjustments, such as parking, floor area ratio, height and fee reductions, as well as funding from local sources. The County would intend to consider grant funds from the Housing Trust when an affordable housing developer is identified.~~

Seminary Drive (Golden Gate Seminary)

~~This 73.5773.61-acre portion of an underutilized site is located along Richardson Bay in a residential setting. Current uses include student dormitories, a playing field, instructional buildings, and a chapel; however, large parts of the site are undeveloped. The Countywide Plan land use designation is Multi-Family-2 (1-4 du/ac units per acre) and there is an approved master plan with un-extinguished entitlements for 93 multi-family units for students or faculty. The master plan has received an extension per the request of the property owner so that they may continue to pursue development of this site and the zoning is RMP-2.74: AH (Residential Multiple Planned, 2.74 units per acre, Affordable Housing Combined District). The AH district allows up to 60 units of affordable housing development on 2 acres of the site.~~

Development and Funding Opportunities and Incentives

~~A previous application was withdrawn; however the owner continues to pursue development opportunities on the site. The assessor's parcels are under single ownership. If affordable housing is considered, funding opportunities could include the Workforce Housing Trust Fund, or other local sources such as CDBG, HOME and the Housing Trust.~~

Site #13 — 441 Drake Avenue (Marin City Community Development)

~~This 3.874.06-acre site is within a residential neighborhood and located near transit, schools and services, including a senior center, community center and a park. It is owned by a non-profit Community Development Corporation who uses the existing historic home, carriage house, and driveway accesses for their offices and service areas. They are interested currently talking with local non-profits to explore opportunities for in adding housing to the site.~~

~~The Countywide Plan land use designation is Multi-Family 2 (1-4 units per acre), and zoning is Residential Multiple-Family Planned, (4.2 units per acre) and Affordable Housing Combining District. Because of the existing uses and environmental site constraints, it could accommodate approximately 150 units of affordable housing. Development of a rental project on the perimeter of this site would require further site analysis and design review.~~

Development and Funding Opportunities and Incentives

This site meets the location criteria for a 9% tax credit project (a small development for seniors of similar size was recently awarded tax credits in an unincorporated community). Also feasible on the site may be a homeownership development for very low income families, or a small rental project to serve single adults in transition. Housing Trust funds could also be available for this type of development.

Site #14 — Armstrong Nursery

This 1.77-acre underutilized site is located near transit and services, including a pharmacy, retail and recreational facilities. The lot is disturbed with asphalt paving and sits on the south edge of a neighborhood retail center. The Countywide Plan land use is Neighborhood Commercial (1-20 du/ac, .05-.4 FAR), which would allow 10 units of market rate housing or 35 units of affordable housing. The property owner has expressed support for the inclusion of this site in the Housing Element. Affordable housing providers have expressed interest in this site for future development. Because the allowable density per zoning (up to 20 units per acre) is less than the County's default density, the site is not represented in the lower income category of the Site Inventory (Figure IV-6). The Residential Multiple-Family Planned Commercial (RMPC) zoning district would require a precise development plan or design review for a residential project. A mixed use project would also be allowed on this site with similar review process. This site is in a 100-year flood zone and therefore the design would have to include appropriate features such as avoiding habitable space below the base flood elevation.

Development and Funding Opportunities and Incentives

The permitted density would accommodate the minimum number of units identified as feasible by larger regional non-profits. The site is under the same ownership as site #4, and a scattered site development could be pursued to increase feasibility. There is existing infrastructure on the site. The location is impacted by severe traffic conditions; and a program in the transportation section of the Countywide Plan limits development to the low end of the density range. However, as a way to encourage affordable housing, deed restricted housing for low and very low income households is exempt from this provision. The Armstrong site offers an excellent location for a larger non-profit affordable housing developer for a 4% tax credit development, or if a new grocer is identified, a 9% tax credit development. Other funding could include local sources, including Housing Trust, CDBG and HOME funds.

Site #16 — Grady Ranch

This 240-acre site is located in a suburban foothill setting, abutting large single family residential lots and vast open space. The property was the subject of an extensive expansion plan for Lucasfilm's digital film studios. After withdrawal of that application, the property owner is evaluating the feasibility of development potential for 200 units of affordable housing on the site. There are significant infrastructure deficiencies, such as lack of water and sewer. However, information and plans from the previous proposal may be applicable to a new residential proposal. Prior to the Lucasfilm proposal, the property had an approved master plan which had approved 114 units on the property. The site's zoning is Residential Multiple-family Planned (RMP) where residential uses are principally permitted. A subdivision map and design review would be required.

Development and Funding Opportunities and Incentives

The project will require significant infrastructure and roadway improvements. A 4% tax project may be feasible. Likely funding would come from the property owner, and local sources like CDBG, HOME and the Housing Trust Fund.

Site #17 — Roosevelt

This 0.18-acre vacant lot is owned by the County and designated for affordable residential use. It is located in a residential neighborhood near transit, schools, parks, a community center, a market and a major employment center. The General Plan land use designation is Single Family (4-7 du/ac). No planning entitlements would be required for this conventionally zoned property, as long as the unit does

not exceed 4,000 square feet and development standards are adhered to. Applicants could proceed with a building permit.

Development and Funding Opportunities and Incentives

It is likely that this site would be donated to a small non-profit developer or a regional developer with an emphasis on homeownership. A deed restricted primary unit and secondary unit are anticipated on the site. Funding would likely come from local sources, including the County's Housing Trust, CDBG and the Marin Workforce Housing Trust.

150 Shoreline Highway (Manzanita)

This 0.59-acre vacant site has current entitlements for 3 units and a deli. The residential units include 1 lower income unit. The site is located near the freeway and has access to transit. The general plan land use designation is General Commercial and the zoning is Commercial Planned.

2400 Sir Francis Drake Blvd (Oak Manor)

This 1.59-acre site is an underutilized commercial center on the major east-west thoroughfare in unincorporated Fairfax. The site is located near transit, services and schools. The Countywide Plan assigned the Housing Overlay Designation (HOD) to this site which requires residential development at a minimum of 30 units per acre, which allows up to 10 units at this site. The HOD requires 50% of residential development to be affordable to low and very low income households and any new development must include a residential component. However, this Housing Element includes a program to study the efficacy of the HOD program and affordability levels may be reconsidered (1.d Evaluate the Housing Overlay Designation). The underlying mixed use zoning on this HOD site, Retail Business (C1), allows residential uses accessory to the primary commercial use up to 30 dwelling units per acre. Design review would be required on this site and could be accomplished within the planning period. Current uses include an auto repair shop, a convenience store and a laundry mat as well as a pizza restaurant and two other vacant retail spaces. Undeveloped and underutilized land suitable for development is very rare in the community which increases the likelihood of development. The site has a large underutilized parking lot and redevelopment could occur above or to the side of the existing commercial use, or the site could be completely redeveloped with commercial space and housing. Residential use is encouraged and required by the Countywide Plan in the case of redevelopment or major remodel.

Paradise Drive (Easton Point)

This 110-acre site has a stipulated judgment which allows entitlement for 43 single-family residential lots. This site is designated for above moderate income (market rate) housing.

1970 Indian Valley Road (Indian Valley)

This 8.27-acre site has an approved subdivision for five residential parcels. This site is designated for above moderate income (market rate) housing.

12 Tamarin Lane (Tamarin Lane)

This 6.34-acre site has an approved subdivision for 3 developable lots, two of which would have second units. This site is designated for above moderate income (market rate) housing.

Housing Development Precedents

Affordable Housing Production

Affordable housing development in Marin during the last RHNA cycle (1999–2006) demonstrated that housing is possible at a range of densities, particularly when density standards are set by the Countywide Plan land use designation. The Toussin Senior Housing project achieved 36 units per acre within a small community by relying on the Countywide Plan land use. Similarly, the Fireside Motel was able to achieve a net density of 45 units per acre of clustered development using the same method and a density bonus. Interviews with a range of affordable housing developers with experience in Marin County⁹ revealed that the desired density range of is between 22 and 28¹⁰ units per acre. In many instances, lot size and zoning were less of a factor than net land costs and total unit potential.

Figure IV-127: Affordable Housing Units Developed in the 1999–2006 Planning Period

Project Name	CWP 2007	Zoning 2009	Very Low Income	Low Income	Moderate Income	Total	Parcel Acreage	Units per Acre
Gibson House (Bakery)	C-SF5, C-NC	C-RA-B2, C-VCR	7	0	0	7	.40	20
Bolinas Gas Station (BoGas)	C-NC	C-VCR	8	0	0	8	.29	27
Fireside Motel	RS	RMPC-12.7	50	0	0	50	1.1	45
Toussin Senior Housing (Ross Hospital)	MF4	RMP-20	13	0	0	13	0.38 (0.56 FAR)	36
Point Reyes Affordable	C-MF2	C-RMP-4.3	10	16	8	34	n/a	1.8
Strawberry Shopping Center (Mixed Use)	GC	RMPC	0	4	1	5	8,502 sq.ft. total	678-690 sq.ft. units
Gates Cooperative (New floating home berths at existing Marina)	FH	BFC-RF	30	4	4	38	n/a	n/a
TOTAL			118	24	13	155	-	-

Note: The Gates Cooperative has received entitlements but and some ~~not all~~ building permits.

Development Capacity for Affordable Housing on Small Sites

While small projects may be difficult to fund and are considered less efficient to manage, Marin has demonstrated that small site development is effective in this jurisdiction, where affordable housing is provided by both large providers and small local community based organizations. Organizations providing essential affordable housing on small sites include the Bolinas Community Land Trust (BCLT), Community Land Trust Association of West Marin (CLAM), West Marin Ecumenical Senior Housing (EAH Housing), PEP Housing, San Geronimo Valley Family Housing Association, in addition to others operating in the incorporated areas of the County.

⁹ EAH Housing, 9/17/09; Eden Housing 9/14/09; Falcone Development Services 9/15/09; HART Marin (for-profit developer of market and affordable housing) 9/15/09; PEP Housing 9/14/09;

¹⁰ Smaller local housing providers operate on a much smaller scale.

~~Within the last housing element cycle, seven major affordable housing projects were approved (Figure IV-7); for a total of 155 units of very low, low, and moderate income housing in unincorporated Marin County. Three of these developments were constructed on small sites, achieving an average density of 27 units per acre.~~

Marin County offers density incentives for affordable housing¹¹ that have been applied effectively to small-lot development. Affordable housing is currently allowed to the maximum density of the applicable Countywide Plan Land Use designation through Development Code Section 22.24.020.A.¹² ~~A The program completed in 2012, 4.d Streamline the Review of Affordable Housing, applies and applies~~ the maximum Countywide Plan land use rather than the zoning density to all housing projects affordable to low and very low income households. Additionally, Development Code Section 22.32.150.E allows the floor-area ratio to be exceeded for deed-restricted units that are affordable to very low or low income households in commercial/mixed-use and industrial land use categories, subject to any limitations in the Countywide Plan consistent with the Countywide Plan policy CD-8.7. For deed-restricted units that are affordable to moderate-income households, the floor area ratio may be exceeded in areas with acceptable levels of traffic service, subject to any limitations in the Countywide Plan, and so long as the level of service standard is not exceeded.

Local Funding Opportunities

Affordable Housing Trust Fund

The County's Affordable Housing Trust Fund was established in 1980 by resolution 88-53, along with the inclusionary housing program. Projects throughout Marin County, which serve low and very-low income households, are eligible for funding, but priority is given to rental projects located in the unincorporated County ~~which that~~ serve the lowest income levels. Funding is to be used for preservation, land acquisition, development, construction, or preservation of affordable units. Applications are submitted to the Community Development Agency, and staff makes funding recommendations to the Board of Supervisors as grant requests are received. The Affordable Housing Trust Fund is primarily funded through residential in-lieu fees, commercial linkage fees, and since 2009, the Affordable Housing Impact Fee (discussed later in this Chapter). In recent years, the Board of Supervisors has allocated \$250,000 annually from the general fund to the Affordable Housing Trust Fund. In the last ~~ten~~ twenty years, the Housing Trust has been a major funder of every affordable housing development in the unincorporated County. Since 1988, the Affordable Housing Trust Fund has expended over \$14, ~~000,000~~ in support of approximately 900 units of affordable housing development. As of June 30, 2012~~4~~, the Fund's balance is ~~\$5,550,553~~ \$4,247,258. ~~This Housing Element includes a program to further clarify operating procedures specific to the Affordable Housing Trust Fund (3.k Update Affordable Housing Trust Fund Operating Procedures).~~

Workforce Housing Trust Fund

The Marin Workforce Housing Trust is a unique public/private partnership that has been created to meet the challenges of housing affordability for workers throughout Marin County. ~~The major partners include the County of Marin, the Marin Community Foundation, and a group of major employers.~~ Using revolving loan funds, the Trust provides low interest rate loans to nonprofit and for-profit developers who are constructing homes affordable to lower income families, as well as special needs populations.

¹¹ See a discussion of codified incentives in Section III: Constraints and Opportunities for Housing Development.

¹² 22.24.020.A Density for Affordable Housing Projects. For affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range, subject to all applicable Countywide Plan policies.

The Workforce Housing Trust intends loans to fill critical gaps in existing affordable housing finance – as first-in money to purchase land, secure sites, and fund pre-development work, and as last-in money to close the funding gap for developments that otherwise would not be able to be built. Once construction is complete, the loans are to be repaid and reinvested in other workforce housing developments. In this way, the Marin Workforce Housing Trust provides a self-replenishing vehicle for affordable housing investment. ~~Every private dollar that has been contributed to the Housing Trust is matched by both the Marin Community Foundation and the County of Marin, thereby tripling the value of each donation.~~

Restricted Affordable Housing Fund

The Community Development agency also oversees this fund, which resulted from the excess funds of mortgage revenue bonds. The Restricted Affordable Housing Funds may be used solely for the purposes of residential development or preservation for low and moderate income households. Eligible projects shall include those which create new affordable units through new construction, or through acquisition and/or rehabilitation of existing structures, or that preserve existing affordable housing units threatened by expiration of affordability restrictions, or market forces.

Priority Development Areas

Marin County is participating in the FOCUS regional planning initiative facilitated by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Authority (MTC). ~~A number of sites~~ Two areas within the unincorporated county, areas within ½ mile of Highway 101, have been designated as Priority Development Areas (PDAs). The objectives of the program are to foster the valuable relationship between land use and transportation, and promote compact land use patterns. Funding is periodically available through regional sources for housing projects or planning activities within PDAs.

Zoning for a Variety of Housing Types

Development opportunities for a variety of housing types will promote diversity in housing price, designs, and sizes, and contribute to neighborhood stability. Marin County's zoning code encourages a variety of housing types, including second units, single room occupancy, manufactured housing, supportive housing, housing for agricultural workers, transitional housing, and emergency shelters.

Second Units

Consistent with Government Code Section 65852.2, second units are allowed in all residential zoning districts as a permitted use subject to non-discretionary review. As a matter of policy, the County encourages second unit development as a valuable infill and intensification strategy. Between 2000 and 2006, Marin County issued an average of 21 second unit building permits per year, and 18.6 per year from 2007 through 2011. During 2012 and 2013, the number decreased to 5 second unit building permits per year.

~~From January 2007 through December 2008, Marin County conducted a Second Unit Amnesty Program which fulfilled the mandate of the 2003 Housing Element, policy H3.28. The program offered both second unit permits consistent with the requirements of our Development Code and Amnesty permits for existing units that met the Uniform Housing Code and satisfied other health and safety requirements. Program incentives included permit fee reductions and adjustments to some Development Code requirements for amnesty units.~~

Resulting from the 2007-2008 amnesty period, Marin County Planning Division issued 54 second unit amnesty permits and 35 standard (new) second unit permits. Amnesty units were not included in the second units shown in Figure IV-4.

Second Unit Affordability Survey

Marin County conducts a periodic anonymous survey of permitted second units. On the basis of permits issued and the surveys conducted, the County can project the amount of second unit development and the rent distribution in the market.

The most recent survey was conducted in September 2012~~August 2008~~, and updated in July 2014. The purpose of the survey was to determine the use and affordability ranges of second units, as well as to measure changes in rent levels for different areas of unincorporated Marin County. Data collected included the following:

- Vacant or occupied
- Size of unit
- Rent in dollars
- Increase in rent
- Number of occupants

~~The survey also asked what changes can be made to the permitting process to improve the success of the amnesty program and standard second unit development.~~

Surveys were mailed to all owners who had been approved for a second unit building permit since the mid 1990's. ~~A separate survey was sent to those who had received planning approval for a second unit since the last survey in 2004 was conducted. Amnesty second unit owners were given a slightly different survey as well.~~ The survey was anonymous but color-coded for type of unit (amnesty or standard) and included initials to track the community plan area. A total of 2057 surveys were sent out to owners. Completed surveys were returned with an overall response rate of 37%, down slightly from 40.5% in 2008. The survey revealed that 8064% of second units are being rented (in comparison to 6477% in 2008; units not yet built were not included), with rents ranging from \$0 to \$4,250,750. ~~The average rent was \$1,180 per month, versus \$1,145 in 2004.~~ By excluding the 9% of survey respondents not charging any rent (to reduce skew), rents averaged \$1,411,634 compared to versus \$1,244 in 2012~~04~~. Average occupancy was 1.3955 persons per unit, a slight decrease from 2008.

Assuming that the average household spends 30% of its income on housing and that units in our sample are rented to two persons, data from the survey revealed the following breakdown of unit affordability based on household size:

- 4.60% of the units qualified as extremely low income ~~(not calculated in 2004)~~,
- 86% as very low income (vs. 824% in 2004~~8~~),
- 5150% as low income (vs. 5851% in 2004~~8~~),
- 229% as moderate income (vs. 4629% in 2004~~8~~), and
- 229% as above moderate income or more (vs. 29% in 2004~~8~~).

The survey revealed that up to ~~56~~64% of second units in unincorporated Marin County are affordable to households at 80% AMI and below.¹³ Approximately ~~92~~22% of the units reported no or reduced rent charged because a relative, friend, or employee lives in the unit. Overall, there was an increase in rental prices~~levels~~ over the last four years.

Second Units and RHNA

Based on the empirical data presented above specific to second unit permits, Marin County anticipates that an additional ~~205~~ second units will be permitted on an annual basis ~~from January 2012 through July 2014~~January 2023 (~~5040~~ units total). This assumption is reflected in Figure IV-6: Available Land Inventory Summary – Remaining Units. ~~Additionally, all 95 second unit permits issued between January 2007 and December 2011 are counted in Figure IV-4: Unit Development Inventory. Findings from the 2014 Second Unit Affordability Survey have been applied to reflect the rent distribution of second units.~~

Single Room Occupancy (SRO)

The Marin County Development Code ~~does not contain~~ language specific to the development of SROs. SROs are treated as any other residential use by the Development Code. ~~This Housing Element contains a program to expand opportunities for SRO development as a residential use (1-j Zone and Provide Appropriate Standards for SRO Units).~~

Manufactured Housing and Mobile Homes

Manufactured houses are treated as single-family dwellings and are subject to the same Development Code standards as stick-built structures, consistent with Government Code Section 65852.3. These housing types are specifically identified in the Development Code's definition of single-family dwelling. There are currently three mobile home parks in unincorporated Marin County, one with RX (Residential Mobile Home Park) zoning. According to the 2010 Census, 1.5% of dwelling units in the unincorporated County are mobile homes or similar types of housing. The agricultural worker housing project contemplates the use of these housing types.

Emergency (Homeless) Shelters, Supportive Housing, and Transitional Housing

Effective January 1, 2008, SB 2 (Chapter 633, Statutes of 2007) requires every California city and county to engage in a detailed analysis of emergency shelters and transitional and supportive housing in its next Housing Element revision, regulates zoning for these facilities, and broadens the scope of the Housing Accountability Act to include emergency homeless shelters as well as supportive and transitional housing.

Government Code Section 65583(a)(4) requires the County to accommodate the development of at least one year-round emergency shelter within its jurisdiction and to have capacity to accommodate the unmet needs of homeless individuals in emergency shelters. ~~Effective January 1, 2008, Senate Bill 2 (SB 2) amended State Housing Element Law to require jurisdictions to allow emergency shelters without discretionary approvals (such as a use permit).~~

Zoning for Emergency Shelters

In January 2012, Marin County amended the Development Code to accommodate the permitting of emergency homeless shelters within Planned Commercial (CP) and Retail Business (C1) districts, and

¹³ Tenants of second units for which no rent is charged are not necessarily very-low, low, or moderate income households. It was beyond the scope of the survey conducted among property owners to inquire into the household incomes of second unit tenants. Zero rents were not included in the distribution of housing costs.

standards were established in Section 22.32.095 so that homeless shelters as a use may be approved by the Agency Director through a ministerial action, consistent with SB2 requirements ~~(1.k Zone and Provide Appropriate Standards for Homeless Shelters)~~. Shelters are subject to the same development and management standards as other residential or commercial uses within the zone.

Within the Planned Commercial (CP) zoning district, there are 73 assessor parcels, comprising 48 acres. The current uses include 10 vacant parcels, 18 publicly owned parcels, 1 private/non-taxed parcel, and 4 industrial parcels. The other 40 parcels support commercial uses or single family dwellings. The average lot size is 0.69 acres. A land use analysis found that CP is the most feasible district given the adjacent uses, proximity to transit, general location, and status of available land. There are 18 parcels comprising 5.92 acres in the Retail Business (C1) zoning district. The current uses include 2 multi-family parcels, 4 vacant parcels, and 12 parcels with commercial uses. There is realistic potential for redevelopment or reuse within the C1 and CP zones as there are both vacant and underutilized parcels.

Three Marin County shelter locations in the cities of San Rafael and Novato accommodate an average of 125 beds per acre. Based on that average land requirement, these zoning districts can support well over 100 shelter beds, providing adequate capacity to meet the identified need for 96 year-round emergency shelter beds.

Zoning for Transitional and Supportive Housing

Marin County treats transitional and supportive housing in the same manner as any other residential use and does not require supportive and transitional housing to obtain any additional types of permits and approvals other than those required of any other residential development. Residential uses, including transitional and supportive housing, are permitted in the following zones: Agricultural and Resource-Related Districts, Single-Family Districts, Multi-Family Districts, Commercial Districts and Planned Office Districts.

To further simplify our existing practice, clarifications in the zoning code have been made, to encourage and consistent with the program 1.1.e Enable Transitional and Supportive Housing. Definitions of transitional housing and supportive housing as a residential use were added to the Development Code in January 2012. These definitions can be found below in Figure IV-8.

Figure IV-138: Definitions of Transitional and Supportive Housing

Definition
<i>Emergency shelter</i> is defined as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No person may be denied emergency shelter because of an inability to pay.” Health and Safety Code section 50801(e).
<i>Transitional housing</i> is defined as “buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.” Health and Safety Code section 50675.2(h).
<i>Supportive housing</i> is defined as “Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.” Health and Safety Code section 50675.14(b).

Housing Accountability Act

Marin County's zoning is in compliance with the Housing Accountability Act. The County limits the denial of housing development for very low, low, or moderate income households to the five criteria listed in CA Government Code Section 65589.5. This policy includes emergency shelter, transitional housing, and supportive housing.

Policies and Programs to Remove Barriers to Transitional and Supportive Housing

Marin County has incorporated into the Housing Element policies and programs that promote development of transitional and supportive housing. These programs include ~~1.d Streamline the Review of Affordable Housing~~, ~~1.e Study Ministerial Review for Affordable Housing~~, ~~1.h Enable Update definitions of Transitional and Supportive Housing~~, and ~~2.e Support Efforts to House the Homeless~~.

Agricultural Worker Housing

~~An evaluation of the need for agricultural worker housing was conducted in July 2008 to support an application to the Joe Serna Program. The County is has collaborated with the Marin Community Foundation, the Marin Workforce Housing Trust and California Human Development Corporation (CHD) Ag Innovations to develop a far reaching program to address the housing needs of agricultural workers and their families. The Marin Agricultural Housing program is a scattered-site housing project which proposes rehabilitation, replacement or adding new units for up to 40200 total homes over the next 5 years. Wherever feasible, the project will utilize green building principles, such as orientation for maximum solar gain, photo-voltaic systems, and high efficiency building materials. The program will seek funding from a variety of sources including the US Department of Agriculture, Marin Community Foundation, and the County Housing Trust.~~

The Constraints section contains a broad discussion on agricultural worker housing, including the zones that can accommodate agricultural worker housing. This Element includes- programs that seek to expand and streamline opportunities for new development and to improve the existing stock of housing for agricultural workers (~~2.i Modify Development Code to Reflect Williamson Act, and 2.j Promote the Development of Agricultural Worker Units~~).

Housing in the Coastal Zone

The Coastal Zone encompasses non-federal lands extending inland approximately 1,000 yards from the mean high tide line of the sea, and includes the villages of Muir Beach, Stinson Beach, Bolinas, Olema, Inverness, Point Reyes Station, Marshall, Tomales, and Dillon Beach. Between 1988 and 2002, approximately 353 new residential units were constructed within the Coastal Zone. From January 2003 through June 2009~~2010~~, ~~143-158~~ new residential units were constructed within the Coastal Zone. ~~All the majority of which were single-family homes, with the exception of the 8-unit Bolinas Gas Station (Bo-Gas) project, the Gibson House providing 8 SROs, and 13 duplexes as part of the Point Reyes Affordable Homes project completed during this period (all affordable housing developments). There were three demolition permits issued in the Coastal Zone over the period; all were for single family homes, and all were replaced with single family development. Second units are permitted in the Coastal Zone area. A program in this Element (1.g Undertake Adjustments to Second Unit Development Standards) has been implemented and successfully eliminated a prohibition of second units in Bolinas.~~

Marin County policies direct ~~multi-family urban-type~~ development permitted in the Coastal Zone to the various villages as infill. Towards this end, Community Expansion Boundaries (CEBs) are in effect in the four villages of Olema, Point Reyes Station, Tomales, and Dillon Beach.

The West Marin community has consistently advocated for affordable housing in the western part of the county and has generally supported policies that promote agricultural and affordable workforce housing. Four affordable housing developments of note in the Coastal Zone are:

- Gibson House, a refurbished commercial bakery that, now provides eight affordable rental SRO units;
- Bolinas Gas Station, a mixed use project that includes a service station converted to 8 residential units, a gasoline station, local retail, and community meeting space;
- Point Reyes Affordable Homes, which provides 26 low-income rentals and 8 moderate-income homeownership units; and
- Walnut Place, which provides 24 rental apartments to low income seniors.

Programs relating to the Coastal Zone will be consistent with the Local Coastal Program, an update of which was recently completed currently underway.

Loss of Affordable Housing through Demolitions and Conversions

Between 1999 and 2008~~2014~~, approximately 40-59 demolition permits were granted in unincorporated Marin County. Given the high value of developed land in the County, demolitions are almost exclusively replaced with new construction, and therefore have no impact as lost housing units. However, the impact is a housing stock of larger, much more expensive homes, which changes the fabric of the community and further reduces affordable housing stock. Conversion and demolition has not significantly reduced the housing stock in Marin during the period of 1989 to the present.

Marin County has a condominium conversion ordinance that prevents conversion of rental units to condominiums while the residential vacancy rate is below 5.0% if the proposed conversion would reduce the countywide rental vacancy rate below five percent based on the most recent U.S. Census or estimate by HUD; or if it would reduce the ratio of multi-family rental units to less than 25% of the total number of dwelling units in the County, with no replacement rental housing being provided.¹⁴ The vacancy rate has been at or less than 5.0% since adoption of the ordinance. ~~For~~ According to 2010 Census data, rental vacancies were estimated at 3.5.2% in unincorporated Marin.¹⁵

Opportunities for Energy Conservation

Housing elements are required to identify opportunities for energy conservation. Since the deregulation of energy companies in 1998, the price of energy has skyrocketed. With such an increase in prices, energy costs can account for a substantial portion of housing costs. There are a number of programs offered locally, through the local energy distributor (PG&E), Marin's own clean energy provider (MCEarin Clean Energy Authority) and through the State of California that provide cost-effective energy savings. The County makes information regarding energy conservation available to the public.

Effective energy conservation measures built into or added to existing housing can help residents manage their housing costs over time and keep lower income households' operating costs affordable. There are several significant areas in which the County of Marin ~~County~~ is encouraging energy conservation in new and existing housing:

¹⁴ Marin County Code Section 22.88.030

¹⁵ 2010 American Community Survey 1-Year Estimates, DP04, Selected Housing Characteristics Census, U.S. Census Bureau

- ~~County residential building standards require that new single family dwellings and substantial remodels resulting in a total dwelling size of 1,500 square feet or greater of total conditioned floor area must exceed State energy efficiency standards by at least 15%.~~
- All residential projects requiring discretionary planning review must meet a minimum threshold for the green building certification program.
- The Housing Rehabilitation Loan Program assists low income owners in the rehabilitation of older housing units, which can include energy efficiency improvements.
- The County has sponsored various incentives, such as free solar and green building technical assistance programs that assist owners in converting to green energy technologies and green building techniques.
- Land use policies in the 2007 Countywide Plan promote more compact neighborhoods, encourage in-fill development, and promote cluster development.
- MCE Clean Energy offers multi-family properties free walk-through energy assessments to identify potential energy and cost savings opportunities and no-cost direct install measures for tenants such as incandescent bulb exchanges.
- The County's California Youth Energy Services Program offers homeowners and renters Green House Calls, which can include the exchange of incandescent bulbs, installation of water saving fixtures and clotheslines at no -cost to the resident.

Through these and other conservation measures, the County seeks to help minimize the proportion of household income that must be dedicated to energy costs, as well as to minimize the use of nonrenewable resources (Program 1.n.1.j Promote Resource Conservation).

Section V: Goals, Policies & Programs

Housing Objectives

State law requires each jurisdiction to address how it will satisfy the objectives for new residential units as represented by the Regional Housing Needs Allocation (RHNA). Means of achieving the development of these units should be outlined through policies and programs in the Housing Element. The County's housing provision objectives are described in Figures IV-2 and IV-3.

Marin County's housing policies and programs have been revised to reflect the major themes identified through the County's community outreach process and a critical evaluation of the programs and policies from the 2003 Housing Element (found in Appendix B: Evaluation of 2003 Housing Element Programs). Implementing programs are grouped by the housing goals described below.

Goal 1 Use Land Efficiently

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

Goal 2 Meet Housing Needs through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices, and designs.

Goal 3 Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments so as to respond to housing needs effectively over time.

~~In addition to public workshops, focus group discussions with stakeholders were conducted in the preparation of the Housing Element Update. Feedback received at the meetings (Appendix C), identified Policies are organized around three central ideas for facilitating development of housing affordable to lower income households in Marin:~~

- Provide clear development standards and incentives for affordable housing developments to minimize risk to funders and developers.
- Minimize discretionary review; streamline the permitting process.
- Establish programs appropriate to various Marin locations (urban vs. rural) and be responsive to the local community.

~~These ideas have been carried through incorporated into the Housing Element update. For example, in direct response to input received from the development community and the housing advocacy community programs are included to build support for moderate and lower income housing, and to establish a sound affordable housing inventory criteria, a program is included in this Housing Element to facilitate and streamline the development of affordable housing to accommodate the County's low income housing needs and RHNA objectives (1.d Streamline the Review of Affordable Housing). Through implementation of this program, the Development Code was amended to establish the residential density for affordable projects at the high end of the Countywide Plan density range rather than the zoned density, and to eliminate for affordable projects the master plan, and precise development plan review requirements.~~

A summary list of programs, responsible entities, funding, and implementation timeframes are identified in Appendix G: Housing Element Program Implementation. Policies and programs from other elements of the Countywide Plan are displayed parenthetically in cases where they either demonstrate consistency with Housing Element programs, or are further implemented through the Housing Element. An evaluation and status update of programs from the 2007-2014 Housing Element is included in Appendix B.

Housing Goal 1: Use Land Efficiently

Use Marin's land efficiently to meet housing needs and to implement smart and sustainable development principles.

Policy 1.1 Land Use

Enact policies that encourage efficient land use regulations which foster a range of housing types in our community.

Policy 1.2 Housing Sites

Recognize developable land as a scarce community resource. Protect and strive to expand the supply and residential capacity of housing sites, particularly for lower income households.

Policy 1.3 Development Certainty

Promote development certainty and minimize discretionary review for affordable and special needs housing through amendments to the Development Code.

Policy 1.4 Design, Sustainability, and Flexibility

Enact programs that facilitate well designed, energy efficient development and flexibility of standards to encourage outstanding projects.

Implementing Programs

1.a Establish Minimum Densities on Housing Element Sites. The County shall not approve development on sites identified in the Housing Element with fewer units than shown in the Sites Inventory and Analysis, unless physical or environmental constraints preclude development at the minimum density and the findings in Government Code Section 65863 can be made. If development on a site is to occur over time, the applicant must show that the proposed development does not prevent subsequent development of the site to the density shown in the Sites Inventory and Analysis. If a reduction in residential density for any parcel would render the sites inventory inadequate to accommodate the County's Regional Housing Need Allocation, the County must identify sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

~~**1.b Conduct a Comprehensive Affordable Housing Sites Inventory¹.** Involve the community in a planning exercise to designate appropriate sites for future housing by initiating a Housing Sites Inventory in preparation for the next Housing Element cycle. The process may include:~~

- ~~a. Convene a Housing Sites Inventory Taskforce representing a wide segment of the community, including affordable housing advocates, environmentalists, and people of a range of incomes, backgrounds, and geographic areas. The Taskforce should undertake a detailed planning exercise.~~

¹ ~~Completed by Housing Element Task Force and through Housing Element update.~~

- b. ~~The Taskforce should evaluate appropriate zoning, environmental and site characteristics, access to public services and amenities, potential environmental issues, and adjacent land uses.~~
- c. ~~Develop a sites inventory that will include enough sites to meet the projected housing needs of the community over the next two RHNA cycles.~~

1.b Evaluate Multi-family Land Use Designations. ~~Conduct a comprehensive analysis of multi-family land use to evaluate whether multi-family zoning is appropriately located. Possible outcomes of this analysis could include:~~

- a. ~~Adjust zoning maps as appropriate and redistribute multi-family zoning to locations suitable for multi-family development.~~
- b. ~~Avoid designating or rezoning multi-family residential land for other uses or to lower densities without rezoning equivalent land for higher density multi-family development.~~
- c. ~~Identify sites for multi-family, mixed-use, affordable workforce, and special needs housing, when undertaking community planning and zoning processes.~~

1.c Establish an Affordable Housing Combining District.

- a. ~~Amend the Development Code to establish an affordable housing combining zoning district that increases residential density on certain sites specified in the housing element to 30 dwelling units per acre, in order to meet future RHNA need. Incentives are available consistent with Chapter 22.24.~~
- b. ~~Amend the Countywide Plan land use section to add a cross-reference to the combining district.~~

1.c Study Residential Density Equivalents. ~~Evaluate options for calculating density through adjusted density equivalents based on bedrooms count or square footage rather than total number of units. Such an amendment to the Development Code would encourage development of smaller units, which corresponds to the demographic trend of increasing numbers of small households.~~

- a. ~~Conduct an analysis to determine the feasibility of a density equivalent program. Identify appropriate density equivalent strategies for implementation and determine the fiscal impacts.~~
- b. ~~Analyze how such a program might interact with inclusionary requirements, parking standards, and density bonuses.~~
- c. ~~If it is determined feasible and appropriate, consider amending the Development Code to calculate density through density equivalents.~~

1.d Streamline the Review of Affordable Housing². ~~Encourage the development of housing for low, very low and extremely low income households by making the review process more efficient and clarifying permitted density. Amend the Development Code to do the following:~~

- a. ~~Exempt deed-restricted housing developments that are affordable to extremely low, very low and low income households from the Master Plan and Precise Development Plan review and permit procedures. Qualifying projects are subject to design review and other state law requirements.~~

~~Allow the density of deed-restricted housing developments that are affordable to extremely low, very low or low income households to be established by the maximum Marin Countywide Plan density range in zones that allow residential uses, subject to all applicable Countywide Plan policies.~~

² ~~Completed with 2012 Development Code amendments.~~

1.d Evaluate the Housing Overlay Designation. Analyze the Housing Overlay Designation (HOD) policy in the Countywide plan for its effectiveness in encouraging the construction of housing for lower income workforce and special needs populations. Amend the Countywide Plan if it is determined that changes are necessary to make the program more effective.

- a. Amend Countywide Plan Policy CD-2.3 to remove the requirement that HOD sites shall not comply with the mixed-use criteria.

1.e Study Ministerial Review for Affordable Housing. Study the implications and opportunities for establishing a ministerial review process for affordable housing. A ministerial process could employ multi-family residential design guidelines and incorporate environmental protection measures consistent with the Countywide Plan. Upon completion of the study, either permit affordable housing projects ministerially or through a streamlined process of discretionary design review.

1.f Develop Multi-family Design Guidelines. ~~Develop multi-family and residential mixed-use design guidelines to establish clear and comprehensive design recommendations for multi-family residential development in the unincorporated communities of Marin.~~

- ~~a. Multi-family design guidelines should emphasize essential principles of development, particularly site planning, preservation of natural features, resource conservation, compatibility with neighboring development, location of buildings in relationship to pedestrian paths and streets, landscaping, general building form, massing, and scale and standards which will increase the feasibility of housing affordable to lower income households.~~
- ~~b. Develop clear design criteria to help expedite the permit review process for developers, planners, and the public.~~
- ~~c. Develop standards to facilitate some ministerial permit review of multi-family, transitional, and supportive housing developments.~~
- ~~d. Allow duplexes through ministerial review within R2 and multi-family zones by applying streamlining thresholds, and apply similar design review triggers as single-family homes.~~

1.gf Undertake Adjustments to Second Unit Development Standards³. Consistent with SB1866, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Also pursue the following:

- a. Consider amending Development Code Section 22.56.050.I to permitting larger sized second units of up to 1000 square feet to increase flexibility and to provide housing for families and for individuals in need of in-home care services. Consider deed restrictions on units larger than 750 square feet to preserve affordability.
- b. Reduce fees for second units in recognition of their small size and the low impact of second units. Pursue reductions in road impact and traffic fees, coastal permit fees, and design review fees.
- ~~c. Consider developing standards to allow the height limit for primary residences to be applied to second units that are located over detached garages.~~
- ~~d.c. _____ Develop standards to allow flexibility of second unit parking requirements, such as off-site parking, and curb and shoulder parking along a property's frontage.~~
- ~~e.d. _____ Consider adjustments in septic standards for second units.~~
- ~~f. Consider requiring Master Plans, Precise Development Plans and Coastal Permit applications that include development of 3 or more single-family residences to include~~

³ ~~Partially completed with 2012 Development Code amendments.~~

~~second units at an appropriate ratio, such as three primary residences to one second unit (3:1).~~

~~g. Amend the Development Code Section 22.32.140 G to insure consistency with State Law in all planning areas, and eliminate the prohibition in Bolinas related to water adequacy for primary units.~~

~~e. Consider amending Development Code Section 22.56.050.A to remove the owner occupancy requirement.~~

~~**1.h — Allow Rental of Detached Accessory Structures⁴.** In order to encourage efficient land use in existing neighborhoods and to increase the stock of homes affordable to a range of incomes, allow long-term rental of detached accessory structures.~~

1.ig Review and Update Parking Standards. Analyze the parking needs of infill, transit-oriented, mixed-use, special needs, group homes, convalescent homes, multi-family, senior, and affordable housing developments. In order to facilitate these housing types and to reduce vehicle dependence, amend Marin County Code Title 24 to reduce parking standards wherever appropriate. Possible amendments could include but are not limited to:

- Reduction of onsite vehicular ratios for multi-family housing;
- Allowance of tandem parking and other flexible solutions, such as parking lifts;
- Allowance of off-site parking, such as on-street parking and use of public parking, to satisfy a portion of the parking needs for new housing units, particularly affordable units; and
- Establishment of parking standards for mixed-use developments such as shared parking.

~~**1.j Zone and Provide Appropriate Standards for SRO Units.** Establish opportunities for development of SROs in appropriate locations as lower cost rental alternatives for one person and extremely low income households.~~

~~a. Review and revise zoning regulations to identify Single Room Occupancy (SRO) units as a permitted residential use in multi-family and mixed-use areas.~~

~~**1.k Zone and Provide Appropriate Standards for Homeless Shelters⁵.** Consistent with SB 2, amend the Development Code to allow the development of Homeless Shelters as a permitted, non-conditional (permitted) use in Commercial Planned (CP) and Retail Business (C1) districts. This amendment will ensure that emergency shelters are subject to the same development standards as other residential and commercial uses within the same zone. Establish appropriate parking, development, and management standards.~~

~~**1.lh Enable Update Definitions of Transitional and Supportive Housing⁶.** Consistent with AB 745, update the Add to the Development Code definitions of transitional housing and supportive housing as a residential use to further simplify existing practice, clarify the zoning code, and aid in the development of design guidelines. These definitions can be found within this Housing Element update in Section IV: Sites Analysis.~~

⁴ Completed with 2012 Development Code amendments

⁵ Completed with 2012 Development Code amendments

⁶ Completed with 2012 Development Code amendments

1.mj Codify Affordable Housing Incentives Identified in the Community Development Element⁷.

Amend County Code to implement the provisions of the Countywide Plan by codifying certain affordable housing incentives. These should include:

- ~~a. Allow additional units of senior housing on a Housing Overlay Designation (HOD) site if the units are affordable to low and very low income households, and if the projected peak hour traffic impacts of the total project fall within the maximum peak hour traffic level permissible on the site. (CD-2.d.7)~~
- ~~b.a. Adjust parking requirements for senior and affordable housing using criteria established in the URBEMIS model to encourage transit-oriented development. (CD-2.d.8)~~
- ~~c.b. Exempt affordable housing projects and second units from paying the full cost of impact fees. (CD-5.i)~~
- ~~d. Allow housing for low and very low income households to exceed the FAR on mixed use sites. Allow moderate income housing to exceed the FAR on mixed use sites within areas of acceptable levels of traffic service. (CD-8.7.5)~~
- ~~e.c. Identify incentives to strongly encourage residential and mixed-use development in commercial zoning districts. (DES-2.c)~~
- ~~f. For affordable housing projects, mixed use projects that include affordable housing, second units, and projects developed in accordance with the Housing Overlay Designation, allow densities above the low end of the range in areas with LOS D, E and F: In accordance with the Countywide Plan Policy CD-8.7, residential units on mixed use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, including any applicable density bonus. Such units are not subject to the FAR exemption described in CD-8.7 (5).~~

1.nj Promote Resource Conservation⁸. (EN-1.b-f, EN-3.a, EN-3.e-i and EN-3.k) Continue to promote development and construction standards for new and rehabilitated dwellings that encourage resource conservation through materials selection, water conservation, community design, energy efficiency, and the use of renewable energy through the following:

- a. Adopt green building requirements for new single-family and multi-family residential construction projects, additions, and remodels that require compliance with energy efficiency and conservation requirements that exceed State standards. Require verification of these measures.
- b. Consistent with the Countywide Plan, adopt Leadership in Energy and Environmental Design (LEED) Gold certification requirements for development and major remodels of public buildings where feasible.
- c. Evaluate the feasibility of carbon neutral construction for new single-family dwellings.
- d. Continue to enforce the Single-Family Dwelling Energy Efficiency Ordinance that requires new residential projects, additions, and remodels to exceed Title 24 requirements by a minimum of 15%.
- e. Explore a program consistent with AB 811 that provides to homeowners loans repayable through the property tax bill for energy efficiency, water conservation, and renewable energy generation upgrades.
- f. Work with the Marin Housing Authority to provide applicants for rehabilitation loans for upgrading their residences with green materials and energy conserving measures.
- g. Continue to provide free technical assistance to architects, developers, green businesses, homeowners, and other agencies.

⁷ Partially implemented with 2012 Development Code amendments

⁸ Currently implementing

1.ek Simplify Review of Residential Development Projects in Planned Districts.

- a. Consider amending the Development Code to establish criteria for ministerial review of residential development projects in planned zoning districts. Criteria may be established for characteristics such as setbacks, height limits, floor area ratios, buffers from sensitive habitats, and slope constraints, among others.
- b. Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects.

1.pl Adjust Height Limits for Multi-family Residential Buildings. Consider amending the Development Code to increase the allowable height for multi-family residential development. Consider allowing increases to height limits depending on certain side yard setbacks.

~~**1.q Clarify Applicability of State Density Bonus.** Evaluate policies in the Countywide Plan and Development Code for housing opportunity site to ensure consistency with Government Code Section 65915. Amend the Countywide Plan and Development Code as appropriate.~~

Housing Goal 2: Meet Housing Needs through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs.

Policy 2.1 Special Needs Groups

Promote the development and rehabilitation of housing for special needs groups, including seniors, people living with disabilities, agricultural workers, individuals and families who are homeless, people in need of mental health care, single-parent families, large families, extremely low income households, and other persons identified as having special housing needs in Marin County. Link housing to programs of the Department of Health and Human Services in order to coordinate assistance to people with special needs.

Policy 2.2 Housing Choice

Implement policies that facilitate housing development and preservation to meet the needs of Marin County's workforce and low income population.

Policy 2.3 Incentives for Affordable Housing

Continue to provide a range of incentives and flexible standards for affordable housing in order to ensure development certainty and cost savings for affordable housing providers.

Policy 2.4 Protect Existing Housing

Protect and enhance the housing we have and ensure that existing affordable housing will remain affordable.

Implementing Programs

2.a Encourage Housing for Special Needs Households⁹. Continue to work with affordable housing providers and funders on opportunities to construct or acquire a variety of types of affordable housing appropriate for special needs groups and extremely low income households. Specific types of housing include:

- Smaller, affordable residential units, especially for lower income single-person households.

⁹ Currently implementing

- Affordable senior housing to meet the expected needs of an aging population, including assisted housing and board and care (licensed facilities).
- Affordable units with three or more bedrooms for large-family households.
- Affordable housing that can be adapted for use by people with disabilities (specific standards are established in California Title 24 Accessibility Regulations for new and rehabilitation projects).

2.b Enable Group Residential Care Facilities¹⁰. Continue to comply with State and Federal law by allowing group homes with special living requirements consistent with the County's land use regulations.

2.c Make Provisions for Multi-family Housing Amenities¹¹. Continue to ensure that adequate provisions are made in new developments for families with children, including consideration of amenities such as tot lots, play yards, and childcare.

2.d Foster Linkages to Health and Human Services Programs¹². Continue to seek ways to link services for lower income people to provide the most effective response to homeless or at-risk individuals.

2.e Support Efforts to House the Homeless¹³. Support Countywide programs to provide for a continuum of care for the homeless, including emergency shelter, transitional housing, supportive housing, and permanent housing. Participate in efforts and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related support services.

2.f Engage in a Countywide Effort to Address Homeless Needs¹⁴. Continue to actively engage with other jurisdictions in Marin to provide additional housing and other options for the homeless, supporting and implementing *Continuum of Care* actions in response to the needs of homeless families and individuals.

2.g Ensure Reasonable Accommodation¹⁵. Consistent with SB 520 enacted January 1, 2002, reduce barriers in housing for individuals with disabilities through the following actions:

- Establish a written Reasonable Accommodation procedure for providing exceptions in zoning and land use for housing for persons with disabilities.
- Amend the Development Code to clarify that retrofitted access ramps are permitted in setback areas.
- Develop guidelines encouraging the principles of universal design. Evaluate possible incentives to developers who incorporate principles of universal design and advance visitability.
- Consider allowing up to 50% reduction in parking requirements for disabled housing, as allowed for senior housing.

2.h Require Non-discrimination Clauses¹⁶. Continue to provide nondiscrimination clauses in rental agreements and deed restrictions for housing constructed with County participation.

¹⁰ Currently implementing

¹¹ Currently implementing

¹² Currently implementing

¹³ Currently implementing

¹⁴ Currently implementing

¹⁵ Currently implementing

2.i Increase Tenants Protections. Explore providing rental protections, such as:

- Noticing of rental increases
- Relocation costs
- Just-cause eviction
- Rent stabilization
- Rent control

2.j Promote the Development of Agricultural Worker Units¹⁷. Pursue policy changes that promote the development of agricultural worker units.

- a. Consider ministerial review of applications for agricultural worker units in order to expedite the permitting process and facilitate the development of legal agricultural worker units.
- b. As the County undertakes an update of the Local Coastal Program (LCP), revise the C-APZ zoning district to allow certain agricultural worker housing as a permitted agricultural use, demonstrating consistency with California Health and Safety Code Section 17021.6.
- c. Consider a program to facilitate the legalization of agricultural worker housing units.
- d. Seek funding opportunities to assist with rehabilitation and replacement of agricultural worker housing units.
- e. ~~Amend the Development Code to insure consistency with Health and Safety Code Section 17021.5.~~ Amend the Development Code to clarify provisions for agricultural worker housing.

2.k Promote and Ensure Equal Housing Opportunity¹⁸. Continue to promote equal housing opportunities for all persons and assure effective application of fair housing laws. To the extent possible, the County will ensure that individuals and families seeking housing in Marin County are not discriminated against on the basis of race, color, religion, marital status, disability, age, sex, family status (presence of children), national origin, or other arbitrary factors, consistent with the Fair Housing Act.

- a. Provide written material at public locations and on the County's public website. Information regarding equal housing opportunity laws shall be made available to the public. A pamphlet on equal housing opportunity shall be prepared and distributed to the public at the Civic Center and government outlets.
- b. Continue to collaborate with Fair Housing of Marin, such as ongoing representation on the Fair Housing Task Force by a member of the County staff.
- c. Conduct public outreach and complete an Analysis of Impediments to Fair Housing to identify private and public barriers to fair housing choice.

2.l Deter Housing Discrimination¹⁹. Continue to refer discrimination complaints to Fair Housing of Marin or other appropriate legal services, County or State agencies.

2.m Implement the Inclusionary Housing Policy²⁰. Continue to implement Development Code Section 22.22 regarding inclusionary housing for low income households in order to increase affordable housing construction, as follows:

¹⁶ ~~Currently implementing~~

¹⁷ ~~Partially implemented~~

¹⁸ ~~Currently implementing~~

¹⁹ ~~Currently implementing~~

²⁰ ~~Currently implementing~~

- a. Apply flexibility to allow for maximum affordable housing outcomes (either units or funds).
- b. Maintain targets for very low income rental units and low income ownership units, such as 30% to 60% AMI for rental units, and 50% to 80% AMI for ownership units.
- c. Inclusionary units shall be deed-restricted to maintain affordability on resale to the maximum extent possible (preserve existing policy of in-perpetuity or at least 55 years).
- d. Update Section 22.22 to reflect the 2009 California Court of Appeal decisions commonly referred to as Palmer and Patterson.

2.n Apply Long-Term Housing Affordability Controls²¹. The County or its designee(s) will continue to apply resale controls and rent and income restrictions to ensure that affordable housing provided through local funding, incentives, or as a condition of development approval remains affordable over time to the income group for which it is intended.

2.o Encourage Land Acquisition and Land Banking. Encourage land acquisition and land banking for future affordable projects as a way to assist development of affordable housing.

2.p Expedite Permit Processing of Affordable and Special Needs Housing Projects²². Define fast-tracking and establish milestones for expedited permit processing for affordable housing projects, as well as green projects, childcare facilities, special needs housing, and agricultural worker housing projects. Specific timelines for fast-tracked projects that will result in expedited review will be established. Coordinate this process with appropriate County departments and outside agencies to establish clear and specific timelines for review. Employ updated information technology to track turn-around times and monitor the permitting process.

~~**2.q Consider CEQA Expedited Review.** Consider an area-wide Environmental Assessment or Program EIR assessing area-wide infrastructure and other potential off-site impacts to expedite the processing of subsequent affordable housing development proposals.~~

2.q Study Best Practices for Housing Choice Voucher Acceptance. Support Marin Housing Authority in their efforts to maximize voucher utilization and ensure that low income renters are able to rent in place. Consider the following:

- Outreach to property owners and managers, possibly through a landlord liaison position
- Explore tax incentives for renting to low income renters
- Conduct coaching sessions for low income renters

2.r Encourage First-Time Homebuyer Programs²³. Continue to support first-time homebuyer programs for low and moderate income households, as funding is available, and combine such programs with housing counseling programs whenever possible.

2.s Link Code Enforcement with Public Information Programs²⁴. Continue to implement housing, building, and fire code enforcement to ensure compliance with basic health and safety building standards. Provide referrals to rehabilitation loan programs and subsidized housing programs for use by qualified residents.

²¹ Currently implementing

²² Currently implementing

²³ Currently implementing

²⁴ Currently implementing

2.t Assist in Maximizing Use of Rehabilitation Programs²⁵. Continue to promote use of low-income homeowners' assistance for housing rehabilitation. Utilize Federal Community Development Block Grant (CDBG) funds, administered by the Marin Housing Authority, that are available for this purpose, or other sources to the extent possible, given program funding criteria and local need.

2.u Monitor Rental Housing Stock²⁶. Ensure that existing subsidized housing is conserved as part of the County's affordable housing stock, including State, Federal, and locally-assisted subsidized developments. ~~(See Figure IV-4 on page IV-7 for more detail about the Ridgeway Apartments conversion.)~~

- a. Identify and monitor affordable properties at risk of conversion to market rate.
- b. Continue to work with and provide technical assistance to property owners and non-profit organizations to acquire and rehabilitate affordable rental housing units in order to maintain ongoing affordability of the units and to convert market rate units to affordable units.
- c. Provide support ~~and committed funding to~~ purchasers of the ~~Ridgeway Apartments~~ Coast Guard residential facility in Point Reyes Station to facilitate conversion of ~~153 units of market rate rental~~ existing housing to long-term deed restricted units affordable to low and moderate income households.
- ~~d. Commit to provide relocation assistance in the event of displacement of residents of the Ridgeway Apartments as well as any other residents who may be displaced as a result of conversion from market rate to long-term affordable housing with committed assistance from the County.~~
- ed. Ensure that all units receiving committed assistance from the County for conversion from market rate to affordable carry affordability restrictions of 55 years, or the maximum allowed under the State or Federal funding source, including the Ridgeway Apartments.
- ~~f. Submit a written report to the Board Supervisors and the California Department of Housing and Community Development documenting progress towards and committed assistance to the conversion of the Ridgeway Apartments. This report will be provided during the third year of the planning period (2012) in conjunction with the annual report on housing element progress.~~

2.v Study Housing Needs and Constraints Specific to West Marin. Identify housing needs and constraints specific to rural and coastal areas of the County. Work with communities on solutions to address needs and constraints identified.

Housing Goal 3: Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments to respond to housing needs effectively over time.

Policy 3.1 Coordination

Take a proactive approach in local housing coordination, policy development, and communication. Share resources with other agencies to effectively create and respond to opportunities for achieving housing goals.

²⁵ ~~Currently implementing~~

²⁶ ~~Currently implementing~~

Policy 3.2 Research, Monitoring, and Evaluation

Perform effective management of housing data relating to Marin County housing programs, production, and achievements. Monitor and evaluate housing policies on an ongoing basis, and respond effectively to changing housing conditions and needs of the population over time.

Policy 3.3 Funding

~~Aggressively~~ Actively and creatively seek ways to increase funding resources for lower income and special needs housing.

Implementing Programs

3.a Explore Housing at the Civic Center²⁷. ~~Work with the City of San Rafael to consider affordable housing at the Civic Center site. Collaborate with San Rafael and HCD to facilitate possible sharing of affordable units for the RHNA process between the County and San Rafael.~~

3.a Consider Methods for Improving County's Outreach with Respect to Affordable Housing. Address community opposition to homes for moderate and lower income families through education and outreach. Consider:

- Providing more information in planning documents about standards for affordable housing
- Using visual simulations and imagery from comparable projects
- Conducting interactive public workshops
- Coordinating housing providers and supporters
- Co-sponsoring an event for affordable housing week, such as a tour of existing affordable homes

3.b Advance Organizational Effectiveness²⁸. Continue to seek ways to organize and allocate staffing resources effectively and efficiently to encourage and implement effective housing policy Countywide. Opportunities to enhance Marin County's capabilities may include:

- Sharing or pooling resources and coordinating tasks among multiple jurisdictions in implementing common housing programs.
- Initiate~~ing~~ regular dialogue with Marin jurisdictions related to affordable housing policies, practices, and development updates.
- When requested, provide~~ing~~ technical assistance related to housing development and funding to local Marin jurisdictions.
- Enhancing relationships and partnerships with non-profit service providers.

3.c Provide and Promote Opportunities for Community Participation in Housing Issues²⁹. Continue to undertake effective and informed public participation from all economic segments and special needs communities in the formulation and review of housing issues. Include the following:

- a. Coordinate community meetings. Strongly encourage developers to hold community meetings with stakeholders and County staff as part of any major development pre-application process.
- b. Conduct community outreach activities. Provide ongoing outreach and a forum for discussion of housing issues through presentations and increased awareness of housing programs.

²⁷ ~~Complete. Reviewed but not recommended by Housing Element Task Force and Planning Commission~~

²⁸ ~~Currently implementing~~

²⁹ ~~Currently implementing~~

- c. Provide public information to improve awareness of housing needs, issues, and programs through websites, fact sheets, and presentations.
- d. Coordinate with interested groups including local businesses, housing advocacy groups, and neighborhood groups to build public understanding and support for workforce and special needs housing.

3.d Perform Regional Transportation and Housing Activities³⁰. Continue to coordinate with regional planning bodies, such as the Association of Bay Area Governments, Congestion Management Agency, Transportation Authority of Marin, Sonoma Marin Area Rapid Transit, and Metropolitan Transportation Commission to facilitate transit-oriented housing development by using the incentives and other means provided through regional transportation plans.

3.e Coordinate with Other Agencies³¹. Coordinate with other regulatory agencies and special districts to facilitate and streamline the development of affordable and special needs housing. Pursue fee waivers and expedited review.

- a. Pursue fee waivers and expedited review for affordable and special needs housing.
- ~~b. Coordinate with pertinent departments in their efforts to amend the Safety and Conservation Elements of the Countywide Plan to include analysis and policies regarding flood hazard and flood management information.~~

3.f Promote Countywide Collaboration on Housing³². Work with Marin cities and towns to address regional planning and housing issues.

3.g Preserve Existing Housing Stock³³. Strive to protect existing housing stock that offers a range of housing choice and affordability.

- a. Work with residents, property owners, agencies, and non-profit groups to seek ways to assist in the long-term protection of rental and low cost housing, including mobile homes, mobile home parks, and manufactured housing.
- b. Consider an ordinance to require developers to provide relocation assistance for current residents when units are converted to other uses.
- c. Conduct a comprehensive analysis of legal non-conforming multi-family properties to establish the extent to which the County's existing rental stock may be compromised by the underlying zoning. If determined appropriate, institute a program whereby legal non-conforming properties with existing multi-family housing may maintain the existing residential intensity on the property, and encourage income restrictions for affordable housing through incentives (CD-2.o).
- d. Identify funding and other resources to preserve affordable units at risk of conversion to market rate.

3.h Monitor Inclusionary Housing Programs³⁴. Regularly evaluate the progress and effectiveness of the inclusionary housing programs in the Development Code.

- a. Monitor the residential inclusionary programs in Development Code Chapter 22.22 for their effectiveness, including the number of units constructed and amount of fees collected and deposited in the Affordable Housing Trust Fund.

³⁰ ~~Currently implementing~~

³¹ ~~Currently implementing~~

³² ~~Currently implementing~~

³³ ~~Currently implementing. Fireside preserved in 2011 (50 units of affordable housing)~~

³⁴ ~~Currently implementing and additional proposed changes with 2013 Development Code amendments~~

- b. Update on a regular basis the in-lieu fees for residential development (Development Code Section 22.22.080.C).
- c. Continue to monitor the Jobs/Housing Linkage Ordinance (Development Code Section 22.22.095), and ensure that commercial and industrial projects provide either on-site employee housing or fees to develop housing.
- d. Update on a regular basis the in-lieu participation fees for commercial and industrial development.

3.i Undertake Housing Element Monitoring, Evaluation, and Revisions³⁵. ~~The County will~~
~~e~~Establish a regular monitoring and annual update process to assess housing needs and achievements and to provide a process for modifying policies, programs, and resource allocations as needed in response to changing conditions.

- a. Undertake ~~h~~Housing ~~e~~Element updates as required, in accordance ~~to~~ with State law.
- b. Conduct an annual ~~h~~Housing ~~e~~Element review.

3.j Provide and Participate in Local Affordable Housing Training and Education³⁶.
 Continue to encourage and participate in training sessions with local groups, decision makers, and staff to review potential constraints on and opportunities for creating affordable housing. Issues may include housing needs, financing, density, developmental delays, and management.

3.k Update Affordable Housing Trust Fund Operating Procedures³⁷. ~~Update Trust Fund operating procedures.~~

- a. ~~Publish application and funding guidelines on the County website. Specify that monies paid into the fund will be used to develop or rehabilitate units affordable to very low and low income households.~~
- b. ~~Periodically report Affordable Housing Trust Fund activities and status to the Director. Include total amount of funds available, recent use of funds, and details of deed restrictions that ensure that housing costs are affordable to lower income persons.~~

3.lk Provide Leadership to the Marin Workforce Housing Trust³⁸. Participate on the Board of the Marin Workforce Housing Trust. Continue to ensure that housing for extremely low income and special needs populations is prioritized in funding.

3.m Assist with Local Funding for Affordable Housing³⁹. Continue to seek ways to reduce housing costs for lower income workers and people with special needs by continuing to utilize local, State, and Federal assistance to the fullest extent possible to achieve housing goals and by increasing ongoing local resources. This would include efforts to:

- a. Provide technical and financial resources to support development of affordable housing in the community, especially housing that meets the needs of the local workforce, people with special housing needs, and people with extremely low incomes.
- b. Partner with philanthropic organizations to help finance affordable housing developments and continue to participate in other rental assistance programs.

³⁵ ~~On-going, housing element under revision~~

³⁶ ~~Currently implementing~~

³⁷ ~~Completed 10/2009. Procedures and applications materials on web site~~

³⁸ ~~Currently implementing~~

³⁹ ~~Currently implementing~~

3.am Raise Funds from a Variety of Sources⁴⁰. Maintain and monitor existing and seek additional streams of financing to add to or match Housing Trust funds. Work with community and elected leaders to identify potential revenue sources, considering the following:

- In-lieu fee payments under inclusionary requirements (residential and non-residential developments).
- Transient Occupancy Tax increase.
- Affordable Housing Impact Fee on single-family homes.
- Document Transfer Fee.
- Transfer Tax increase.

3.en Coordinate Among Project Funders⁴¹. Continue to ensure access to, and the most effective use of, available funding in Marin County by providing a mechanism for coordination among local affordable housing funders. Include regular meetings of local funders such as:

- Marin Community Foundation
- Federal Grants
- Marin Workforce Housing Trust
- Marin County Housing Trust
- Transportation Authority of Marin

3.pp Utilize Federal Grants Division Funding⁴². Continue funding activities through the Federal Grants Division for affordable housing purposes throughout eligible Marin jurisdictions.

- a. Fund the Rehabilitation Loan Program that allows low and very low income homeowners to access forgivable loans to upgrade their homes.
- b. Fund affordable housing projects through the CDBG and HOME programs.
- c. Administer the Housing Opportunities for Persons with Aids Program (HOPWA) program to provide ongoing deep rental subsidies for individuals and families throughout the County.

⁴⁰ On-going. Affordable Housing Impact Fee established 10/2008.

⁴¹ Currently implementing through Funders Collaborative

⁴² Currently implementing

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APPENDICES:

- A: Evaluation of 2007-2014 Regional Housing Needs Allocation**
- B: Evaluation of 2007-2014 Housing Element Programs**
- C: Summary of Public Outreach**
- D: Inventory of Homeless Housing Resources**
- E: Fee Schedule**
- F: Site Inventory Profiles**
- G: Housing Element Program Implementation 2015-2023**
- H: Summary of Requirements for On- and Off-site Improvements**
- I: Development Standards and Permit Requirements**
- J: Flood Management (§65302)**
- K: Environmental Review of Housing Projects**

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APPENDIX A: EVALUATION OF ~~2003~~2007-2014 REGIONAL HOUSING NEEDS ALLOCATION
Units Built and Approved ~~1999 to 2006~~ 2007 to 2014¹

	<u>Extremely Low Income</u>	Very Low Income	Low Income	Moderate Income	<i>Subtotal Affordable Units</i>	Above Moderate Income	Total
Miscellaneous Housing Element Programs							
Second Units	<u>1</u>	30 <u>10</u>	73 <u>50</u>	20 <u>51</u>	123 <u>112</u>	4	127 <u>112</u>
Attached and Detached Single Family Homes		0	0	26	26	603 <u>208</u>	629 <u>208</u>
Market Rate Rentals (Multi-Family)		0	0	26	26	9	350
<i>Subtotal from Miscellaneous Housing Programs</i>	<u>1</u>	30 <u>10</u>	73 <u>50</u>	72 <u>51</u>	175 <u>112</u>	616 <u>208</u>	791 <u>320</u>
Housing from Identified Sites							
Gates Cooperative ²		30 <u>15</u>	48	4	38 <u>23</u>	0	38 <u>23</u>
Gibson House (Bakery)		7	4	0	8	0	8
Oakview		7	44	30	51	52	403
Marin City Church		0	0	0	0	6	6
Fireside Motel		50	0	0	50	0	50
Point Reyes Affordable		40	46	8	34	0	34
Toussin Senior Housing (Ross Hospital)		4	9	0	13	0	13
Bolinas Gas Station (BoGas)		8	0	0	8	0	8
Strawberry Shopping Center		0	4	1	5	0	5
Sand Castle		0	4	3	4	0	4
CLAM		0	2	0	2	0	2
Total Units	<u>1</u>	146 <u>25</u>	124 <u>58</u>	118 <u>51</u>	388 <u>135</u>	674 <u>208</u>	1062 <u>343</u>
Regional 'Fair Share' Housing Need 1999-2007 2007-2014	<u>91</u>	85 <u>92</u>	481 <u>37</u>	961 <u>69</u>	2294 <u>89</u>	292 <u>284</u>	521 <u>773</u>
Percent of RHNA Met	<u>>1%</u>	172 <u>27%</u>	258 <u>36%</u>	123 <u>30%</u>	169 <u>27%</u>	231 <u>73%</u>	204 <u>44%</u>

¹ Units built and approved January 1, 2007 – June 30, 2014

² Site identified in the 2003 Housing Element

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Appendix B: Evaluation of 2007-2014 Housing Element Programs

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
Goal 1	Use Land Efficiently	On-going		Carry forward as is
Policy 1.1	Land Use			Carry forward as is
Policy 1.2	Housing Sites			Carry forward as is
Policy 1.3	Development Certainty			Carry forward as is
Policy 1.4	Design, Sustainability and Flexibility			Carry forward as is
Program 1.a	Establish Minimum Densities on Housing Element Sites	Complete	Successfully implemented	Carry forward as is
1.b	Conduct a Comprehensive Affordable Housing Sites Inventory	Completed through the community Housing Element Taskforce. Over 35 sites evaluated for the multifamily housing at increased densities	Successfully implemented	Delete; successfully completed.
1.c	Establish an Affordable Housing Combined Zoning District	Complete. New AH coming district added to the CWP and Dev Code and 3 new sites rezoned.	Successfully implemented	Delete; successfully completed.
1.d	Streamline the Review of Affordable Housing	Complete. Changes made to the Dev Code in 2010 and 2012	Successfully implemented	Delete because it was successfully completed.
1.e	Study Ministerial Review for Affordable Housing	Not yet implemented	Not implemented due to staffing resources because of delay in completing the Housing Element	Carry forward as is

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
1.f	Develop Multi-family Design Guidelines	Complete. Adopted by the BOS December 2013	Successfully implemented	Delete because it was successfully completed.
1.g	Undertake Adjustments to Second Unit Development Standards	Partially completed with the 2012 Dev Code changes	Partially implemented. Time and resources prevented completion	Carry forward with modifications to delete subprograms c and g because they are complete, and subprogram f because it was considered by the PC and not implemented.
1.h	Allow Rental of Detached Accessory Structures	Completed with 2012 Dev Code Amendments	Successfully implemented	Delete; successfully completed.
1.i	Review and Update Parking Standards	Not yet implemented	Not implemented due to staffing resources because of delay in completing the Housing Element	Carry forward as is
1.j	Zone and Provide Appropriate Standards for SRO Units	Complete with 2013 Dev Code Amendments	Successfully implemented	Delete; successfully completed.
1.k	Zone and Provide Appropriate Standards for Homeless Shelters	Complete with 2012 Dev Code Amendments	Successfully implemented	Delete; successfully completed.
1.l	Enable Transitional and Supportive Housing	Complete with 2012 Dev Code Amendments	Successfully implemented	Revise; program implemented and new legislation changes definition of transitional housing, Dev Code must be updated to reflect this change.
1.m	Codify Affordable Housing Incentives Identified in the Community Development Element	Partially completed with the 2012 Dev Code changes	Partially implemented with 2012 Dev Code changes, included in 22.24.020. Time and resources prevented completion	Carry forward with modifications. Delete subprograms "a" and "d" they were completed.
1.n	Promote Resource Conservation	Currently implementing	On-going	Carry forward as is

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
1.o	Simplify Review of Residential Development Project in Planned Districts	Not yet implemented	Delay in implementation due to staffing and resources. Scheduled for implementation in FY 15/16.	Carry forward as is
1.p	Adjust Height Limits for Multi-family Residential Buildings	Partially implemented. Height limits established in conventional districts but not planned zoning districts.	Implementation in Planned Zoning Districts will be part of an extensive package of Development Code amendments.	Carry forward as is
1.q	Clarify Applicability of State Density Bonus	In process	Scheduled for implementation in 2014	Delete after it is successfully completed.
Goal 2	Meet Housing Needs Through a Variety of Housing Choices			Carry forward as is
Policy 2.1	Special Needs Groups			Carry forward as is
Policy 2.2	Housing Choice			Carry forward as is
Policy 2.3	Incentives for Affordable Housing			Carry forward as is
Policy 2.4	Protect Existing Housing			Carry forward as is
Program 2.a	Encourage Housing for Special Needs Households	Currently implementing	On-going	Carry forward as is
2.b	Enable Group Residential Care Facilities	Currently implementing	On-going	Carry forward as is
2.c	Make Provisions for Multi-Family Housing Amenities	Currently implementing	On-going	Carry forward as is
2.d	Foster Linkages to Health and Human Services Programs	Currently implementing	On-going	Carry forward as is

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
2.e	Support Efforts to House the Homeless	Currently implementing	On-going	Carry forward as is
2.f	Engage in a Countywide Effort to Address Homeless Needs	Currently implementing	On-going	Carry forward as is
2.g	Ensure Reasonable Accommodation	Currently implementing	On-going	Carry forward as is
2.h	Require Non-discrimination Clauses	Currently implementing	On-going	Carry forward as is
2.i	Modify Development Code to Reflect Williamson Act	Complete	Complete with the 2014 Dev Code changes	Delete; successfully completed.
2.j	Promote the Development of Agricultural Worker Units in Agricultural Zones	Partially completed and on-going	Partially implemented with 2012 Dev Code changes and Marin Ag Housing Program to fund housing. Time and resources prevented completion of other programs.	Carry forward with modifications. Delete subprogram "e"; successfully completed
2.k	Promote and Ensure Equal Housing Opportunity	Currently implementing.	On-going	Carry forward as is
2.l	Deter Housing Discrimination	Currently implementing	County partners w/ local nonprofits and advocacy groups on diversity and equal opportunity issues and works w/ CDBG Priority Setting Committee	Carry forward as is
2.m	Implement the Inclusionary Housing Policy	Currently implementing	On-going	Carry forward as is
2.n	Apply Long-Term Housing Affordability Controls	Currently implementing	On-going. The County requires long-term affordability restrictions on all inclusionary and funded units	Carry forward as is
2.o	Encourage Land Acquisition and Land Banking	Currently implementing	Limited success because of lack of available funding and limited developable land	Carry forward as is

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
2.p	Expedite Permit Processing of Affordable and Special Needs Housing Projects	Currently implementing	Limited success because of lack of affordable housing developments seeking permits	Carry forward as is
2.q	Consider CEQA Expedited Review	Currently implementing	Complete with the Housing Element SEIR	Delete as it was successfully completed.
2.r	Continue First Time Homebuyer Programs	Currently implementing	Limited success because of lack of available funding and limited developable land	Carry forward as is
2.s	Link Code Enforcement with Public Information Programs	Currently implementing	on-going	Carry forward as is
2.t	Assist in Maximizing Use of Rehabilitation Programs	Currently implementing	On-going. The County used Rehab funds for the Gates project which is bringing 38 houseboats for lower income households up to code.	Carry forward as is
2.u	Monitor Rental Housing Stock	Currently implementing	Ridgeway Apartments successfully converted to 100% affordable housing and all requirements met.	Carry forward with revision. Delete subprograms "c" and "d" and omit references to Ridgeway Apartments as the conversion had been finalized.
Goal 3	Ensure Leadership and Institutional Capacity			Carry forward as is
Policy 3.1	Coordination			Carry forward as is
Policy 3.2	Research, Monitoring and Evaluation			Carry forward as is
Policy 3.3	Funding			Carry forward as is
Program 3.a	Explore Housing at the Civic Center	Complete.	Housing proposed by staff and considered and rejected by the Planning Commission.	Delete. Planning Commission opted not to pursue housing on the Civic Center campus.

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
3.b	Advance Organizational Effectiveness	Currently implementing	On-going. Staff has worked with other local governments and staff to address barriers to providing affordable homes in Marin	Carry forward as is
3.c	Provide and Promote Opportunities for Community Participation in Housing Issues	Currently implementing	On-going. Staff conducted an intensive outreach process to update the housing element, including hands-on interactive community workshops.	Carry forward as is
3.d	Perform Regional Transportation and Housing Activities	Currently implementing	On-going. Staff worked closely with Transportation Authority of Marin and will continue to look for opportunities to coordinate with regional transportation agencies.	Carry forward as is
3.e	Coordinate with Other Agencies	Partially implemented	No progress on subprogram "a" because of limited affordable developments. Subprogram b has been completed.	Carry forward with revisions, delete subprogram "b" because it was implemented.
3.f	Promote Countywide Collaboration on Housing	Not yet implemented	Not completed because of limited resources and delay in completing the 2007-2014 housing element.	Carry forward as is and explore having BOS take the initial lead on engaging with other local jurisdictions.
3.g	Preserve Existing Housing Stock	Partially implemented	Subprograms a currently being implemented and staff is working on preserving a mobile home park which is at risk of conversion. Subprograms b, c and d not yet implemented.	Carry forward as is
3.h	Monitor Inclusionary Housing Programs	Currently implementing	On-going.	Carry forward as is

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
3.i	Undertake Housing Element Monitoring, Evaluation and Revisions	Complete and on-going	Housing Element certified in December 2013. Annual reports have been submitted annually. Update in progress	Carry forward as is
3.j	Provide and Participate in Local Affordable Housing Training and Education	On-going	Staff regularly speaks about housing with community groups and stakeholders	Carry forward as is
3.k	Update Affordable Housing Trust Fund Operating Procedures	Complete	Housing Trust fund operating procedures updated in 2009.	Delete as it was successfully completed in 2009 with update.
3.l	Provide Leadership to the Marin Workforce Housing Trust	On-going	Staff have represented the County on the Board and currently hold the position of Secretary of the Board	Carry forward as is
3.m	Assist with Local Funding for Affordable Housing	On-going	Staff regular coordinates with funders and continues to work with affordable housing providers, especially small local organizations in west Marin.	Carry forward as is
3.n	Raise Funds from a Variety of Sources	Partially implemented	Staff continues to monitor and collect inclusionary, impact and commercial impact fees but additional sources have not been explored.	Carry forward as is
3.o	Coordinate Among Project Funders	Complete and on-going	Regular funders collaborative meetings held	Carry forward as is
3.p	Utilize Federal Grants Division Funding	Complete and on-going	Regular funding NOFAS issued and funds allocated	Carry forward as is

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APPENDIX C: SUMMARY OF PUBLIC MEETINGS

Executive Summary

Five community workshops were held during evenings and weekends in different parts of the County to provide an update on the Housing Element and to discuss locations for future housing growth in the unincorporated area of Marin. The format of the workshops was intended to provide a hands-on method for the community to be actively involved in the process of selecting sites for the next Housing Element. It allowed community members the opportunity to share meaningful input about the specific sites being considered.

A major focus of the community workshops was to provide a venue for community members to share different perspectives on housing. From this perspective the workshops were extremely successful. Overwhelmingly, participants agreed that their small group discussions facilitated by a volunteer were engaging, constructive and civil. Many groups found that they could have respectful conversations even when there was a range of diverse opinions.

However, as discussed in more detail below, many participants felt that they did not have enough information about the specific sites and potential impacts to make an informed recommendation, and some distrusted the process.

Background

The State of California requires each county, city and town to adopt a General Plan containing at least seven chapters, or elements, including one on housing. Because housing availability is a critical issue with statewide implications, the law requires that housing elements be regularly updated. State policy acknowledges that most critical housing decisions occur at the local level. However, State law calls for housing elements, unlike other sections of the general plan, to be reviewed and certified by the State. Failure to receive State certification makes local governments ineligible to receive important sources of grant funding, and may expose the County to potential litigation.

State law requires that the Housing Element contain the following information:

- A quantified housing needs assessment, including current demographic, economic and housing information for the locality.
- Analysis of the constraints to providing housing for all income levels.
- Proposed housing goals, policies and programs.
- An inventory of residential land including suitable sites for housing, homeless shelters and transitional housing.
- A description of diligent efforts towards participation by all economic groups in the update process.

Housing issues affect the entire community, including residents, employers, employees and the public and private sectors. The public participation requirement of housing element law¹ presents an opportunity to engage constituents in a dialogue. Successful public participation is important because a diverse cross section of the population can be engaged in defining the housing problem and in crafting community sensitive solutions.

¹ Government Code 65583(c)(7) "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort."

The County initiated public engagement in February of 2014 with stakeholders meetings to gather advice on effective outreach, and followed this with a range of methods to involve the public, as described below. A Board of Supervisors Hearing was held in March to review the work plan for completing the Housing Element and to provide an overview of the public outreach plan.

1. **Stakeholders Meetings:** Two meetings were held with members of the public who had been very engaged in the previous housing element to seek input on ways to engage the public. Recommendations from these meetings helped guide the County's outreach and structure the community workshops. Many of their ideas were included, for example it was suggested that the County seek advice from the community, hold evening and weekend meetings, advertise in the Marin Independent Journal, and share stories from the community about housing in Marin.
2. **Design Review Boards, Community Service Districts and Community Organizations:** The Stakeholder meetings were followed by a series of meetings with local design review boards, community service districts and community organizations, where staff shared information on the housing element update, timeline and schedule and gathered suggestions on reaching residents of specific communities.
3. **Surveys:** The County launched the 2014 Marin Housing Survey online from late February through June 1. The Survey asked participants about their personal housing situation and needs, and what type of housing they would like to see in unincorporated Marin in the future. There were 579 community members that participated in the Survey and shared their perspectives.
4. **Experts Meeting:** Staff held a meeting with invited housing experts and providers to discuss barriers, challenges, and solutions to constraints that provide affordable homes for lower income households.
5. **Community Workshops:** The County held five community workshops during evenings and weekends in various locations throughout the County which are described in detail below.
6. **Planning Commission Hearings:** Following the workshops, staff began work on the draft housing element, which will be reviewed by the Planning Commission at hearings later this summer. The public has the opportunity to provide feedback, comments and address concerns during the hearings, both in person or in writing.
7. **Board of Supervisors Hearings:** The Board of Supervisors will review the draft Housing Element at hearings in the winter of 2014-2015. These hearings will have the same format as the Planning Commission, where the public will have the opportunity to provide feedback, comments and address concerns during the hearings, both in person or in writing.

Community Workshop Overview

The Community Workshops were a different kind of public meeting than those typically held by the County; they were structured to have community members play active roles. The goals for the workshop were for participants to:

- Sit in the seat of a County decision-maker.
- Listen and share perspectives on housing, including discussing possible housing site.
- Receive an update about the Housing Element.

Staff began with an overview of the housing element and a short video on the need for housing, which was produced by the County to illustrate local needs for housing from the perspective of different community members. Following this, participants asked clarifying questions and then worked in small groups to share their ideas about housing. Participants were asked to be part of a creative process to identify sites where they thought future housing should be located. There were strong feelings on both sides of the issue, and the exercise gave participants a place to share those perspectives with fellow community members in the context of discussing the future of housing in unincorporated Marin.

Planning Exercise

The purpose of the exercise was twofold: for community members to share different perspectives about housing in Marin; and to collaborate in identifying locations for at least 185 homes in unincorporated Marin County. As part of the design of the exercise, staff held 4 test runs, which resulted in refining, improving, and simplifying based on feedback received. Volunteers who had received professional facilitation training helped guide the process during the exercise. These small group facilitators were there to encourage the dialogue and to insure everyone had a voice.

Materials

Workshop materials included:

- An instruction sheet explaining the exercise.
- A scenario card to record the group's recommendation on locating housing.
- A large table-sized map with the locations of the 15 sites under consideration.
- Location fact sheets (a one page description of key elements of each site).
- A sheet with information on the housing requirement for each city and town in Marin.
- Information on income levels in Marin.
- A sheet with sample photos of housing at different income levels in Marin.

Methodology

The planning exercise asked participants to use their collective knowledge to identify, among 15 sites evaluated in the previous housing element, which are best suited to accommodate our community's need for a minimum of 185 homes for this planning period. The participants nominated a Recorder to take notes and record the group's discussion and takeaways. Another participant used a Scenario Card to keep a running tally of the homes that were placed on the map. The groups had approximately 45 minutes for the planning exercise, followed by 15 minutes to debrief with their table. Finally, the Recorders shared their small group's takeaways with all the workshop participants, and staff typed these up on a screen so that participants could see their comments recorded.

Community Workshop Outcomes

Approximately 180 people attended the five Workshops. Although extensive outreach was done, attendance was much less than anticipated. The attendance ranged from the smallest at the Marin City Senior Center of about 20, to the largest of about 60 at the Mill Valley Community Center. A core group of about 5-8 attended multiple workshops.

There were a collective total of 32 small table groups at all five Workshops, ranging in size from one to eight members each. Of all groups, 14 groups (44% of the total) completed and turned in Scenario Cards to reflect their recommendations for placing homes. Three of these groups intentionally placed no homes, while the remaining 11 recommended a diverse range of housing types and locations.

Of the groups that made recommendations, the following sites were most frequently recommended for future housing: Marinwood Plaza, Oak Manor, California Park, St. Vincent's/Silveira, Easton Point, Golden Gate Seminary, and Marin City CDC.

However, the specific recommendations for the number of homes in each income category that should be placed at each site were inconsistent among the groups. This limited and varied input makes it difficult to draw definitive conclusions about the broader community's perspectives on future housing locations, types and numbers.

Feedback from Community Workshop participants

Participants were offered a variety of ways to provide feedback, including a debrief to the large group, notes from the small groups, and an evaluation form. This information is all available on the County's website at www.marincounty.org/housingelement. To summarize the input received, the themes within the feedback have been identified here.

At the first workshop held at the Marin City Senior Center, groups worked effectively together and felt that they had constructive and fruitful conversations about housing issues. Others had engaging conversations, learned about perspectives and histories, and talked about possibilities. By focusing on issues, the group was able to reach consensus and make progress through the exercise. Some participants felt that the County had not adequately represented the actual need for housing in Marin, especially for extremely low income households. They were concerned that the 185 homes required by the State was not sufficient to address the real needs of lower income residents and the local workforce. In addition, there was some frustration because participants wanted to see how and when homes would be built on the possible sites rather than simply planned for as required by State law. There was a common misunderstanding among participants who expected that the workshop would only focus on housing in Marin City.

The second workshop was held at the Unitarian Universalist Congregation of Marin in San Rafael. There was a diverse range of opinions and positions represented in the small groups. One group focused on logic and was able to compromise. Many groups were able to reach consensus, and people felt heard, even when participants disagreed. Some participants found the video portraying some of the needs for housing in Marin off-putting and subjective. Many felt that more information was needed on the sites and that there should be coordination between the County, cities and towns to consider holistic impacts of housing plans.

At the third workshop at Albert J. Boro (Pickleweed) Community Center in San Rafael, some participants found the exercise helped them understand why it is hard to make decisions about housing issues, and they needed more time to build trust and consensus in their groups. All felt that there was a variety of opinions and views shared. Some found it confusing and felt they were not informed enough to make recommendations. The dialogue was inspiring for some and challenging for others.

The fourth workshop was held at the Mill Valley Community Center. Overall the groups shared that they had active engaging conversations, strong-willed exchanges, and lively back and forth discussions. Overall, people listened to the varied perspectives at the table. One group felt the process was excellent and everyone had a lot to contribute. However, some group members shared that their opinions were not included in the large group debrief because they disagreed with the Reporter for their

group. Many participants expressed that the sites in Tam Valley should be removed from consideration and felt that there was not enough information on the other sites to make recommendations. They shared that the process was disingenuous and they felt pressured to make recommendations.

The fifth and final workshop was held at the Westminster Presbyterian Church in Tiburon. Groups felt that they had exciting; exhilarating conversations and that they really respected and listened to each other carefully. Many felt that they had civil discussions and that they agreed on most things, as most participants shared similar opinions. Some participants felt that there was not enough information on the sites to make recommendations and that it was not appropriate to comment on sites that are not in one's own community. Some participants thought alternatives to planning for housing should be explored and that an analysis should be conducted on the costs to communities if housing is developed on housing element sites.

Overall, participants in all workshops reported that they appreciated the opportunity to sit down and discuss their perspectives with fellow community members. Small group dialogs were considered worthwhile, informative, and even enjoyable in many cases. While many participants did not agree with the particulars of the planning exercise, it did not impede the crucial goal of eliciting thoughtful feedback from the community about the future of housing in unincorporated Marin.

2014 Marin Housing Survey

The 2014 Marin Housing Survey was open for public participation from late February through June 1. A total of 579 responses were received, of which 569 were submitted online through Open Marin (the County's online civic engagement forum) and 10 were received in the mail. The Survey asked participants to answer 13 questions about their own housing situation and needs, and about the housing needs of the greater community of unincorporated Marin.

The majority of responses indicate that housing costs and a lack of affordable housing opportunities are the most significant housing concern in Marin. Participants indicated that more affordable housing in the form of rentals, single-family homes for sale, and senior housing is the most needed type of housing. Over half of all participants reported that they are currently paying more than 30% of their income toward housing costs. However, more than 60% of respondents stated they have no plans to move from their current residence. Of those who do have plans to move, 28% said their reason for moving is the cost of their rent or house payment, and 37% stated they will be looking for a new home outside of Marin County.

While the majority of respondents agreed on the need for affordable housing options, there was less consensus about where such housing should be located and what form it should take. The majority stood at 35%, who said that they would prefer either multi-family housing in centralized locations or mixed-use housing in specific areas of unincorporated Marin. This was followed by 27% who preferred that single-family homes be built on vacant and under-utilized land.

Background Materials:

The following additional background materials are available online at

www.marincounty.org/housingelement

- Stakeholders meetings, Design Review Boards, Community meetings.
- Housing Element Frequently Asked Questions
- Workshop materials
- Large group debriefs
- Evaluations and feedback
- Summary of public outreach
- 2014 Housing Survey and summary of results

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APPENDIX D: INVENTORY OF HOMELESS HOUSING RESOURCES

Housing Elements must include an inventory of the homeless housing resources available within the community, including emergency shelters, transitional housing and supportive housing. The best source of housing inventory data is Marin County's annual application to the Department of Housing and Urban Development (HUD) for Continuum of Care (CoC) funding for homeless housing and services. HUD requires each community to maintain an inventory of emergency shelter, transitional housing and supportive housing and to update this inventory annually. The following chart provides inventory data as of September 2013, broken down by jurisdiction. Scattered site refers to programs that do not have permanent locations. Throughout the year, the scattered site programs may change locations.

All Year-Round Beds					
Jurisdiction	Overall Total per Jurisdiction	% of County Total	Permanent Supportive Housing	Transitional Housing	Emergency Shelter
San Rafael	394	40.5%	247	57	90
Novato	448	46.1%	175	203	70
Larkspur	24	2.5%	20	4	
Marin City	5	0.5%	5		
Corte Madera	24	2.5%	24		
Greenbrae	1	0.1%	1		
San Anselmo	15	1.5%	15		
Fairfax	9	0.9%	9		
Mill Valley	45	4.6%	45		
Forest Knolls	1	0.1%	1		
Kentfield	3	0.3%	3		
Bolinas	1	0.1%	1		
Sausalito	1	0.1%	1		
Unincorporated Marin	1	0.1%	1		
Totals	972	100.0%	548	264	160

NOTE: This data is a snapshot of the locations of homeless housing in September 2013. Many of the programs included in this summary rent market rate housing from private landlords so the distribution of units will definitely change over time. In addition, vacant units at these types of programs were not counted in this summary so these numbers are slightly lower than our overall capacity.

Permanent Supportive Housing															
Jurisdiction	Total	% of County Total	Marin Housing Authority			Bucklew Programs	Homeward Bound				Eden Housing	EAH	Center Point	Ritter Center	St. Vincent
			S+C 1 and 3	Section 8 households receiving S+C services because they came up under SHIA or AB2034	VASH	All PSH programs (AIL; RSS; SHP - HUD; SHP - non-HUD)	Palm Court	4th Street	Carmel	Warner Creek	Fireside	San Clemente	HomeLink	Housing First	Apartments
San Rafael	247	45.1%	44	9	11	103	10	20	26				3	12	9
Novato	175	31.9%	37	3	12	44	15			60				4	
Larkspur	20	3.6%	1		3	16									
Marin City	5	0.9%	3		2										
Corte Madera	24	4.4%	1		3	4						16			
Greenbrae	1	0.2%			1										
San Anselmo	15	2.7%		2	1	12									
Fairfax	9	1.6%	1	1	1	4								2	
Mill Valley	45	8.2%	1		1						43				
Forest Knolls	1	0.2%	1												
Kentfield	3	0.5%	1	1										1	
Bolinas	1	0.2%		1											
Sausalito	1	0.2%												1	
Unincorporated Marin	1	0.2%												1	
Totals	548	100%	90	17	35	183	25	20	26		43	16	3	21	9

Transitional Housing

Jurisdiction	Total	% of County Total	Marin Partnership to End Homelessness					Homeward Bound			Gilead House	Center Point		
			Hamilton Meadows - C4DP	Hamilton Meadows - Marin Aids Project	Hamilton Meadows - HBOM	Hamilton Meadows - Ritter	Center Point	Family Park	Next Key	New Beginnings TH	Gilead House	Charlotte House	Scattered Sites	VA Services
San Rafael	57	21.6%						6				15	34	2
Novato	203	76.9%	43	10	25	12	9	33	37	16	18			
Larkspur	4	1.5%												
Marin City	0	0.0%												
Corte Madera	0	0.0%												
Greenbrae	0	0.0%												
San Anselmo	0	0.0%												
Fairfax	0	0.0%												
Mill Valley	0	0.0%												
Forest Knolls	0	0.0%												
Kentfield	0	0.0%												
Bolinas	0	0.0%												
Sausalito	0	0.0%												
Unincorporated Marin	0	0.0%												
Totals	264	100.0%	43	10	25	12	9	39	37	16	18	15	38	2

Emergency Shelter							
Jurisdiction	Total	% of County Total	Homeward Bound				
			Mill Street	Family Center	New Beginnings	Transition to Wellness	Voyager
San Rafael	90	56.3%	55	25			10
Novato	70	43.8%			64	6	
Larkspur	0	0.0%					
Marin City	0	0.0%					
Corte Madera	0	0.0%					
Greenbrae	0	0.0%					
San Anselmo	0	0.0%					
Fairfax	0	0.0%					
Mill Valley	0	0.0%					
Forest Knolls	0	0.0%					
Kentfield	0	0.0%					
Bolinas	0	0.0%					
Sausalito	0	0.0%					
Unincorporated Marin	0	0.0%					
Totals	160	100.0%	55	25	64	6	10

Permit/Service Type	Fees	See Note(s)	Permit/Service Type	Fees	See Note(s)
1. COASTAL PERMITS			10. PLAN AMENDMENTS		
a. Coastal Permit – Administrative	5,425	L	a. Countywide Plan/Community Plan Amendment	36,645	C, L
b. Coastal Permit – Public Hearing	7,200	C, L	b. Local Coastal Program Amendment	36,645	C, L
c. Coastal Permit Amendment – Administrative	1,450	L	11. PLANNING REVIEW FEE – BUILDING PERMITS		
d. Coastal Permit Amendment – Public Hearing	5,505	C, L	a. Major Plan Check	845	L
e. Coastal Permit Exclusion	120		b. Minor Plan Check	340	
2. DESIGN REVIEW			c. New Residence Plan Check	1,695	L
a. Design Review –			d. Partial Demolition	85	
i. Accessory Structure/Design Review	1,440	L	e. Solar Panels, Air Conditioners, Arbors, etc.	85	
ii. Addition/Accessory Structure/Minor	1,440	L	f. Structural Plan Check (Under 300 square feet)	170	
iii. New Residence/Large Addition/Other	5,670	C, L	12. PRECISE DEVELOPMENT PLAN		
iv. Non-residential (Large Scale)	18,825	C, L	a. Precise Development Plan	11,615	C, L
v. Non-residential (Small Scale)	4,840	L	b. Precise Development Plan Amendment	4,650	C, L
b. Design Review Amendment (Major)	1,420	C, L	13. REZONING	39,765	C, L
c. Design Review Amendment (Minor)	1,135	L	14. SECOND UNIT PERMIT	1,135	
d. Design Review Exemption	340		15. SIGNS		
3. ENVIRONMENTAL REVIEW			a. Sign Permit	515	
a. Environmental Impact Review Overhead	30%	O	b. Sign Review	2,425	
b. Environmental Review – Exemption	370	O	16. SUBDIVISION MAP ACT		
c. Initial Study (Deposit)	14,500	C, O	a. Certification of Compliance	2,940	
4. EXTENSIONS			b. Lot Line Adjustment	1,765	
a. Extension to Vest – Administrative	845		c. Merger	260	
b. Extension to Vest – Master Plan	840		d. Plan Check – Maps/Improvement Plans (Deposit)	1,400	C
c. Extension to Vest – Public Hearing	1,385		e. Tentative Map (Major)	22,800	C, L
5. FIRE REVIEW			f. Tentative Map (Minor)	11,400	L
(Fire fees collected pursuant to Ordinance 3550)			g. Tentative Map Amendment (Major)	6,465	C, L
a. Fire Department Review for Discretionary Projects	310		h. Tentative Map Amendment (Minor)	2,160	L
b. Vegetation Management Plan Review	354		i. Tentative Map – Extension to Vest	817	
c. Tentative Map Review	708		j. Tentative Map Waiver	1,730	
d. General Review and Consultation - per hour	177		17. TIDELANDS PERMITS		
e. CDA Administrative Fee - per project	32		a. Tidelands Permit	5,025	
6. FLOATING HOMES			b. Tidelands Permit Amendment	1,905	
a. Floating Home – Adjustment	1,770		18. TREE REMOVAL PERMIT	150	
b. Floating Home – Architectural Deviation	1,770		19. USE PERMITS		
7. LONG RANGE PLANNING SURCHARGE	10.5%		a. Use Permit (Major)	7,000	C, L
8. MASTER PLANS			b. Use Permit (Minor)	4,290	L
a. Master Plan	31,040	C, L	c. Use Permit – Child Day-Care Center	500	
b. Master Plan Amendment	24,940	C, L	d. Use Permit – Large Family Day-Care Home	500	
9. OTHER SERVICES			e. Use Permit – Temporary	510	
a. Appeals			f. Use Permit Amendment (Major)	5,335	C, L
i. Appeal to the Board of Supervisors	770		g. Use Permit Amendment (Minor)	2,280	L
ii. Appeal to the Planning Commission	600		h. Use Permit Renewal	1,450	C, L
b. Change In Address Initiated by Property Owner	440		20. VARIANCES		
c. General Staff Consultation/Prefiling Conference	290		a. Variance	4,360	
d. Planning Information Packet	128		b. Variance Amendment	2,140	
e. Preapplication Review (Deposit)	3,700	C, M			
f. Property Status Determination/Research	2,100	C			
g. Public Convenience and Necessity (ABC License)	790				
h. Street Name Change	3,220				

NOTE: Permits/Services identified in bold and italics are charged on a deposit/at-cost basis. See Note C on page 2.

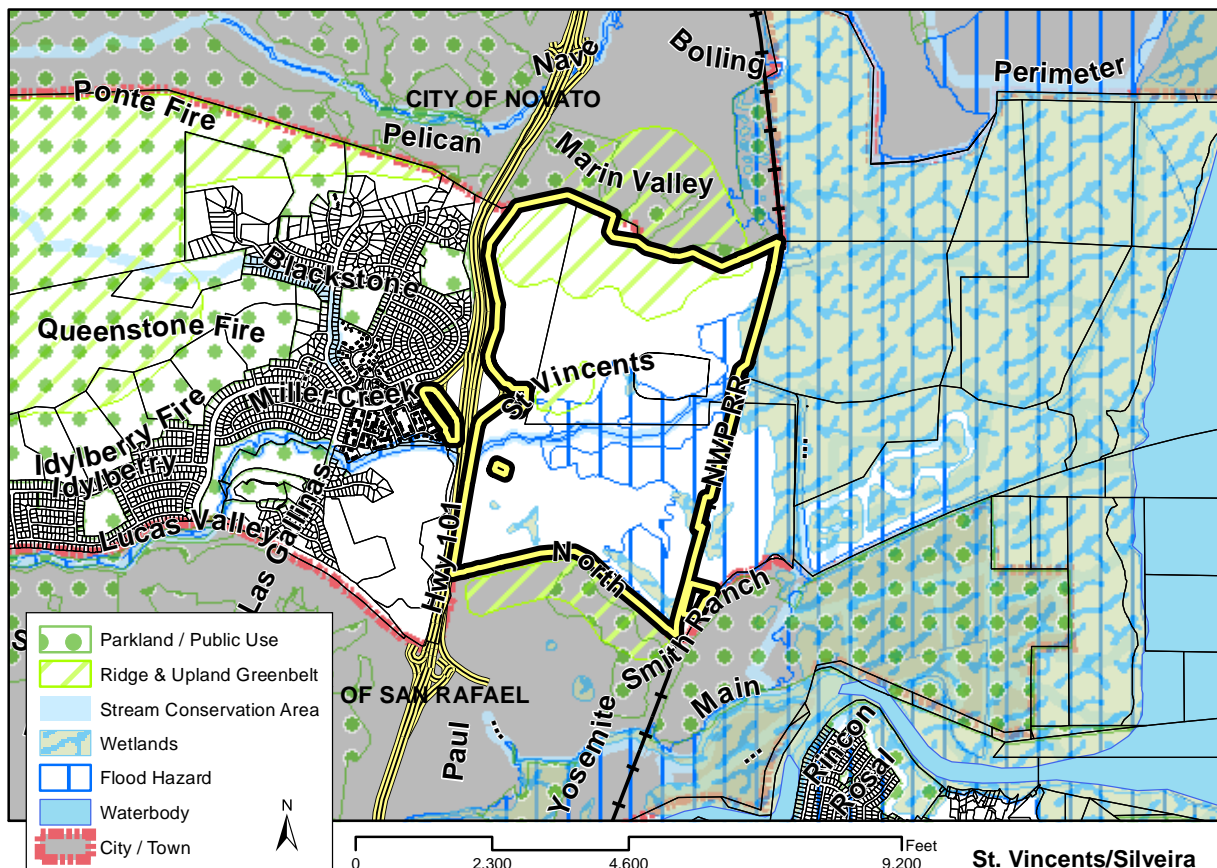
NOTES TO FEE SCHEDULE:

The following notes apply to the entire fee schedule and as specified to individual permits.

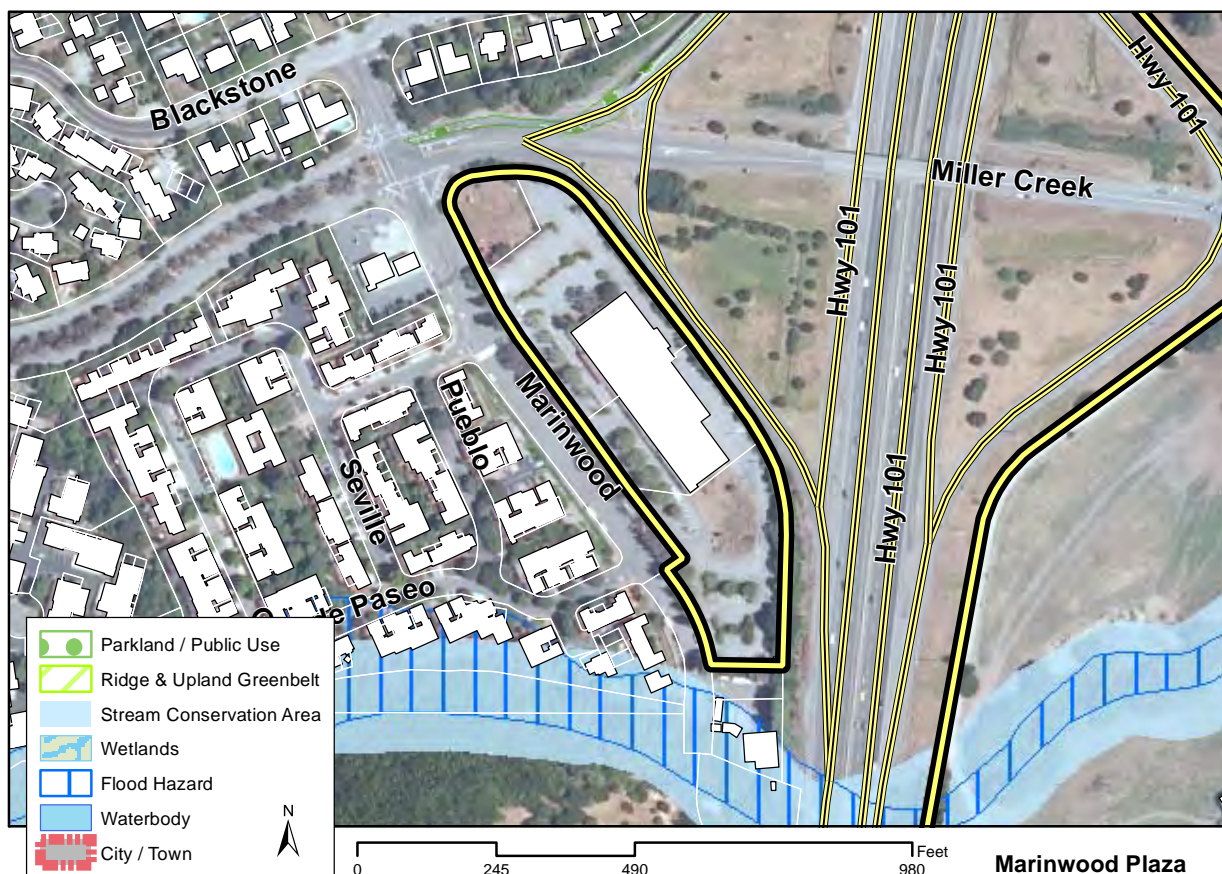
- A. Fees shall be submitted in full at the time of application submittal to the County. Where a project requires more than one permit, the full fee shall be collected for each and every permit required.
- B. Pursuant to a written request, the Board of Supervisors may waive or reduce fees upon a finding that such waiver or reduction is in the public interest and that the applicant or appellant is unable to afford such fees.
- C. **Fees for specified applications are charged on a deposit/at cost basis. The fees noted in the fee schedule are minimum fees to be paid at the time of application filing to cover the average County cost of review. A signed agreement for payment of application processing fees between the County and the applicant shall be required at the time of application filing. Should actual costs exceed the amount of the fee, the applicant will be billed for additional costs. The Agency Director shall have the ability to refund part of the fee deposit if the actual processing costs are substantially less than the original fee deposit. Services are charged at a rate of \$128/hour.**
- D. The Agency reserves the right to charge actual cost (at a rate of \$128/hour) on large, complex, unusual, and/or time consuming projects in order to ensure that the fee will cover the actual cost of service.
- E. Portions of fees may be refunded upon withdrawal of the application; the amount of refund shall be determined by the Agency Director, based upon the amount of work done by the County prior to withdrawal.
- F. Full fee credits may be granted toward resubmittal of applications if applications are withdrawn and resubmitted within 60 days from the date of withdrawal with the prior written authorization of the Agency Director.
- G. Other development-related fees which may be required include, but are not necessarily limited to, the following fees: building, grading, well, septic, creek, encroachment, fire review, improvement plan review, transportation facilities, road impact, housing impact, inclusionary housing, park mitigation, and school fees.
- H. In the event that any work has been undertaken or use made of the property without legal authority prior to completing the requisite procedures necessary to authorize such work or use, the applicant shall pay two times to four times the specified amount, based on the criteria set forth in Marin County Code, Section 1.05.050 D, that is hereby incorporated by reference as is fully set forth herein, unless waived by the Agency Director based on a finding that such a waiver is in the public interest and that the applicant is expeditiously correcting the violation.
- I. The Agency Director shall have the ability to waive or transfer from the In-Lieu Housing Trust Fund up to 100% of the planning fees for projects which include below market rate housing units subject to the requirement that the project meet the eligibility standards for state or federal housing funding. The amount of fees waived to be determined based on the proportion of the project, which is below market rate housing, and the permanency of the housing subsidy.
- J. The Agency Director is authorized to waive up to 35% of the planning fees for projects undertaken by community-based non-profit agencies or organizations which provide services resulting in public benefits.
- K. The Agency Director is authorized to waive up to 100% of the Design Review, Coastal Permit, and the Community Development Agency's environmental review exemption fees for solar photovoltaic projects that are consistent with applicable codes and guidelines.
- L. **The Long Range Community Planning Surcharge applies to Planning Permits 1.a-d, 2.a.i-v, 2.b-c, 8.a-b, 10.a-b, 11.a, 11.c, 12.a-b, 13, 16.e-h, 19.a-b, 19.f-h, and Building Permits.**
- M. **50% of pre-application fees shall be applied as a credit toward a Master Plan, Major Tentative Map (Subdivision), Plan Amendment, or Rezoning if application is submitted within one year.**
- N. The charge for returned checks is \$35 (which includes a \$10 Central Collections fee).
- O. **Per Senate Bill 1535, County Clerk filing fee of \$50 is collected for exemption (included with Fee #3b above) and Fish and Game Negative Declaration/ Environmental Impact Report (EIR) filings. Additional Fish and Game Negative Declaration fee of \$2,181.25 and EIR fee of \$3,029.75 are required pursuant to California Fish and Wildlife Code.**
- P. An hourly rate of \$128 shall be charged for other services, including but not limited to, performance/professional services agreement administration, planning information packet, affordable housing monitoring/administration, mitigation monitoring and condition compliance review, and zoning enforcement expenses.

APPENDIX F: SITE INVENTORY PROFILES

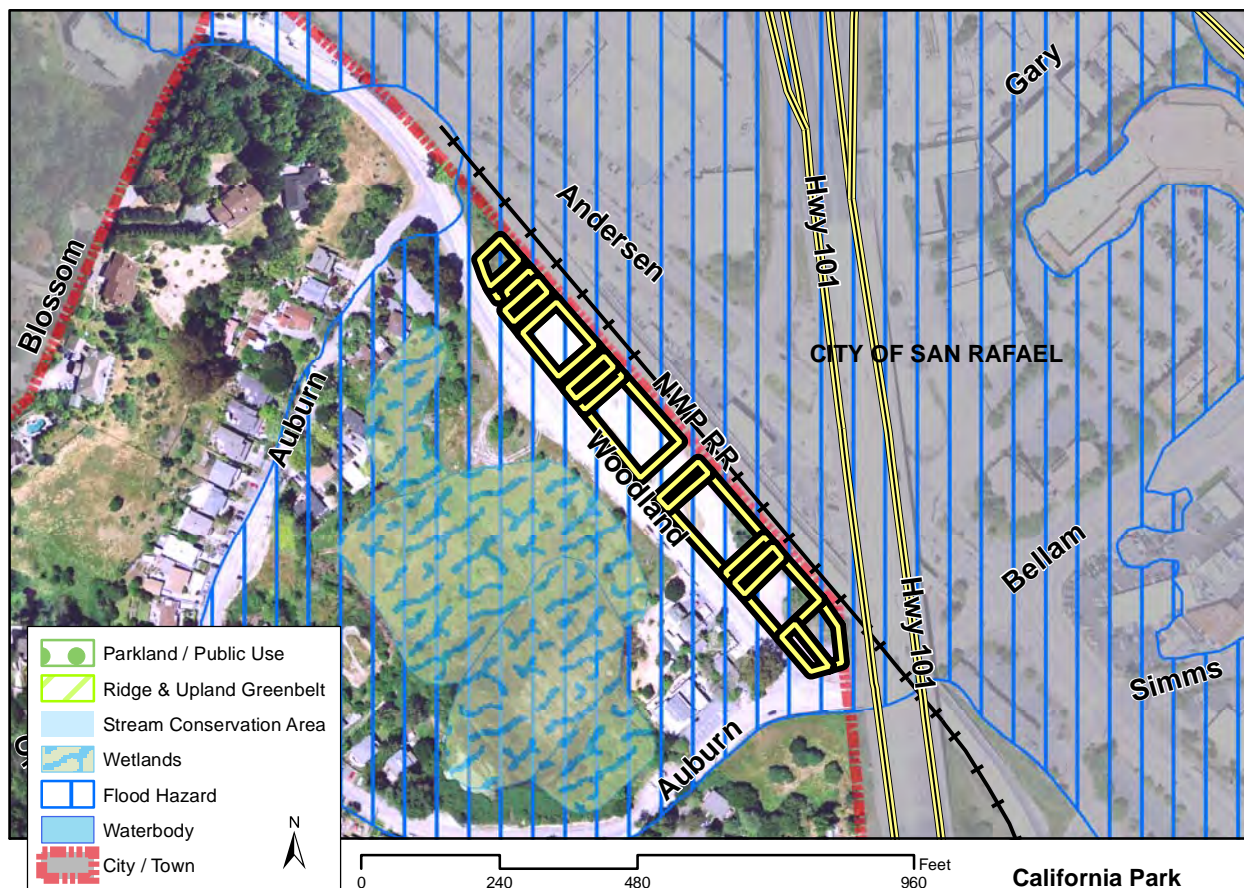
Site # 5 St. Vincent's/Silveira St. Vincent's Drive, San Rafael <i>(St. Vincent's / Silveira)</i>		
APNs / Acreage	155-011-08 155-011-28 155-011-29 155-011-30 155-121-16	250.26 (55 acres developable) 244.768 73.4972.66 20.2420.22 220.67221.71 3.772.82 (55 total developable acres)
Community	St. Vincent's	
General Plan	221 units	PD — (Planned Designation - Ag & Env resource area)
Zoning	A-2: AH: Limited Agriculture, 2 acre min lot area; Affordable Housing Combined District allows up to 100 units of affordable housing development on 3.5 acres of the site	
Inventory Assumption	Lower Income: 100 units Moderate Income: 50 units Above Moderate Income: 421-71 units	
Affordability	CWP policy requires 45% of the total residential development capacity to be for low income housing.	
Infrastructure	Yes	
Proximity to bus route	0.1 miles	
Environmental considerations	Agricultural sensitivity and within the Baylands corridor. Some areas subject to RUG policies.	
Opportunities	Countywide Plan allows up to 221 clustered units within total site, including 121 market units and 100 additional lower income units. Residential development allowed on 5% of total acreage.	
Site status	Vacant – Public Facility / Agricultural-. St. Vincent's school for boys and church operate on a portion of the site.	



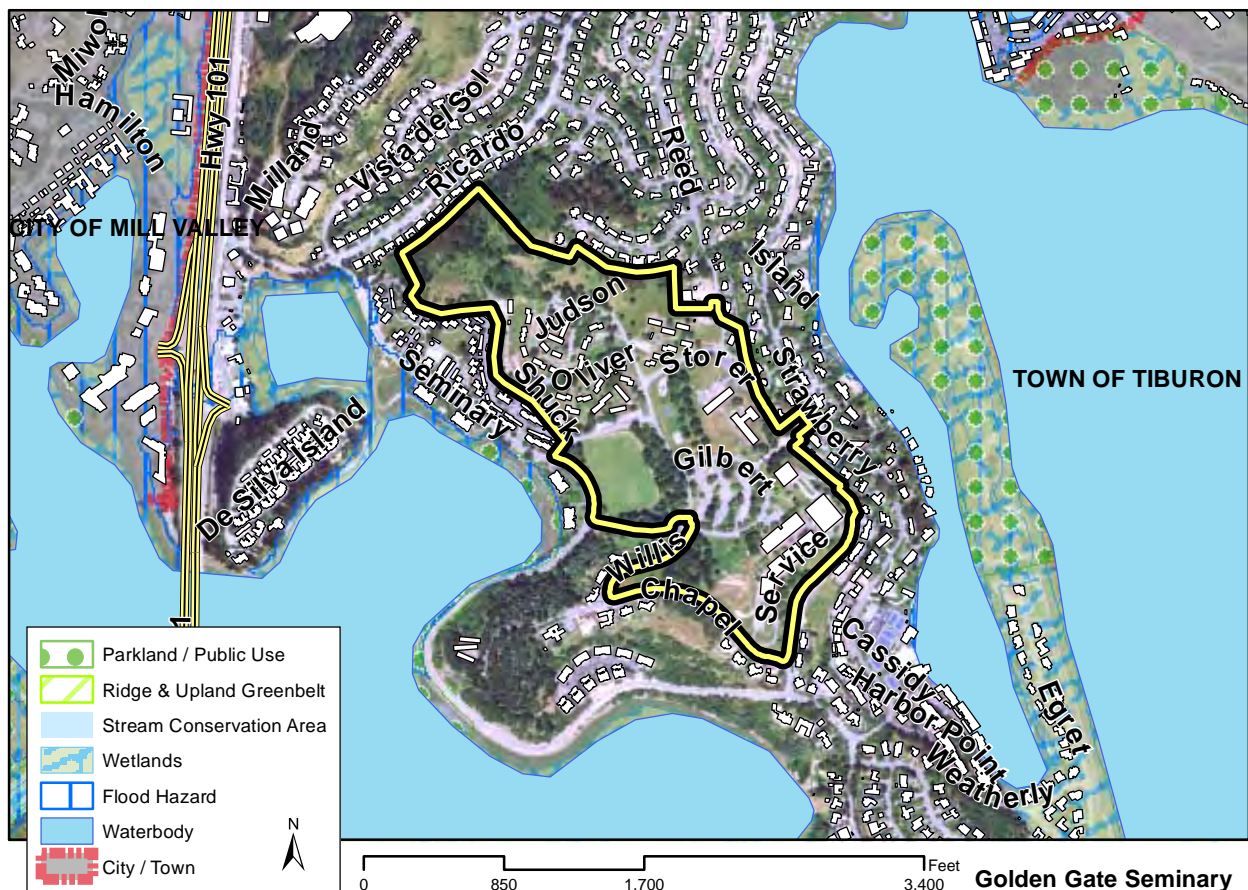
Site #1 Marinwood Plaza 100 Marinwood Avenue, San Rafael <i>(Marinwood Plaza)</i>		
APNs / Acreage	164-471-64 164-471-65 164-471-69 164-471-70	0.45 acres 1.93 <u>1.90</u> acres 0.80 <u>1.05</u> acres 1.56 <u>1.60</u> acres (4.75 <u>5</u> total acres)
Community	Marinwood	
General Plan	100 units	HOD (Housing Overlay Designation, min 30 units/acre) GC (General Commercial, FAR .1 to .4)
Zoning	n/a due to HOD	CP (Planned Commercial) (1 <u>30</u> units/acre)
Inventory Assumption	Lower Income: <u>8572</u> units; Above Moderate Income: <u>10</u> units	
Affordability	<u>30 units/acre</u> under HOD policy HOD policy requires 30 units/acre. -Affordable housing developer proposing <u>8582</u> units.	
Infrastructure	Yes	
Proximity to bus route	0.1 miles	
Environmental considerations	Highway noise. Remediation from dry cleaner currently in process.	
Opportunities	Identified HOD site. Community process has adopted guiding principles for mixed use site, up to 100 residential units with at least 49% affordable.	
Site status	Underutilized - Commercial Strip mall with grocery. Affordable housing developer in contract.	



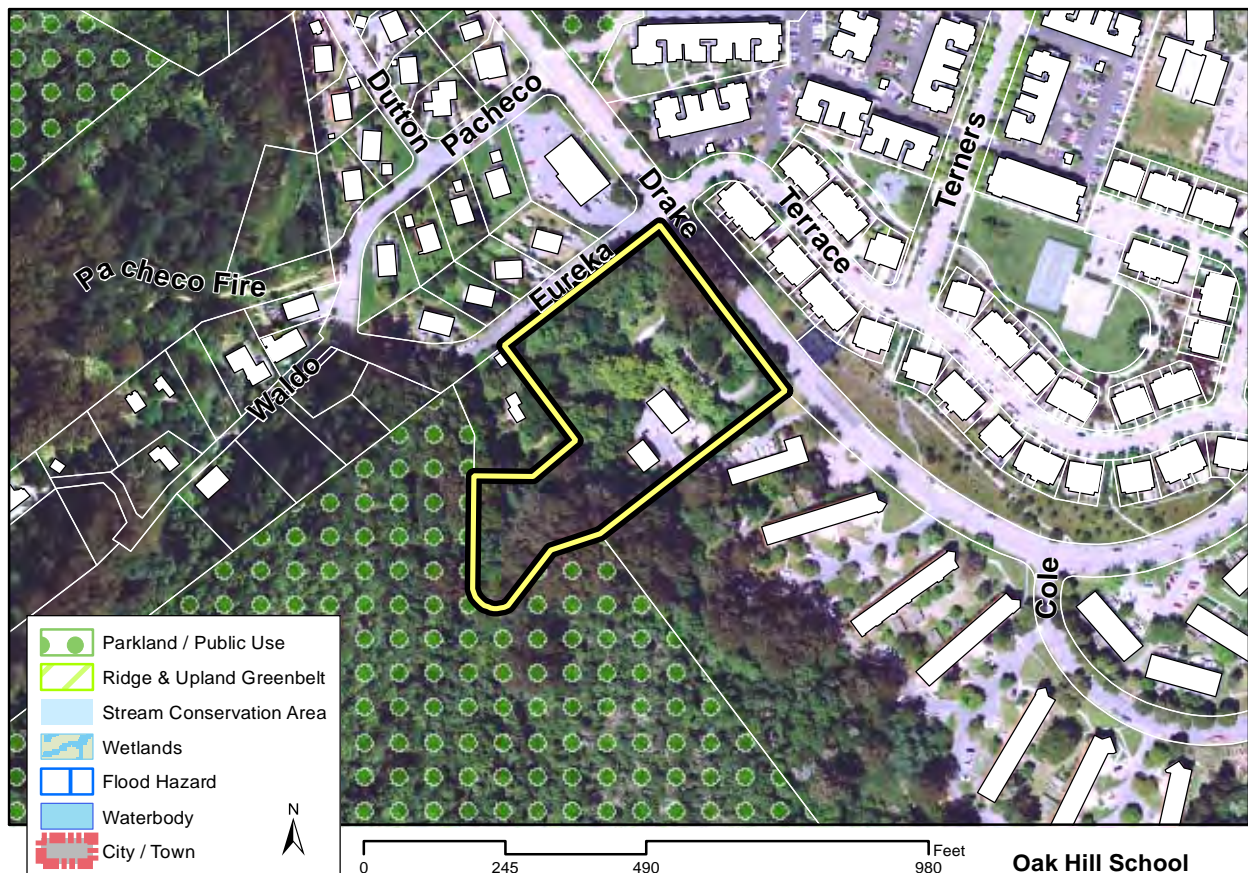
Site # 3 California Park Woodland Avenue at Auburn Street, San Rafael (California Park)		
APNs / Acreage	018-075-12 etc. 48-16 contiguous parcels, see Figure IV-6 for details	4.82 acres total 1.77 total acres
Community	San Rafael	
General Plan	50 units (HOD)	MF2 (Multi-Family, .01 to .3 FAR) / HOD (Housing Overlay Designation, min 30 units/acre)
Zoning	n/a RSP-4 (Residential, Single-Family Planned; 4 units/acre)	
Inventory Assumption	Lower income: 50-40 units Moderate income: 0 units	
Affordability	30 units/acre under HOD policy requires 30 units/acre.	
Infrastructure	Yes	
Proximity to bus route	0.2 miles	
Environmental considerations	Limited No impacts due to site disturbance. On SMART right of way, noise and vibration considerations for residents.	
Opportunities	Vacant lot close to downtown San Rafael, near services and regional bus. HOD site identified for up to 50 units. Good roadway access.	
Site status	Vacant lot. Single owner. Functions as one space.	



Site # 12 Golden Gate Seminary Seminary Drive, Mill Valley (Golden Gate Seminary)		
APNs / Acreage	043-261-25 043-261-26	48.4550.0 acres -(partially developed) 25.1223.61 acres (73.61 total acres; portion of larger site)
Community	Tiburon	
General Plan	n/a MF-2 (Multi-Family, 1-4 units/acre)	
Zoning	RMP-2.47: AH Residential, Multiple Planned District 2.47 units per acre; Affordable Housing Combined District allows up to 60 units of affordable housing development on 2 acres of the site	
Inventory Assumption	Lower income: 25 40 units Above Mod. income: 20 units	
Affordability	Developer contemplating 'employee directed housing'	
Infrastructure	Yes	
Proximity to bus route	1+ mile	
Environmental considerations	Traffic and visual impacts.	
Opportunities	93 un-extinguished student/faculty units under existing master plan. Owner revising an application for master plan amendment and development proposal.	
Site status	Underutilized – Residential. Partially developed site with 103 existing units. Property recently sold and owner is exploring development options. Golden Gate Baptist Seminary operating educational and residential uses.	

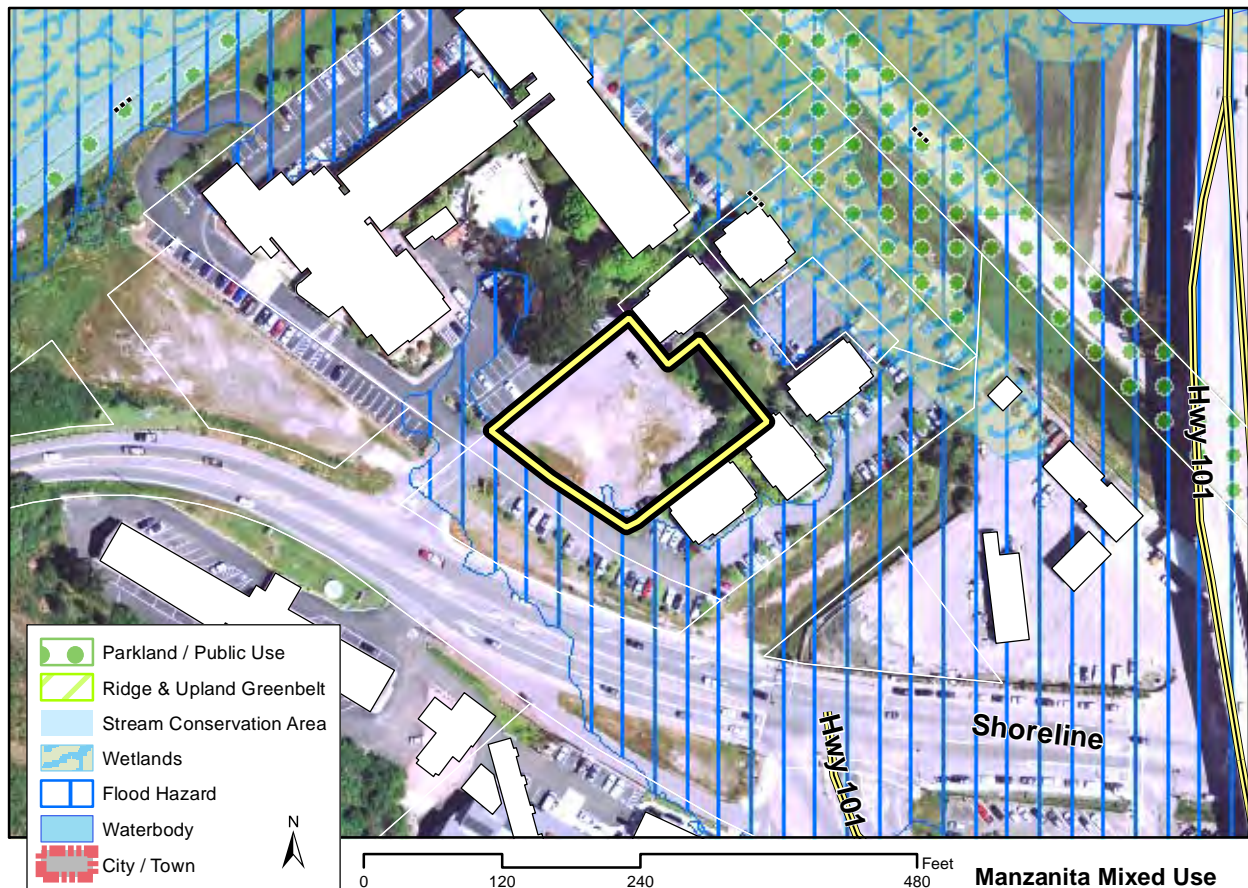


Site # 13 Marin City Community Development 441 Drake Ave., Sausalito (Marin City CDC)		
APN / Acreage	052-140-36	3.874.06 acres total
Community	Marin City	
General Plan	15 units	MF-2 (Multi-Family 1-4 units/acre)
Zoning	15 units	RMP-4.2: AH Residential, Multiple F Planned, 4.2 units/acre; <u>Affordable Housing Combined District allows up to 15 units of affordable housing development on 0.5 acres of the site</u>
Inventory Assumption	Lower Income: 15 units Moderate income: 0 units	
Affordability	Likely as property owner, Marin City Community Development Corporation, is interested in adding housing to existing uses.	
Infrastructure	Yes.	
Proximity to bus route	0.2 miles	
Environmental considerations	Potential stream conservation area, large trees.	
Opportunities	Site is adjacent to established neighborhood, close to community center and retail services. Large lot with small existing footprint.	
Site status	Offices of Marin City Community Development Corporation.	

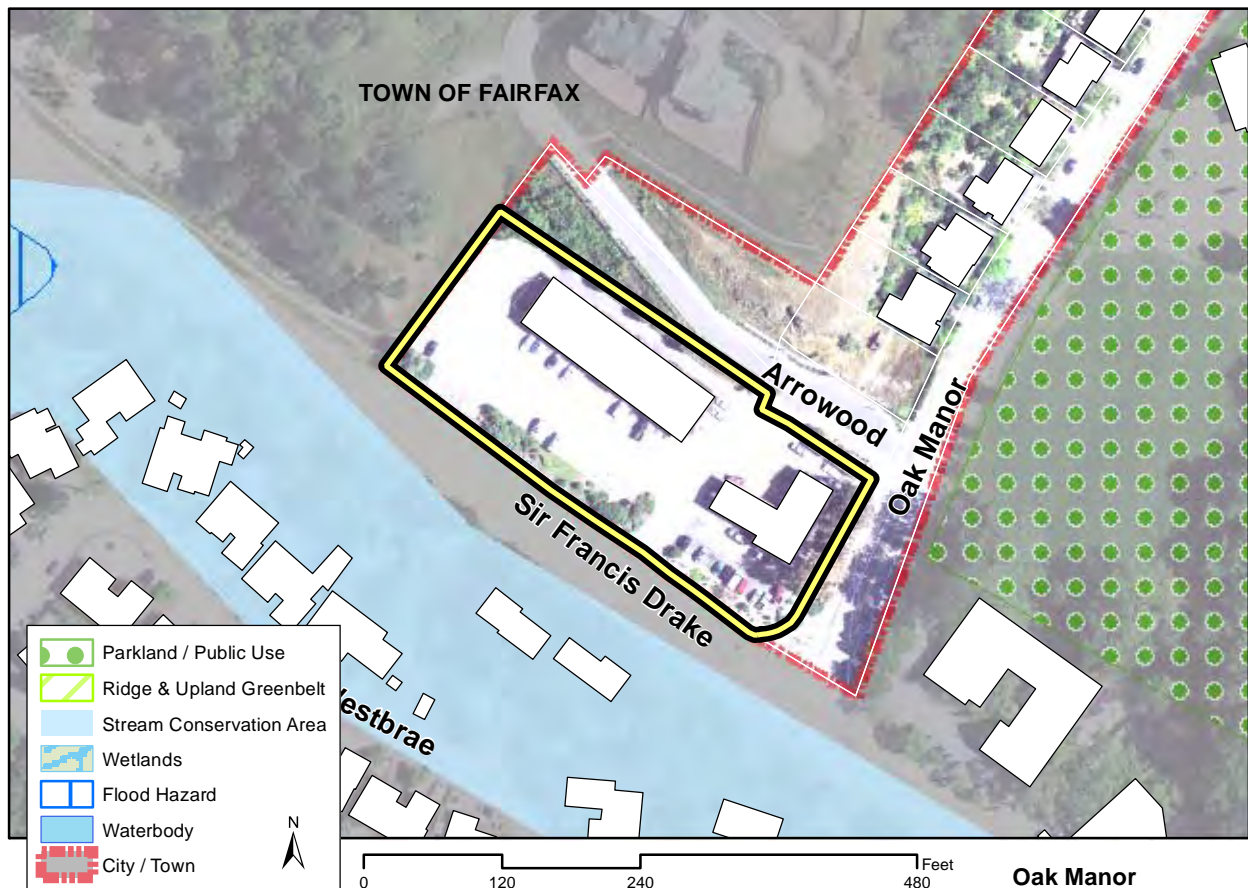


Site #9**Manzanita 150 Shoreline Hwy, Mill Valley
(Manzanita)**

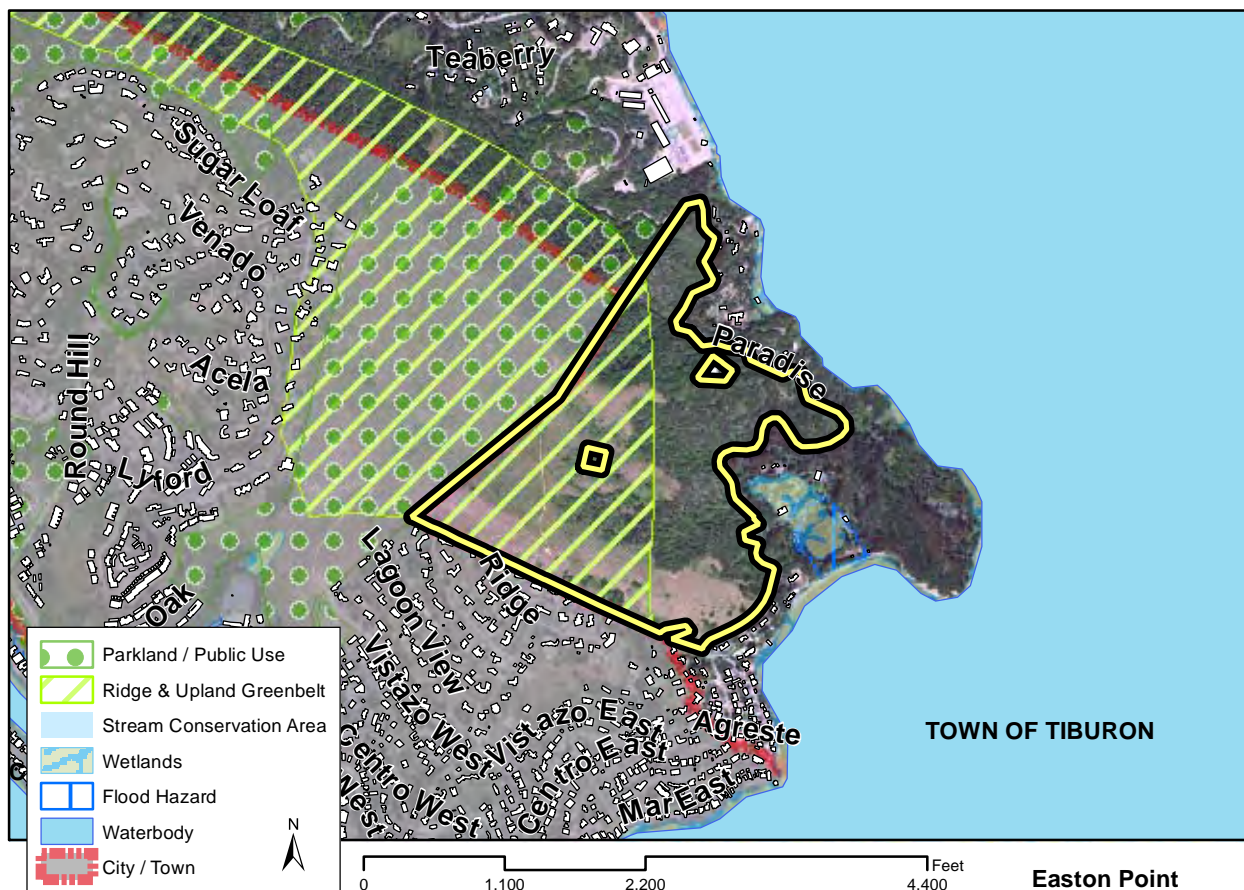
APN / Acreage	052-371-03	0.560.59 acres
Community	Almonte	
General Plan	1,210 – 8,530 sq ft max	GC (General Commercial, 0.05 to 0.35 FAR)
Zoning	n/a CP (Commercial Planned)	
Inventory Assumption	Lower income: 1 unit Moderate income: 2-3 units	
Affordability	Entitled for 1 affordable unit.	
Infrastructure	Yes	
Proximity to bus route	0.1 miles	
Environmental considerations	Highway noise and portion of property in a flood hazard area.	
Opportunities	Vacant site close to 101.	
Site status	Vacant – Commercial. Precise development plan for Deli and 3 units approved.	



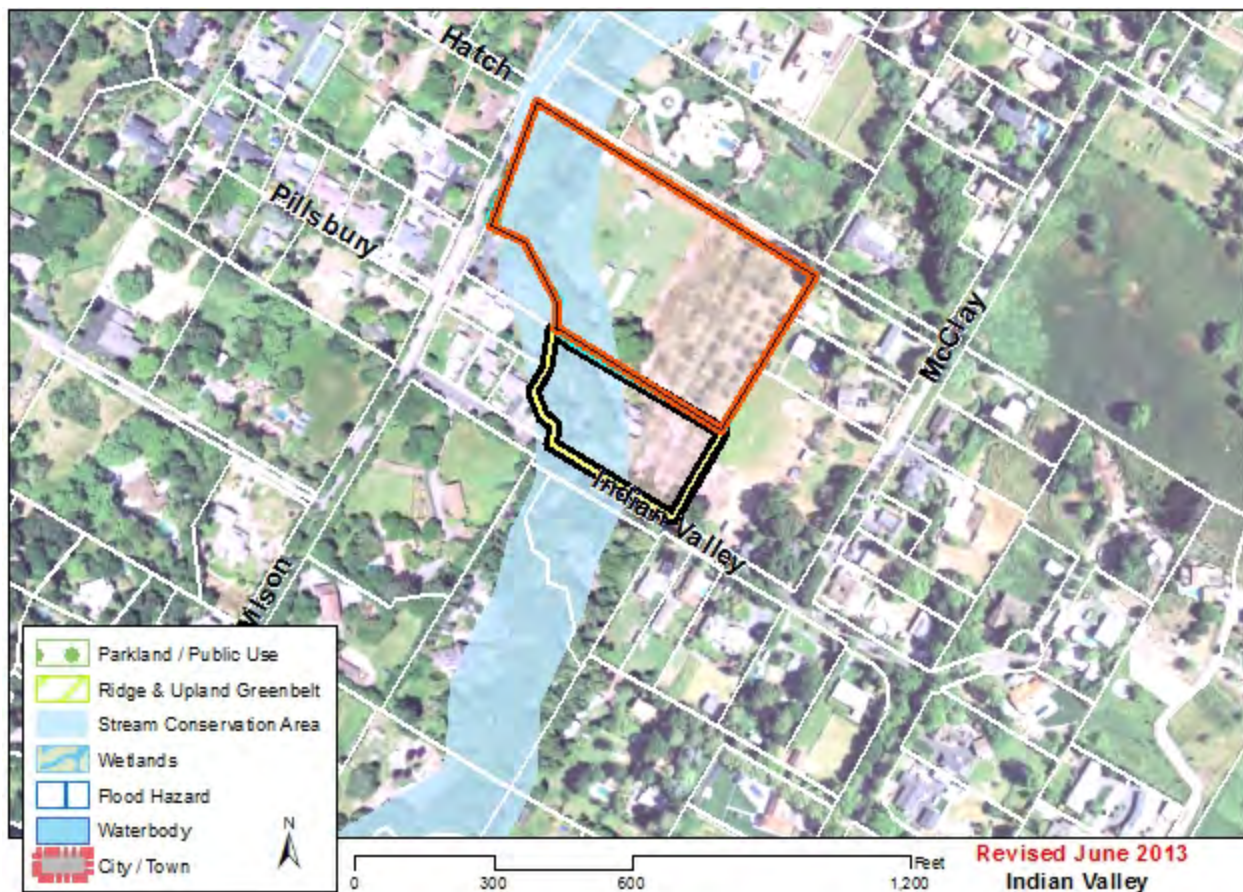
Site # 2 Oak Manor 2400 Sir Francis Drake Blvd., Fairfax (Oak Manor)		
APNs / Acreage	174-011-326 174-011-33	0.52/0.54 acres (1.58 total) 1.05 acres (1.59 total acres)
Community	Fairfax	
General Plan	10 units (HOD)	GC (General Commercial, FAR .05 to .15) / HOD (Housing Overlay Designation, min 30 units/acre)
Zoning	n/a C-1 (Retail Business) - H	
Inventory Assumption	Lower income: 10 units Moderate income: 10 units	
Affordability	30 units/acre under HOD policy / HOD policy requires 30 units/acre.	
Infrastructure	Yes	
Proximity to bus route	0.01 miles	
Environmental considerations	Minimal-	
Opportunities	Underutilized commercial property on Sir Francis Drake Blvd. HOD site appropriate for mixed use redevelopment up to 10 units. Residential single family development in progress on parcels behind site.	
Site status	Underutilized - Commercial Commercial complex with a laundromat, pizza restaurant, Curves gym, 7/11, and 2 vacant storefronts. Large underutilized surface parking area with an active car repair shop on the corner.	



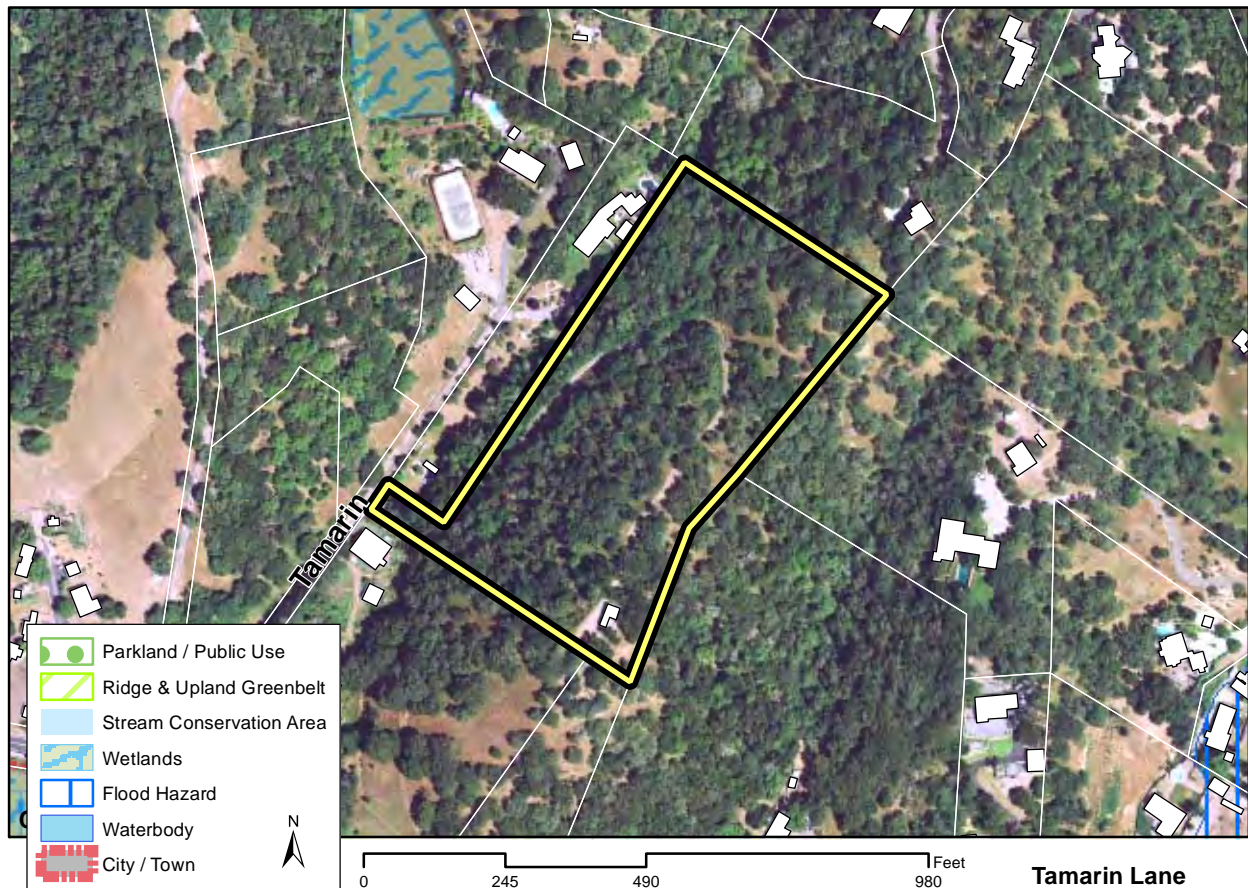
Site # 6 Easton Point Paradise Drive, Tiburon (Easton Point)		
APN / Acreage	059-251-05	110 acres
Community	Tiburon	
General Plan	n/a PR (Planned Residential, 1 unit/1-10 acres); -SF-6 (Single-Family, 4-7 units/acre)	
Zoning	n/a RMP--0.2 (Res-idential, SF Multiple Planned, 1 unit / .5 acres); R-1 (Single-Family Res-idential, 7,500 sq ft min lot area)	
Inventory Assumption	Lower income: 0 units Above Moderate income: 43 units	
Affordability	None	
Infrastructure	Yes, water. Will need to annex sewer.	
Proximity to bus route	-1+ miles	
Environmental considerations	Partially in ridge and upland greenbelt (RUG). Slope instability and landslides. Rare plants. Average slope 38%.	
Opportunities	Stipulated judgment allows entitlement for 43 single-family residential lots, inclusionary policy will not apply. Proposed guidelines would provide for future home sizes of 5,500 to 8,750 square feet each. Proposed open space and public access improvements include the creation of 59.7 acres of dedicated public open space, a 0.32 acre open space lot, and pedestrian access easements through the site to proposed and existing public open space areas. Undergoing EIR	
Site status	Vacant – Residential	



Site # 8 Indian Valley 1970 Indian Valley Rd., Novato (Indian Valley)		
APNs / Acreage	146-261-21 146-261-28	1.90 acres (7.7 total) 5.666.37 acres (7.78.27 total acres)
Community	Indian Valley	
General Plan	7 units	SF-3 (Single Family, 1 unit/1-5 acres)
Zoning	7 units	A2-B4 (Limited Agriculture, 1 acre min lot size)
Inventory Assumption	Lower income: 0 units Moderate income: 2 units Above Mod. Income: 3-5 units	
Affordability	Minimal	
Infrastructure	Yes, water. Septic found to be feasible.	
Proximity to bus route	1+ miles	
Environmental considerations	Negative Declaration of Environmental Impacts was granted.	
Opportunities	5 new residential lots available for development. Entitlements granted in 2009 for 6-lot subdivision.	
Site status	Underutilized – Residential One unit existing, subdivision did not include residential development proposal.	



Site # 7 Tamarin Lane 12 Tamarin Lane, Novato (Tamarin Lane)		
APN / Acreage	143-190-12	6.54-6.34 acres
Community	Blackpoint	
General Plan	6 units	SF3 (Single-Family, 1 unit/1-5 acres)
Zoning	3-units	ARP-2 (Agricultural, Residential Planned, 1 unit/2 acres)
Inventory Assumption	Lower income: 0 units Moderate income: 2 units Above Moderate Income: 3 units	
Affordability	Minimal	
Infrastructure	Yes, water. Sanitary septic required.	
Proximity to bus route	1+ miles	
Environmental considerations	Minimal	
Opportunities	Subdivision approved in 2007 for 3 developable lots, two of which must have second units, per conditions of approval.	
Site status	Vacant – Residential	



APPENDIX G: HOUSING ELEMENT PROGRAM IMPLEMENTATION

2015-2023 Draft Housing Element

Note: Many factors beyond Marin County government control, including adequate funding and staff resources, may affect the estimated time frame for achieving targets and program implementation.

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
Goal 1	Use Land Efficiently					
Policy 1.1	Land Use					
Policy 1.2	Housing Sites					
Policy 1.3	Development Certainty					
Policy 1.4	Design, Sustainability and Flexibility					
Program 1.a	Establish Minimum Densities on Housing Element Sites	CDA	Local resources	2015	High	Preserve the development capacity for sites included on the Site Inventory list
1.b	Evaluate Multi-family Land Use Designations	CDA	Local resources	2016	Medium	Increase capacity for affordable and multi-family housing development; zone lands appropriately; implement Countywide Plan
1.c	Study Residential Density Equivalents	CDA	Local resources	2018	Low	Encourage smaller units or and more efficient use of land
1.d	Evaluate the Housing Overlay Designation	CDA	Local resources	2016	Medium	Improve opportunities for multifamily, workforce housing.
1.e	Study Ministerial Review for Affordable Housing	CDA	Local resources	2020	Low	Facilitate the development of affordable housing.
1.f	Undertake Adjustments to Second Unit Development Standards	CDA	Local resources	2016	Medium	Expand and improve housing choice and stock, especially for smaller households and local workforce
1.g	Review and Update Parking Standards	CDA and DPW	Local resources	2016	High	Increase utilization of land for housing development; seek efficient parking standards based on housing type and location

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
1.h	Update definitions of Transitional and Supportive Housing	CDA	Local resources	2015	Medium	Provide regulatory measures to facilitate housing provision and options for all segments of the community, including homeless and special needs populations
1.i	Codify Affordable Housing Incentives Identified in the Community Development Element	CDA	Local resources	2016	High	Implement the CWP; support the development of affordable housing
1.j	Promote Resource Conservation	CDA	Local resources	On-going	Low	Promote energy efficiency, resulting in reduced costs over time which supports long-term housing affordability; provide education to households at a range of income levels on energy efficiency and resource conservation
1.k	Simplify Review of Residential Development Project in Planned Districts	CDA	Local resources	2016	Medium	Consider amending the Dev Code to establish ministerial review in planned zoning districts. Consider allowing Master Plans to establish site criteria for ministerial review
1.l	Adjust Height Limits for Multi-family Residential Buildings	CDA	Local resources	2018	Medium	Amend the Dev Code to increase the allowable height for multi-family residential development.
Goal 2	Meet Housing Needs Through a Variety of Housing Choices					
Policy 2.1	Special Needs Groups					
Policy 2.2	Housing Choice					
Policy 2.3	Incentives for Affordable Housing					
Policy 2.4	Protect Existing Housing					
Program 2.a	Encourage Housing for Special Needs Households	CDA	Local resources	On-going	Medium	Promote a mix of housing types appropriate to the housing needs of the community, including extremely low income and special needs households

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
2.b	Enable Group Residential Care Facilities	CDA	Local resources	On-going	Medium	Provide regulatory measures to facilitate housing provision and options for all segments of the community, including special needs populations
2.c	Make Provisions for Multi-Family Housing Amenities	CDA	Local resources	On-going	Low	Make appropriate considerations for families with children and larger households
2.d	Foster Linkages to Health and Human Services Programs	HHS and CDA	TBD	On-going	Medium	Respond to special needs through comprehensive services
2.e	Support Efforts to House the Homeless	HHS and CDA	TBD	On-going	Medium	Respond to homeless needs through comprehensive services
2.f	Engage in a Countywide Effort to Address Homeless Needs	HHS and CDA	TBD	On-going	High	Respond to homeless needs through comprehensive services
2.g	Ensure Reasonable Accommodation	Fair Housing of Marin and CDA	Local resources	On-going	Medium	Reduce barriers in housing for individuals with disabilities
2.h	Require Non-discrimination Clauses	CDA	Local resources	On-going	Low	Reduce discrimination
2.i	Increase Tenants Protections	CDA	Local resources	2015	Medium	Protect renters from significant rental increases and reduce displacement
2.j	Promote the Development of Agricultural Worker Units in Agricultural Zones	CDA	Local resources	2016	Medium	Provide affordable and accessible, local housing for Agricultural workers
2.k	Promote and Ensure Equal Housing Opportunity	CDA/ Fair Housing of Marin	Local resources	On-going	High	Reduce discrimination
2.l	Deter Housing Discrimination	CDA	Local resources	On-going	High	Demonstrate responsiveness to discrimination complaints; promote the principles of fair housing
2.m	Implement the Inclusionary Housing Policy	CDA	Local resources	On-going	High	Maximize opportunities for affordable housing, particularly with long-term affordability controls and for households at the deepest levels of affordability
2.n	Apply Long-Term Housing Affordability Controls	CDA	Local resources	On-going	High	Pursue controls which will preserve the affordable housing stock in perpetuity

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
2.o	Encourage Land Acquisition and Land Banking	CDA	Local resources	On-going	Low	Use land efficiently and allocate land for affordable and special needs development
2.p	Expedite Permit Processing of Affordable and Special Needs Housing Projects	CDA	Local resources	2015	High	Reduce constraints for affordable and special needs developments
2.q	Study best practices for Housing Choice voucher acceptance	CDA, Marin Housing Authority	TBD	2015	High	Preserve affordable housing opportunities
2.r	Encourage First Time Homebuyer Programs	MHA	Mortgage Credit Certificates , CDBG funds, Local resources,	On-going	Medium	Continue to provide housing opportunities to households with low incomes; seek opportunities for expansion and coordination with other assistance programs
2.s	Link Code Enforcement with Public Information Programs	CDA, Marin Housing Authority	Local resources	On-going	Medium	Secure affordable safe housing; improve the safety and quality of existing housing stock
2.t	Assist in Maximizing Use of Rehabilitation Programs	CDA, Marin Housing Authority	Annual CDBG funds	On-going	Medium	Preserve the existing housing stock through rehabilitation; increase awareness of programs in the community
2.u	Monitor Rental Housing Stock	CDA	Local resources	On-going	Medium	Preserve the existing stock of rental housing as well as rental housing as a housing choice
2.v	Study Housing Needs and Constraints Specific to West Marin	CDA	Local resources and seek grants	2018	Medium	Consider ways to maximize housing opportunities in West Marin, increase affordable housing options for low and moderate income households.
Goal 3	Ensure Leadership and Institutional Capacity					
Policy 3.1	Coordination					
Policy 3.2	Research, Monitoring and Evaluation					

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
Policy 3.3	Funding					
Program 3.a	Consider Methods for Improving County's Outreach with Respect to Affordable Housing	CDA, Facilities	Local resources	2017	Medium	Conduct outreach and education to encourage and facilitate affordable housing.
3.b	Advance Organizational Effectiveness	CDA	Local resources	On-going	Low	Promote shared resources and coordination towards the achievement of common goals
3.c	Provide and Promote Opportunities for Community Participation in Housing Issues	CDA	Local resources	On-going	Medium	Foster community support for affordable housing; engage the community in housing issues
3.d	Perform Regional Transportation and Housing Activities	CDA	Local resources	On-going	Medium	Maximize housing opportunity sites; decrease transportation congestion; participate in regional planning exercises
3.e	Coordinate with Other Agencies	CDA	Local resources	On-going	Medium	Streamline the development process and reduce constraints to the development of affordable and special needs housing.
3.f	Promote Countywide Collaboration on Housing	CDA; Countywide Planning Agency	Local resources	On-going	Medium	Collaborate with Marin Cities and Towns to address regional planning and housing issues
3.g	Preserve Existing Housing Stock	CDA	Local resources	2013	Medium	Offer a range of housing choices and affordability through existing housing stock
3.h	Monitor Inclusionary Housing Programs	CDA	Local resources	On-going	High	Evaluate the program for ways to increase its effectiveness; collect funding to leverage for affordable housing
3.i	Undertake Housing Element Monitoring, Evaluation and Revisions	CDA	Local resources	On-going	High	Evaluate progress, review accomplishments and modify as needed
3.j	Provide and Participate in Local Affordable Housing Training and Education	CDA	Local resources	On-going	Medium	Serve as a resource to the community; seek to expand staff knowledge related to affordable housing

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
3.k	Provide Leadership to the Marin Workforce Housing Trust	CDA	Local resources	On-going	Medium	Prioritize funding for extremely low income and special needs populations
3.l	Assist with Local Funding for Affordable Housing	CDA	Local resources/ Housing Trust Funds	On-going	High	Pursue and leverage funding for affordable housing
3.m	Raise Funds from a Variety of Sources	CDA, CAO		On-going	Low	Pursue and collect funding for affordable housing
3.n	Coordinate Among Project Funders	CDA, MCF, MHA and MWHT	Local resources	On-going	Medium	Serve as a coordinator among local funders
3.o	Utilize Federal Grants Division Funding	CDA	CDBG and HOME	On-going	Medium	Pursue and leverage funding for affordable housing

APPENDIX H: SUMMARY OF REQUIREMENTS FOR ON AND OFF SITE IMPROVEMENTS

BC Attachment #6

Code Section	Improvement	Code Provision
<p>24.04.110</p> <p>23.08.015</p> <p>23.08.025</p> <p><u>24.04.120</u></p>	Streets/Roads	<p><u>The following sets forth the minimum widths for the improved section measured from face of curb to face of curb. Where no curb or berm is proposed, the paved width shall be one foot greater than that listed to allow for edge striping and pavement edge raveling.</u></p> <p><u>Street Minimum Paved Width:</u> Limited residential road, 20' with shoulders, 24' with curbs Minor residential road, 28' Residential road 36' Collector road, 40'</p> <p><u>Shoulders:</u> Shoulders shall be provided on each side of all roads. Shoulders shall normally be four feet wide, although wider shoulders may be required <u>as deemed appropriate by the agency.</u></p> <p><u>Grading:</u> Grades shall not exceed six percent on arterial, industrial/commercial and collector roads, twelve percent on residential roads, or eighteen percent on minor and limited residential roads. Continuous steep grades shall be avoided.</p>
<p>24.04.250</p> <p>24.04.260</p> <p>24.04.265</p> <p>24.04.280</p>	Driveways	<p><u>Minimum Length:</u> A minimum driveway length of twenty feet should be provided from the front of the garage or parking structure to the back of sidewalk or to the edge of pavement where no sidewalk exists. A lesser length may be approved for constrained sites.</p> <p><u>Width:</u> The minimum improved width of a driveway serving a single dwelling is twelve feet. The minimum improved width of a driveway serving two to six dwelling units is sixteen feet. Subject to the review and approval of the agency, this may be reduced to a minimum of twelve feet along all or part of its length. A driveway which serves or may be extended to serve more than six dwelling units shall be considered equivalent to a private road and designed accordingly. <u>The minimum improved width of a driveway serving nonresidential uses shall be eighteen feet.</u></p> <p><u>Retaining Walls:</u> The following standards and restrictions shall apply to all driveways:</p> <ul style="list-style-type: none"> (a) For driveways serving one single-family residence, pressure treated timber walls are acceptable on both uphill and downhill sides of the driveway but shall not exceed three feet in height (measured from the driveway surface). (b) For common driveways, timber walls shall not be allowed on the downhill side of the road. On the uphill side of the road, pressure treated timber walls may be acceptable depending on conditions, as determined by the agency, but shall not exceed three feet in height (measured from the driveway surface). (c) If the use of timber walls is allowed, pressure treated timbers shall be used and shall conform to the requirements of the standard specifications of the cities and county of Marin. (d) Notwithstanding the criteria contained herein regarding the use of timber walls, the agency may disallow such use where it determines that the designated location for a proposed timber wall would present inordinately difficult problems for future repair and/or replacement. (e) Walls visible from the roadway and/or adjacent property may be required to incorporate aesthetic treatment measures to mitigate the visual impact including, but not limited to, surface texturing, coloring and landscaping. <p><u>Grades:</u> Maximum gradient measured along the centerline should not be steeper than eighteen percent and shall not be steeper than twenty-five percent. Where a segment of a driveway has a grade exceeding eighteen percent, the length of that segment shall not exceed three hundred feet. Any two driveway segments with a grade greater than eighteen percent shall be joined by a flatter segment not exceeding fifteen percent grade and at least one hundred fifty feet in length. When the grade of any segment of a proposed driveway is to exceed sixteen percent, the appropriate fire department or protection district shall be consulted for comment, advice and mitigation suggestions. When a portion of a driveway is to be used to accommodate parking as required by this title, that portion must conform to the slope requirements of Section 24.04.400 of this title.</p>

<p>22.26.030 22.26.040</p>	<p>Landscaping</p>	<p><u>Landscaping Plan Procedures:</u></p> <ul style="list-style-type: none"> A. A preliminary landscaping plan shall be submitted as part of the development application, and be reviewed by the Agency concurrent with the land use permit application; B. After approval of the development application, a final landscaping plan shall be prepared and submitted concurrent with the Building Permit application; and C. Landscaping plans should be prepared by a landscape professional. <p><u>Landscaping Objectives:</u></p> <p>Proposed landscaping should be designed and installed to achieve the following objectives:</p> <ul style="list-style-type: none"> A. Provide visual amenities B. Provide environmental benefits C. Conserve water D. Screen incompatible land uses E. Improve safety F. Preserve the character and integrity of neighborhoods G. Preserve native plant species H. Preserve the number of trees in the County (for every tree removed, two must replace it) <p>Provide for fire safe landscaping</p>
<p>24.05.010 24.05.040 24.05.080 24.05.090</p>	<p>Easements</p>	<p><u>General:</u></p> <p>Offers of dedication of easements and rights-of-way shall be made to the county or other appropriate governing bodies and utility companies for all parcels of land intended and/or designated to be used for public purposes.</p> <p><u>Drainage and drainage access easements:</u></p> <p>Drainage and drainage access easements shall conform substantially with the line or plan lines of any natural or artificial watercourse, channel, stream or creek that traverses the property.</p> <p>Sufficient easements shall be required for underground conduits for disposal of surface and storm waters, together with sufficient easements for overflow and ponding and vehicular access necessary to provide for the proper operation and maintenance of drainage facilities. All such easements shall be of sufficient width for the purpose intended, as determined by the agency, and should not be less than fifteen feet in width. Lesser widths may be allowed where it can be demonstrated that the lesser width would not diminish the ability to access, protect or maintain the easement or the facilities therein.</p> <p><u>Public utility easements:</u></p> <p>Public utility easements may be required along the rear and sides of lots and in other locations for the accommodation of public utilities and/or sanitary sewer facilities.</p> <p>All such easements shall be of sufficient width for the purpose intended, as determined by the agency and/or the utility company, and should not be less than ten feet in width. Lesser widths may be allowed where it can be demonstrated that the lesser width would not diminish the ability to access, protect or maintain the easement or the facilities therein.</p> <p><u>Emergency access easements:</u></p> <p>Emergency access easements may be required to connect non-connecting roads or in other cases where alternate emergency routes may be required as deemed appropriate by the agency.</p>
<p>24.04.560</p>	<p>Drainage</p>	<p><u>Drainage Setbacks</u></p> <p>All structures shall be set back from creeks, channels or other major waterways at least twenty feet from the top of bank or twenty feet plus twice the channel depth measured from the top of the near embankment, whichever is greater.</p>

22.98.040	Parkland Dedications and Fees	<p><u>C. Amount of parkland required.</u> In compliance with Map Act Section 66477.b, three acres of land for each one thousand persons residing within the County shall be devoted to neighborhood and community park and recreational purposes.</p> <p><u>G. Fees in lieu of dedication:</u> The subdivider shall pay fees in lieu of dedication where there is no park or recreation facility designated in the Marin Countywide Plan, Local Coastal Plan, or applicable Community or Specific Plan to be located within or partly within the proposed subdivision, or the subdivision proposes fifty or fewer parcels. The required fee shall be as determined by the formula in Subsection G.1 (Formula for Fees).</p> <p>3. Dedication in subdivisions of fifty or fewer parcels: Nothing in this Section shall prohibit the dedication and acceptance of parkland in subdivisions of fifty or fewer parcels, where the subdivider proposes the dedication voluntarily and the land is acceptable to the County.</p> <p><u>H. Requirement for dedication and fees:</u> In subdivisions of over fifty parcels, the subdivider shall both dedicate land and pay a fee, as follows.</p> <ol style="list-style-type: none"> 1. When a portion of the land to be subdivided is proposed in the Marin Countywide Plan, Local Coastal Plan or Community Plan or Specific Plan as the site for a park or recreation facility, that portion shall be dedicated for local park purposes. The land to be dedicated shall be subject to the improvement requirements of Subsection F above (Improvements Required for Dedicated Lands). If additional land would have been required for dedication by Subsection D above (Dedication Requirement), a fee, computed in compliance with Subsection G above (Fees In-lieu of Dedication), shall also be paid for the value of any additional land, plus twenty percent toward the costs of off-site improvements. 2. When a major part of the local park or recreation site has already been acquired by the County or other local agency, and only a portion of the land is needed from the subdivision to complete the park site, the remaining portion shall be dedicated for local park purposes. <p>The subdivider shall also pay a fee in compliance with Subsection G above (Fees In-lieu of Dedication), in an amount equal to the value of the land, plus an additional twenty percent of the value of the land toward the costs of the off-site improvements that would otherwise have been required by Subsection F above (Improvements Required for Dedicated Lands) if the land had been dedicated. The County shall use the fees to improve the existing park and recreation facility, or to improve other local parks and recreation facilities in the area serving the subdivision.</p>
18.06.050	Sewage Disposal*	<p><u>Connection to public sewer system and alternatives:</u></p> <p>Sewage disposal shall be by means of a connection to a public sewer system if the nearest sewer is within four hundred lineal feet of the parcel in which the structure generating the sewage is to be constructed. This requirement may be waived by the health officer if he finds connection to a public sewer is legally or physically impossible. If the health officer determines that connection to a public sewer is unfeasible, an application may be filed for a permit for an alternative method of sewage disposal, utilizing an individual sewage disposal system.</p>
22.100.020	Sewer and Water	<p><u>B. Sewage disposal.</u> Provisions shall be made for adequate sewage disposal in compliance with Title 18 (Sewers) of the County Code, and as follows.</p> <ol style="list-style-type: none"> 1. Sanitary sewer. Where sewage disposal is to be by sanitary sewer, the subdivider shall install improvements and facilities as required by the governing board of the sewer system. 2. On-site disposal. Where sewage disposal is to be by individual on-site sewage disposal systems, the subdivider shall submit sufficient evidence with the subdivision application for review by the Health Officer, as to the ability of the lots to accommodate the systems, in compliance with Title 18 (Sewers) of the County Code. 3. Community system. Where sewage disposal is to be by a community waste disposal system, the subdivider shall submit detailed plans to the Health Officer. In addition, an intention to use a community disposal system shall be filed with the Regional Water Quality Control Board. The subdivider shall install the community waste disposal system, including provisions for future maintenance, following review and comment by the Regional Water Quality Control Board and approval by the Health Officer. <p><u>C. Water supply.</u> Provisions shall be made for domestic water supply as may be necessary to protect public health, including water service to each lot and fire protection facilities. Water may be supplied by connection to a public utility, establishment of a mutual water system (except as provided in Title 7, Section 7.28.025 (Prohibition) of the County Code), or by wells, springs or other approved sources of water,</p>

		<p>in compliance with Title 7 (Health and Sanitation) of the County Code, and as follows.</p> <ol style="list-style-type: none"> 1. Public utility. Where water is to be supplied by connection to a public utility, the subdivider shall install improvements and facilities as required by both the utility and the Fire Chief having jurisdiction. 2. Mutual water company. Where water is to be supplied by a mutual water company, the subdivider shall submit sufficient evidence, substantiated by adequate tests and/or engineering data, as to the quantity, quality and safety of the proposed water supply. After approval by the Environmental Health Director, the subdivider shall install an adequate and safe system that will provide water connections for each lot and for fire protection as approved by the Health Officer, and the Fire Chief having jurisdiction. 3. Wells or other sources. Where water is to be supplied by wells, springs or other sources, the purchasers of the properties shall be informed of the water supply in writing. The subdivider shall submit sufficient evidence substantiated by adequate tests and/or engineering data to ensure that adequate water can be obtained for each lot and for fire protection as approved by the Health Officer, and the Fire Chief having jurisdiction. The information provided shall be certified by a professional engineer or geologist. 	<p>Attachment #6</p>
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** Water and sanitary districts, not the County, assess required improvements related to water and sewer. Sewage disposal is addressed in greater length in the discussion of infrastructure in the Constraints section.*

Figure I-1: Development Standards, Conventional Zoning Districts

ZONING DISTRICT ¹	EXAMPLES OF PERMITTED USES (Without Use Permit)	MINIMUM LOT AREA ^{2,3}	MINIMUM SETBACKS ^{4,5,6}			MAXIMUM HEIGHT (Main building) ^{7,8}	MAXIMUM FAR (Floor Area Ratio) ^{9,10}
			Front	Side	Rear		
R-1		7,500 sq. ft.	25 ft.	6 ft.			
R-1:B-1	• Single-family dwelling	6,000 sq. ft.	25 ft.	5 ft.			
R-1:B-2	• Accessory buildings and uses	10,000 sq. ft.	25 ft.	10 ft.	20% of lot depth/ 25 ft. maximum	30 ft. maximum	30%
R-1:B-3	• Home occupations	20,000 sq. ft.	30 ft.	15 ft.			
R-1:B-4	• Public parks and playgrounds	1 acre	30 ft.	20 ft.			
R-1:B-5	• Crop and tree farming						
R-1:B-6	• Nursery and greenhouses						
R-A		7,500 sq. ft.	25 ft.	6 ft.			
R-A:B-1	• All uses permitted in R-1	6,000 sq. ft.	25 ft.	5 ft.			
R-A:B-2	• Limited livestock uses	10,000 sq. ft.	25 ft.	10 ft.	20% of lot depth/ 25 ft. maximum	30 ft. maximum	30%
R-A:B-3	• Dairy on five acres or more	20,000 sq. ft.	30 ft.	15 ft.			
R-A:B-4		1 acre	30 ft.	20 ft.			
A-2		2 acres	25 ft.	6 ft.			
A-2:B-1	• All uses permitted in R-1	6,000 sq. ft.	25 ft.	5 ft.			
A-2:B-2	• Limited agricultural uses	10,000 sq. ft.	25 ft.	10 ft.	20% of lot depth/ 25 ft. maximum	30 ft. maximum	30%
A-2:B-3	• Horse stables and riding academies	20,000 sq. ft.	30 ft.	15 ft.			
A-2:B-4	• Dog kennels having six or less dogs	1 acre	30 ft.	20 ft.			

FOOTNOTES:

- For information regarding other zoning districts, please contact the Marin County Community Development Agency, Planning Division.
- Minimum lot area requirements increase on sloping lots (see Chapter 22.82, Marin County Code).
- Design review approval is required on vacant lots proposed for development that are at least 50% smaller than the required lot area (Section 22.42.030, M.C.C.).
- Setback requirements for corner lots, double frontage lots, and detached accessory structures may vary (see Sections 22.08.040 & 22.10.040, M.C.C.).
- Setback requirements are measured from access easements/right-of-ways within yard areas (see Section 22.20.090, M.C.C.). Setbacks to streams may be increased if a watercourse exists on or near a subject property (see DPW-Flood Control). Development within the Countywide Plan's Stream Conservation Area on vacant lots that adjoin a mapped anadromous fish stream is subject to different setback standards (see Section 22.42.045, M.C.C. and Countywide Plan Policies EQ-2.3 to 2.6).
- Some architectural features (roof overhangs, chimneys, bay windows, etc.) may be permitted to encroach into the required setbacks (see Section 22.20.090, M.C.C.).
- Main buildings over 30 ft. in height require design review approval. Main buildings over 35 ft in height require Variance and design review approvals.
- Maximum building height for detached accessory buildings is 15 ft. Accessory buildings over 15 ft. require use permit approval.
- All single-family dwellings with a building area greater than 4,000 sq. ft. require design review approval.
- For information regarding the calculation of FAR in the Tamalpais planning area, please refer to the Tamalpais Area Community Plan Program LU1.4a.

Figure I-2: Development Standards, Planned Districts

ZONING DISTRICT ¹	EXAMPLES OF PERMITTED USES (Without Use Permit)	EXAMPLES OF DENSITY (Maximum units/acre)		MAXIMUM HEIGHT		DEVELOPMENT STANDARDS ²
				Main	Accessory	
RSP Residential, Single- family Planned	<ul style="list-style-type: none"> Single-family dwelling Accessory buildings and uses Public parks and playgrounds Crop and tree farming Nurseries and greenhouses (private) Home occupations 	RSP-0.25	1 unit/4 acres	30 ft.	15 ft.	Determined by master plan and/or design review
		RSP-0.5	1 unit/2 acres			
		RSP-1.0	1 unit/acre			
		RSP-2.0	2 units/acre			
		RSP-10	10 units/acre			
RMP Residential, Multiple- family Planned	<ul style="list-style-type: none"> All uses permitted in RSP Two-family and multiple-family dwellings Lodges and organizational houses Schools, libraries, museums, churches, private residential recreational facilities 	RMP-1.0	1 unit/acre	30 ft.	15 ft.	Determined by master plan and/or design review
		RMP-5.0	5 units/acre			
		RMP-10	10 units/acre			
		RMP-30	30 units/acre			
		RMP-45	45 units/acre			
ARP Agricultural, Residential Planned	<ul style="list-style-type: none"> Single-family dwelling Accessory buildings and uses Agricultural uses: grazing, dairying, crop farming, fish hatchery, poultry, etc. Equestrian uses: grazing, breeding, training, boarding, etc. 	ARP-2.0	1 unit/2 acres	30 ft.	15 ft.	Determined by master plan and/or design review
		ARP-10	1 unit/10 acres			
		ARP-30	1 unit/30 acres			
		ARP-60	1 unit/60 acres			

FOOTNOTES:

1. For information regarding other zoning districts, please contact the Marin County Community Development Agency, Planning Division.
2. Please see Chapters 22.08, 22.10, and 22.16 of Marin County Code for more information on uses, design standards, and requirements. All development in planned districts is subject to master plan and/or design review approval.
3. Development within the Countywide Plan's Stream Conservation Area is subject to different setback standards (see Countywide Plan Policies EQ-2.3 to 2.6).

Figure I-3: Development Standards, Commercial Districts

PC Attachment #6

Zoning District	Minimum Lot Area ¹	Maximum Residential Density ²	Minimum Setback Requirements ³			Height Limit ⁴		Maximum FAR ⁵
			Front	Sides	Rear	Primary	Accessory	
VCR	7,500 sq.ft.	1 unit per 2,000 sq.ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use	35 ft.	15 ft.	Not applicable
AP		1 unit per 1,450 sq. ft. of lot area	25 ft.	6 ft. for 1-story building, 10 ft. for multi-story building, or on street side	20 ft.			
C1		1 unit per 1,450 sq. ft. of lot area	30 ft. 0 ft.	6 ft. adjacent to residential district, none otherwise	12 ft. adjacent to residential district, none otherwise			
CP	Not applicable	1 unit per 1,450 sq. ft. of lot area	Not applicable			30 ft.	15 ft.	Not applicable
IP		Not permitted						
RCR		Affordable Housing per CWP						
OP		Not permitted in OP; See Zoning Map for RMPC						
RMPC								

FOOTNOTES:

- Minimum lot area and setback standards may change, as follows:
 - In VCR, AP, H1, and C1 districts, the minimum lot area and setback standards may change when the district is combined with a "-B" district in compliance with provisions of section 22.14.050 (Minimum Lot Size "-B" Combining District).
 - In VCR, AP, H1, and C1 districts, including those combined with "-B" districts, the minimum lot area may change in areas of sloping terrain in compliance with provisions of section 22.82.050 (Hillside Subdivision Design).
 - In CP, IP, RCR, OP, and RMPC districts, minimum lot area is determined through the master plan, precise development plan, or design review process in compliance with chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review). Through such process, the review authority will determine whether the lot area is adequate for the proposed land use.
- Except for affordable housing, dwellings are not permitted in RCR districts. Where dwellings are permitted, the following standards apply:
 - In RMPC districts, when determining the maximum residential density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
 - In C1 districts, dwellings are allowed only on above the first floor. The first floor shall be reserved for non-residential use.
- See (1) above. See section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In CP, IP, RCR, OP, and RMPC districts, setbacks determined through the master plan, precise development plan, or design review process in compliance with chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review).
- See section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. In VCR, H1, or C1 districts, single-family dwellings over thirty feet in height require design review approval in compliance with chapter 22.42 (design review), and single-family dwellings over thirty-five feet in height require design review and variance approval in compliance with chapters 22.42 (design review) and 22.54 (Variances).
- In VCR, H1, or C1 districts, single-family dwellings that contain over four thousand square feet of floor area require design review approval in compliance with chapter 22.42 (Design Review).
- See Section 22.32.150 Residential Uses in Commercial/Mixed Use Areas for standards on residential development. For mixed use developments, the floor area ratio shall not exceed the floor area ratio as established by the governing Countywide Plan Land Use Designation.
- The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority, and lots proposed for affordable

housing. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.

8. The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.

See Marin County Code article VIII (Development Code Definitions) for definitions of the terms used above.

Figure I-4: Permit Requirements by District, Residential Districts

BCS Attachment #6

RESIDENTIAL USES	R1 Residential Single Family	RSP Residential Single Family Planned	RA Residential Agriculture	RR Residential Restricted	RE Residential Estate	R2 Residential Two Family	RMP Residential Multiple Planned	RX Residential Mobile Home Park	RF Floating Home Marina	Development Code Section:
Affordable housing	P	P	P	P	P	P	P	P	P	22.22
Floating home marinas	—	—	—	—	—	—	—	—	MP	22.32.070
Floating homes	—	—	—	—	—	—	—	—	MP	22.32.075
Group homes, 6 or fewer residents	P	P	P	P	P	P	P	P	P	22.32.080
Group homes, 7 or more residents	U	MU	U	U	U	U	MU	MU	MU	22.32.080
Guest house	P	MP	P	P	P	P	—	—	—	22.32.090
Home occupations	P	MP	P	P	P	P	MP	MP	MP	22.32.100
Mobile home parks		—	—	—	—	U	MU	MP	—	22.32.110
Mobile homes	—	—	—	—	—	—	—	MP	—	22.32.110
Multi-family dwellings	—	—	—	—	—	—	MP	—	—	
Organizational houses	U	MU	U	U	U	U	MU	—	—	
Residential accessory uses and structures	P	MP	P	P	P	P	MU	MP	MP	22.32.130
Residential care facilities	P	MP	P	P	P	P	MP	MP	MP	22.32.080
Room rentals	P	MP	P	P	P	P	MP	—	—	
Residential second units	P	P	P	P	P	P	P	—	—	22.32.140
Single-family dwellings	P	MP	P	P	P	P	MP	—	P	
Tennis and other recreational uses	P	MP	P	P	P	P	MP	MP	MP	22.32.130
Transitional and supportive housing	—	—	—	—	—	—	MP	—	—	
Two-family dwellings	—	—	—	—	—	P	MP	—	—	

Key to Permit Requirements

	Permit Requirement	Procedures in Development Code Section:
P	Permitted use	
U	Conditional use, use permit required	Chapter 22.48
MP	Permitted use, master plan/Precise Development Plan required	Chapter 22.44
MU	Conditional use, use permit required where authorized by master plan/PDP	Chapter 22.44
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Figure I-5: Permit Requirements by District, Commercial Districts

BCS Attachment #6

RESIDENTIAL USES	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 Retail Business	CP Planned Commercial	AP Admin and Professiona I	OP Planned Office	H1 Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	Development Code Section:
Affordable Housing	P	P	P	P	P	P	P	P	U	Chapter 22.22
Group homes, 6 or fewer residents	P	P	—	—	—	P	U	—	—	22.32.080
Group homes, 7 or more residents	U	MU	—	—	—	MU	U	—	—	22.32.080
Guest houses	P	MP	—	—	—	MP	U	—	—	22.32.090
Homeless Shelter	—	—	P	P	U	U	U	—	—	22.32.095
Home occupations	P	MP	P	MP	P	MP	P	—	—	22.32.100
Multi-family dwellings	U	MP	P	MP	P	MP	P		—	22.32.150
Organizational houses	U	MU	U	—	—	MU	U	MU	—	
Residential accessory uses and structures	P	MP	P	—	P	MP	P	—	—	22.32.130
Residential care facilities	P	MP	—	—	—	MP	U	—	—	22.32.080
Room rentals	P	MP	P	MP	P	MP	U	—	—	
Single-family dwellings	P	MP	P	MP	P	MP	P		—	22.32.150
Tennis and other recreational uses	U	MP	U	MU	—	MU	U	—	—	22.32.130
Two-family dwellings	U	MP	P	—	P	MP	P		—	22.32.150

Key to Permit Requirements

	Permit Requirement	Procedures in Development Code Section:
P	Permitted use	
U	Conditional use, use permit required	Chapter 22.48
MP	Permitted use, master plan/Precise Development Plan required	Chapter 22.44
MU	Conditional use, use permit required where authorized by master plan/PDP	Chapter 22.44
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

Figure I-6: Permit Requirements by District, Agricultural Districts

RESIDENTIAL USES	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	C-ARP Coastal, Agriculture Residential Planned	OA Open Area Zoning/ Combining District	C-OA Coastal, Open Area District	C-APZ Agriculture Production Zone
Affordable housing	P	U	P	P	—	U	U
Agricultural worker housing	P	P	P	PP	P	U	PP
Group homes, 6 or fewer residents	P	P	P	MP	—	—	P
Group homes, 7 or more residents	U	U	MU	MU	—	—	P
Guest house	P	P	MP	MP	P	P	—
Home occupations	P	P	MP	MP	P	P	P
Private residential recreational facilities	U	U	MU	MU	—	—	—
Religious residential retreats	U	U	MU	MU	—	—	—
Residential accessory uses and structures	P	P	MP	MP	P	P	P
Residential care facilities	P	P	MP	MP	—	—	P
Residential second units	P	P	P	MP	—	—	—
Room rentals	P	P	MP	MP	—	—	P
Single-family dwellings (attached or detached)	P	P	MP	MP	U	U	U
Tennis and other recreational uses	P	P	MU	MU	U	—	—

Key to Permit Requirements

	Permit Requirement	Procedures in Development Code Section:
P	Permitted use	
U	Conditional use, use permit required	Chapter 22.48
MP	Permitted use, master plan/Precise Development Plan required	Chapter 22.44
MU	Conditional use, use permit required where authorized by master plan/PDP	Chapter 22.44
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

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APPENDIX J: FLOOD MANAGEMENT (§65302)

INTER-OFFICE MEMORANDUM MARIN COUNTY DEPARTMENT OF PUBLIC WORKS

DATE: July 23¹, 2014
TO: Berenice Davidson
FROM: Dave Nicholson
RE: Marin County Floodplain Code §23.09 as it Pertains to AB-162 and CPW Updating

The following is a narrative outlining Marin County compliance with AB-162 Code Section 65302 as it specifically pertains to flood hazard avoidance (see the section language on attached sheet). Note that Marin County Code (MCC)§23.09.010 addresses statutory authorization for the enforcement of Government Code Section 65302 (Ord. 3293§1, 1999).

§65302.d.3

Water resources are in Section 2.5 of the Countywide Plan (CWP) and Map 2-7 show watersheds, creeks and water bodies. Also in the CWP, flood corridors are shown on Map 2-12 and riparian habitats are addressed in the CWP BIO-4, Stream Conservation Area beginning on Page 2-28. There are no known groundwater recharge systems within Marin County and stormwater management is addressed in CWP BIO-4.20, Page 2-35 and under CWP WR-2.6, Page 2-60.

§65302.g.2

: (A) Flood hazards are defined on FEMA Flood Insurance Rate Maps (FIRMs). Marin County Code (MCC)§23.09.011(4) adopts FEMA FIRMs and all subsequent FIRM amendments to identify and delineate flood hazard areas within the county. Additionally, pursuant to (A)(xi), special flood districts in flood-prone areas within the county have been established and flood control improvements are administered by the Marin County Flood Control Division. See also CWP Map 2-12, Flooding. No changes to the status of dams throughout the county have occurred to date. As a result, Map 2-12 in the CWP showing dam failure inundation is current.

: (B) MCC§23.09, Floodplain Management establishes adopted policies and codes that regulate development and redevelopment within flood-prone areas in Marin County. Under MCC§23.09.011, Findings of Fact, the Floodplain Management regulations are based on large known floods to have occurred and on FEMA-established flood boundary maps. Also see CWP Goal EH-3, Page 2-77.

: (C) Implementation and enforcement of the flood hazards regulations are conducted by DPW engineer staff and managers. Through the discretionary review and building permit plan-checking process, DPW engineers review development and re-development projects, identify those that may be affected by flood hazards, and implement the requirements spelled out in MCC§23.09 to ensure compliance with the code requirements by ensuring that development plans meet the minimum regulations and by conducting site inspections.

§65302.g.3

No revisions were found to be necessary for the safety element with respect to flood hazards.

§65302.g.4

Marin County has established a floodplain ordinance [MCC§23.09] that is based on and approved by FEMA and substantially complies with this section. See Goal EH-3 on Page 2-77 and subsequent Implementing Programs on Page 2-78.

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Appendix K: Master Response 3- Environmental Review of Housing Projects

The following response addresses the relationship of this SEIR to evaluation of future individual housing sites.

The proposed project evaluated in this SEIR is the *2012 Draft Housing Element* of the *Marin Countywide Plan (Countywide Plan)*. This SEIR evaluates proposed changes in the Housing Element since certification of the *2007 Countywide Plan EIR* and approval of the *2007 Countywide Plan* (including the current Housing Element, which was incorporated into the *Countywide Plan* and adopted by the Board of Supervisors in November 2007) (see page 2 of the Draft SEIR). The *2007 Countywide Plan EIR* evaluated a range of total housing units that could be built in the unincorporated area of Marin County under the various *Countywide Plan* policies that encourage housing (see page 9 of the Draft SEIR). Like the *2007 Countywide Plan EIR*, this SEIR is a program EIR prepared pursuant to *State CEQA Guidelines* section 15168(a)(3) (as discussed on page 4 of the Draft SEIR a program EIR is appropriate for rules, regulations, plans, and other general criteria to govern the conduct of continuing programs).

The potential for development of housing on 49 sites in the 2007-2014 and 2014-2022 Housing Element timeframes, are analyzed in every resource category and in the cumulative context. The SEIR discloses new or substantially more severe significant impacts in the following three resource areas: Air Quality; Hydrology, Water Quality and Flooding Hazard; and Noise. As described on pages 41 to 44 of the Draft SEIR and in *Master Response 1 – Sea Level Rise*, five new mitigation measures and one revised mitigation measure have been identified, which would reduce the new or substantially more severe significant impacts to a less-than-significant level. When development projects are proposed for the identified housing sites, site-specific review based on the project applications will determine the form of additional environmental review required.

While the SEIR provides an in-depth program-level review of the proposed housing sites, each individual housing site will separately and subsequently receive additional review if and when individual development applications are received by Marin County. This SEIR will help facilitate future, tiered environmental review, as appropriate, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects. This approach should not reduce the ability of citizens to participate in the County review process for individual housing sites.

It is acknowledged that any future environmental review would be subject to the CEQA requirements applicable at that time, which may have been amended to address new environmental data, changes to regulatory settings, judicial decisions, and other information used to evaluate environmental change, mitigating factors, and impact thresholds.

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Attachment 2:
Administrative Record (comments received)

BOS Attachment #6

From: Jean Gallagher
Sent: Tuesday, July 29, 2014 12:41 PM
To: PlanningCommission
Subject: LVEHOA Comment letter on Housing Element Draft Update

Dear Planning Commission,
As a resident of Lucas Valley Estates, I support all points made in the LVEHOA Comment Letter dated July 26, 2014 regarding the Marin County Draft Housing Element Update 2015-2023.

Jean Gallagher
Silver Pine Terrace

From: Alan Scotch
Sent: Tuesday, July 29, 2014 3:48 PM
To: PlanningCommission
Subject: FW: Housing Element County vs SR

I have to admire the meticulous detail the [County Planners](#) went into discussing the RHNA HOUSING ELEMENT on July 28th 2014.

San Rafael's Planners (who had 1,007 housing units to find compared to 185) summed up their **brief meeting** with "Well it's in our General Plan, we have the housing identified already -- that's all folks, goodnight".

It's just a matter of showing ABAG that we got their (illogical) numbers covered.
- Development on these sites may or may not happen, regardless, and as you know, no "DEVELOPMENT nor ReZoning is required by ABAG".

San Rafael's Planning Commission Meeting on their HOUSING ELEMENT:
http://cityofsanrafael.granicus.com/MediaPlayer.php?view_id=2&clip_id=575&meta_id=46992

Alan

PS What might have helped at last night's meeting:
http://marininfo.org/Housing/2014_housing_elements.htm

From: Karen Tuttle
Sent: Wednesday, July 30, 2014 3:54 PM
To: PlanningCommission
Subject: Tam Junction Sites

Thank you for removing the Tam Junction Sites from the 2015 to 2023 DRAFT of Marin County Housing Element's Available Land Inventory. Congestion is awful already. Thanks for listening.

Karen Tuttle
Tam Valley Resident

From: Stephanie Vandrick
Sent: Wednesday, July 30, 2014 10:09 AM
To: PlanningCommission
Subject: removal of Tam Junction sites

Dear members of the Planning Commission,

I write to thank you very much for removing the Tam Junction Sites from the 2015 to 2023 DRAFT Marin County Housing Element's Available Land Inventory. For the many reasons you heard, ranging from road-choking traffic to environmental reasons, housing in those locations would be untenable. I write as a resident of Tam Valley.

Stephanie Vandrick

--

Stephanie Vandrick
Professor
Department of Rhetoric and Language
University of San Francisco, KA-204
2130 Fulton Street
San Francisco, CA 94117
415-422-2407
vandricks@usfca.edu

Visit my blog on books at <http://stephanievandrickreads.blogspot.com/>

From: Otto von Franque
Sent: Wednesday, July 30, 2014 9:21 AM
To: PlanningCommission
Subject: Thank You

Good Morning:

I understand that the Planning Commission likely will remove the Old Chevron Site and the Armstrong Nursery Site in Tam Valley from the County Housing Element's Available Land Inventory. I would like to thank the Commission very much for that intended action.

Having lived in and near Tam Valley for nearly 20 years, I have noticed a tremendous increase in congestion at Tam Junction just over the last couple years. It takes me longer to get TO the freeway many mornings (1.5 miles) than the rest of my commute to San Rafael ON the freeway. Feels like a mini LA right at Tam Junction
So Thank You very much for not potentially/likely worsening this congestion with additional housing

Sincerely,

Otto von Franque, MD
(Northern Ave)

From: Art Yow
Sent: Wednesday, July 30, 2014 9:46 AM
To: PlanningCommission
Cc: sharon@tamalmonite.org
Subject: Tam Junction

Honorable Planning Commissioners:

I am a 40 year resident of Tam Valley and have witnessed many changes in the area during that time.

I wish to thank you for your recent vote to remove the Chevron and Armstrong sites (Tam Junction) from the County Housing Element's Available Land Inventory.

It is with no exaggeration that Tam Junction / Shoreline Highway traffic, even at its current level, is terribly congested.

In addition, to imagine a "Wincup"- like monstrosity at Tam Junction would be totally contrary to everything Marin!

For a County which prides itself in the Frank Lloyd Wright designed Civic Center, it is absolutely incredible for it to have permitted the monstrosity at Wincup; especially with such an "in your face" location!

Much is at stake here, we all have seen the handiwork of "developers".

Please don't let this happen at Tam Junction/Almonte; the gateway to beautiful Mt. Tamalpais, Muir Woods, Stinson Beach and West Marin.

With my regards,
Art Yow AIA

From: Ann Burke
Sent: Thursday, July 31, 2014 7:08 PM
To: PlanningCommission
Subject: July 28th Planning Meeting

Dear Planning Commissioners:

Thank you so much for caring about current and future residents of Marin County. The sites that were identified in the Housing Element in Tam Valley would create grave concerns for those currently living in the Valley and potential new residents. Development in this area that has so many constraints and burdens such as sea level rise and the never ending traffic make it an area totally inappropriate to identify as a place to target for building of residences.

I also want to thank you for your patience and willingness to give so much of your time and attention at the July 28th meeting to the public and the issues.

Sincerely,

Ann Burke

334 Jean Street, Mill Valley, CA. 94941

From: Dorothy McQuown
Sent: Thursday, July 31, 2014 9:43 PM
To: PlanningCommission
Subject: Monday's meeting

Dear Commissioners, I want to thank you profusely for removing two of the Tam Junction Sites from the 2015 to 2023 DRAFT Marin County Housing Element's Available Land Inventory. I came to the meeting regarding this issue, as I am a 32 year Tam Valley resident who is shocked and extremely troubled by the recent blockages in traffic patterns and ever-increasing flooding on our nearby roadways. Your willingness to hear our concerns and make adjustments to prevent further deterioration of the area is gratifying. Thank you. Dorothy McQuown, Ph.D.

From: Peta Penson
Sent: Thursday, July 31, 2014 3:52 PM
To: PlanningCommission
Subject: Thank you for removing Tam Junction sites

Folks,

We are very appreciative of your removing two of the Tam Junction Sites from the county housing element inventory, and are confident that you will find alternatives that don't further clog up the current traffic congestion at our end of Mill Valley. It's a relief to see that you are listening to the public on the situation and are considering all the input you are getting.

Kudos to you,

Peta Penson and Peter Banys
268 Greene St (Tam-Almonte area)
Mill Valley, 94941

MARGARET KETTUNEN ZEGART

118 HIGHLAND LANE, MILL VALLEY, CA 94941 CITY, CA 95531 415-
383-2771

Marin County Planning Commission
Civic Center Drive, Room 308
San Rafael, CA 94941

July 31, 2014

RE: July 28 Housing Element Workshop / Affordable Housing

Dear Commissioners:

Thank you for your careful consideration and responses to various issues brought before you last Tuesday regarding the Draft Housing Element.

A letter that I thought had reached you at 2:00 pm on July 28 was undelivered on e-mail, I found out and was unable to re-send it today. Apparently, I am blocked from e-mails being sent to you, so shall enclose that with this additional comment letter and request that both will be added to the correspondence file.

I hope that you will delete, also, in August a third Southern Marin Manzanita parcel if the permit for a mini-deli store and two market rate and one employee rental units has expired at **150 Shoreline**. This site, also, is adversely impacted by traffic, by flooded road access at king tides and at motionless movement traffic congestion. Of course, this congestion is way beyond level of service (LOS F) which has been waived as a special consideration for Shoreline Highway and Sir Frances Drake Boulevard in a Title 22 adjusted Developer Incentive. You may wish to review this exemption and also Affordable Housing reduced setbacks for creeks and roadways that the *County Wide Plan* provided for market rate development. A priority is restored / increased setbacks in order to provide (a) habitat and swale buffer for future drainage or necessary increased water passage space as sea level rise and storm surge flooding increase with Climate Change and as (b) trees / plantings aid in lessening the extra-ordinary increased green house gas emissions' adverse impact on air quality. [The *County Wide Plan's* peak hour base line for air quality assessment did not include weekend traffic on 101 nor recorded data as traffic accesses onto or from Shoreline Highway 1.]

Thank you,

Margaret Kettunen Zegart

AOL Note: bcrawford@marincounty.org (<bcrawford@marincounty.org>
<lthomas@marincounty.org>) does not appear to be a valid email address. Verify the address and try again.

From: Margaret Kettunen Zegart
Sent: Sunday, August 03, 2014 10:56 PM
To: Crawford, Brian
Cc: PlanningCommission
Subject: Comments as you work on Housing Element

Margaret Kettunen Zegart

118HIGHLAND LANE, MILL VALLEY, CA 94941 City, CA 95531 415-383-2771

August 4, 2014

Brian Crawford, Community Development Agency Director

Housing Element staff and Planning Commissioners
3501 Civic Center Drive, room 308
San Rafael, CA 94904

RE: Equitable and Sustainable Housing Goals in Proposed Recommendation for Housing Element

Dear Housing staff and Planning Commissioners:

A reminder that any Housing Element document you submit to the Board of Supervisors for the approval cannot affirm sustainable (1) and equitable (2) goals for low low, low income households and by State definition, moderate income households in Marin.

“The purpose of the Housing Element, a required chapter of the general plan, is to achieve an adequate supply of decent, safe, and affordable housing for Marin’s workforce, residents, and special needs populations, with a particular focus on the unincorporated areas of the County.”...

“The Housing Element will be adopted as an [amendment](#) to and incorporated into the *Countywide Plan (CWP)*. Housing Elements ~~may~~ shall require environmental analysis under spirit of the California Environmental Quality Act (CEQA).” Despite extensive community workshops, correspondence and hearings input and excessive expenditures of money, staff time, and an EIR which noted 42 significant adverse impacts which cannot be mitigated on housing sites; your EIR responses and current Housing Element suggested questionable sites or densities. Possible site study / mitigations is deferred to future evaluation. This may be limited or evaded by an accelerated review and administrative streamlining permit process adopted by Marin County. Sustainable Housing cannot be built on seismic and forecasted inundation from Rising Tides, etc. Section 15151 of the *State California Environmental Quality Act (CEQA) Guidelines* states that the EIR “should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision which intelligently takes account of environmental consequences .”

(A) BCDC Bay Area Amendments Climate Change Guidelines developed through regional consensus applicable for development along Richardson Bay, streams and San Pablo Bay

g. San Francisco Bay Conservation and Development Commission (BCDC) Bay Plan Amendment of July 29, 20119G) regarding Climate Change. “In the context of Climate Change, mitigation refers to actions taken to reduce greenhouse gas emissions, and adaption refers to actions taken to address potential or experienced impacts of climate change that reduce risks. Adaption actions that protect existing development and infrastructure include protecting shorelines, promoting appropriate infill developments and designing new construction to be resilient to sea level rise. Another option is

relocating structures out of flood and inundation zones. Some actions can integrate adaption, mitigation, and flood protection strategies and may be cost-effective: when implemented before sea level rise ...”

“n. Some Bay Area Communities, particularly those whose residents have low incomes, disabilities or are elderly, may lack the resources or capacity to respond effectively to the impacts of sea level rise and storm activity. Financial and other assistance is needed to achieve regional equity goals and help everyone be part of resilient shoreline communities.

“r. In some cases, the regional goals of encouraging infill development, remediating environmentally degraded land, redeveloping closed military bases and concentrating housing and job density near transit may conflict with the goal of minimizing flood risk by avoiding development in low-lying areas on a portion of the property to reduce the area that must be protected; formulating an adaption strategy for dealing with rising sea level and shoreline flooding with definitive goals and an adaptive management plan for addressing key uncertainties for the life of the project, incorporating measures that will enhance project resilience and sustainability and developing a project based financial strategy and / of public financing strategy , as appropriate, to fund future flood protection for the project which may also protect existing nearby development. Reconciling these different worthy goals and taking appropriate actions requires weighing competing policy considerations and would be best accomplished through a collaborative process involving diverse stakeholders, similar to that being undertaken by the joint Policy Committee to develop the Sustainable Communities Strategy.”

(B) Examples of County inequality rulings for Affordable Housing

County Title 22 Amendments exempt affordable housing from market rate protections – including setbacks and the maximum residential density standards on Ridge and Upland Greenbelt and Bayland Corridors, properties that lack sufficient water or sewer systems, or that remove permit procedure for affordable housing on RCR zoning and roadside business sites. (e.g Policy CD 1.3, Programs CF-1c, CD5.4, CF6.a CWC section 4.4e). Rightfully remove these, violating CWP ‘s social justice or environmental criteria.

(C) Distance and increased site costs

Even IF a SMART stop is added to be within the .5 mile, transit, inclusive connections should be clarified and route portions adversely affected by future inundation or slide prone hill slopes should be evaluated as well as traffic commute congestion. Any mitigation by SMART should add transfer time and added mileage costs / taxi fees. School shuttles, shopping services, mini parks / open space and community infrastructure shall be included if there are Priority Development Area (PDA) or Priority Conservation, and Baylands zoning for St. Vincent / Silviera . Exemptions to encourage dense (30 unit + 5% density) recommended by you and approved by the Supervisors in changes from the Countywide Plan by Title 22 amendments should be reconsidered. This site’s FEMA insurance rate mapped areas will have high cost home flood and seismic insurance and habitat renewal would be a part of the Internationally recognized Bay coastline. Fortunately, you have prepared a 182 “slip list allowance”. However, 42 units still are needed here if the assigned housing units numbers continue for Strawberry’s recently purchased Baptist Seminary and future flooding 150-6 Shoreline’s 3 units are removed.

(D) Compliance with Master Plan

This planning process is a necessary and legal concept and should be followed.

Sincerely,
Margaret Kettunen Zegart

Margaret Kettunen Zegart
kettz@aol.com
118 Highland Lane
Mill Valley, CA 94941

From: Lisa Barnes
Sent: Wednesday, August 06, 2014 2:43 PM
To: PlanningCommission
Subject: Thank You

Dear Planning Commissioner:

Thank you for removing the Old Chevron Site and the Armstrong Nursery Site from the 2015 to 2023 DRAFT Marin County Housing Element's Available Land Inventory. My family was very excited to hear about the straw vote and hope this course continues.

Cheers

The Barnes Family
604 Eucalyptus Way
Mill Valley

From: Sheilah Glover
Sent: Thursday, August 07, 2014 12:57 PM
To: PlanningCommission
Subject: thank you

Dear Marin County Planning Commission

Thank you for removing the Tam Junction sites from the 2015 - 2023 Draft Marin County Housing Element's Available Land Inventory. There is such a crush of cars already, I am very grateful we're not looking at a lot of new housing.

Sincerely,
Sheilah

Sheilah Glover
www.sheilahglover.com
www.ngwmusic.com
415/888-8410

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

August 9, 2014

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

Dear Marin County Planning Commission,

Thank you so very much for your straw vote to remove two Tam Junction Sites from the 2015 to 2023 Marin County Housing Element Site Inventory.

As demonstrated previously, the Tam Junction Sites are located in areas laden with environmental constraints and hazards. Development at these sites would exacerbate the existing dangerous conditions and add new significant adverse environmental impacts. Moreover, implementation of the National Park Service's proposed GGNRA General Management Plan and Muir Woods Visitor Access Plan would potentially increase annual visitation to Muir Woods by up to ½ million more visitors and further clog congested Hwy 1. These factors make the sites unsuitable for housing. Furthermore, high-density housing at the Tam Junction Sites would be incongruous with the semi-rural character of the surrounding neighborhoods.

If the sites were to remain in the Housing Element's Inventory, then they would be targeted for housing. As currently written, the Housing Element states that sites that are listed in the Site Inventory are "zoned, available, and suitable for affordable housing". Moreover, per Program 1.a "Establish Minimum Densities on Housing Element Sites", if a Housing Element Site is developed, it must be developed with no fewer dwelling units than those shown in the Site Inventory Analysis (Appendix "F"). In addition, Leelee Thomas stated that the zoning of a site included in the Housing Element Inventory is locked in place for the term of the Housing Element.

Provided the Tam Junction Sites remain excluded from the Site Inventory when the 2015 to 2023 Housing Element is adopted, the sites would no longer be targeted for housing and our communities would then be able to pursue lowering the allowable density and build out in the hazardous Tam Junction area to a level that is appropriate, safe and sustainable.

Therefore, removing the Tam Junction Sites from the Housing Element's Site Inventory is a tremendous step in the right direction to protect public health and safety, preserve the environment, improve quality of life and maintain the neighborhood character in the Tam Valley and Almonte communities.

Thank you again for your sound judgment regarding this important matter.

With abundant gratitude,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

August 10, 2014

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

Re: 2015 to 2023 DRAFT Marin County
Housing Element's NEW Programs

Dear Marin County Planning Commission,

Sustainable TamAlmonte has the following comments and recommendations regarding the 2015 to 2023 DRAFT Marin County Housing Element's proposed new policies and programs:

1. Program: Evaluate Multi-family Land Use Designation.

a. Adjust zoning maps as appropriate and redistribute multi-family zoning to locations suitable for multi-family development.

b. Avoid designating or rezoning multi-family residential land for other uses or to lower densities without rezoning equivalent land for higher density multi-family development.

Discussion:

Excerpt from the "Discussion" of this program: *"...The location of multi-family zoning is often on sites with sloped topography, sensitive habitat or species, and other development constraints..."*

The above excerpt from the "Discussion" is an acknowledgement that current multi-family land use designations/ zoning are often not in areas appropriate for such continued development planning.

Furthermore, according to the Marin Countywide Plan's EIR, implementation of the Marin Countywide Plan would result in 42 significant UNAVOIDABLE adverse impacts. Therefore, the Marin Countywide Plan allows more build-out than is safe and sustainable. This should be rectified and this program could help move Unincorporated Marin in the right direction by reducing the potential build-out of dwelling units to a level that is sustainable.

For example, in the Tamalpais Area Community Plan area, besides the dwelling units allowed in the commercial/mixed use areas, there are hundreds of additional units allowed in the residential areas, which have not yet been built. This is too much allowable build-out for what the community can sustain. If multifamily zoning in the hazardous commercial/mixed use areas were moved into safer nearby residential areas, some potential adverse impacts from development would be avoided but many adverse impacts, such as those associated with hazardous traffic congestion, water, public infrastructure, and public services (E.g. overcrowded schools), would remain the same. All roads in our area lead to highly congested, gridlocked Hwy 1. So, more development in the residential areas would also exacerbate the dangerous conditions on Hwy 1. Moreover, high-density multifamily development (E.g. 20 units/acre or greater allowed at some of the commercial/mixed use sites) is incompatible anywhere in our semi-rural community and would be especially inappropriate in the residential areas.

Designate or rezone current multi-family residential land use for other uses or to lower densities or eliminate current multifamily residential land use when appropriate but do not redistribute multi-family land use designations/ zoning to other locations:

We agree that it is important to conduct a comprehensive evaluation of multi-family land use designations/ zoning to determine if they are suitably designated. However, if the analysis proves that a current multi-family land use designation/ zoning is inappropriate, then designate or rezone the current multi-family residential land use for other uses or to lower densities or else eliminate the current multi-family residential land use but do NOT redistribute the multi-family designation/ zoning to another location. By reducing the number of areas designated/ zoned for multi-family use, the potential build-out of dwelling units would be reduced. This would lower the number of potential significant UNAVOIDABLE adverse impacts from allowable development and head Unincorporated Marin toward a more sustainable future.

Definition of a “Suitable Location”

A “suitable location” should be defined as a location that can accommodate the designation/zoning’s number of allowable units and FAR without harming the environment; jeopardizing public health and safety; overburdening public services, infrastructure, and/or utilities; increasing traffic, or clashing with the character of the neighborhood.

RECOMMENDATION:

Replace the Program “Evaluate Multi-family Land Use Designation” with the following:

A. Conduct a comprehensive analysis of multi-family land use to evaluate whether multi-family land use designation/ zoning is suitably located.

B. If the current multi-family land use designation/ zoning is inappropriate (or unsuitable), then designate or rezone current multi-family residential land use for other uses or to lower densities or else eliminate current multifamily residential land use but do not redistribute multi-family land use designations/ zoning to other locations.

C. Define “Suitable Location” as a location that can accommodate the designation/zoning’s number of allowable dwelling units and FAR without harming the environment; jeopardizing public health and safety; overburdening public services, infrastructure, and/or utilities; increasing traffic, or clashing with the character of the neighborhood.

2. Require Multifamily Residential Development in Multifamily Zones. -

Require multifamily development in multifamily zones, including R2, RMP, and RMPC. Prohibit the development of single-family dwellings in multi-family zones unless the Director finds that multifamily development is infeasible or impractical based on physical site constraints, environmental constraints or in the case of the loss of an existing home due to emergency or natural disaster.

Multi-family homes should be required to be consonant with existing neighborhood and building standards and designs (E.g. a duplex instead of a four story apartment building). R2, RMP and RMPC zoning were designed to allow flexibility in planning decisions. Requiring multifamily development in these zones would take away this flexibility.

RECOMMENDATION:

Eliminate this program, as directed by the Planning Commission’s straw vote at the July 28th public hearing.

3. Study Residential Density Equivalents. – Evaluate options for calculating density through adjusted density equivalents based on bedrooms count or square footage rather than total number of units. Such an amendment to the Development Code would encourage development of smaller units, which corresponds to the demographic trend of increasing numbers of small households.

a. Conduct an analysis to determine the feasibility of a density equivalent program.

Future housing for families should not focus on creating small units that make multigenerational living more difficult as this trend is increasing and has historically provided the social safety net and cultural survival model for low-income families, including senior support systems.

Calculating studios and one-bedroom units as fractions of units would essentially up-zone parcels zoned for multifamily units by allowing more units per acre than currently allowed. This would increase the intensity of development and therefore would most likely result in more adverse impacts. Greater intensity of development would also probably not fit in with the neighborhood character. Greater densification would not be congruous with suburban and semi rural areas.

RECOMMENDATION:

Eliminate the Program “Study Residential Density Equivalents” from the Housing Element programs.

b. Analyze how such a program might interact with inclusionary requirements, parking standards, and density bonuses.

We have already observed the inequity of inclusionary being a percentage of total units without consideration of disproportionate size of small units as the 'affordable' and much larger units for moderate and above while all of which are treated as if they were equivalents ("...equity issues of smaller versus larger units"). This results in reduction of square footage available for lower income residents.

RECOMMENDATION:

Developers should not be allowed to profit from building a token percentage of tiny affordable units in exchange for incentives including parking, height, density, financial subsidies, and environmental shortcuts while profiting from many more larger market-rate units. Inclusionary units should be equitable.

4. Program: Expand the Scope of Project Review. Consider requiring a socioeconomic analysis (SEA) for larger developments of more than 10 units to assess the costs and benefits of different potential development scenarios to support rational, transparent and consistent decisions regarding land use.

We support this Program. However, unless there is an economic analysis of 'cradle to grave' costs of depletion of resources in recognition of limits to growth, then the review will not reflect the actual costs vs. benefits but rather continue to support short-term objectives while ignoring long-range adverse unintended consequences. It erroneously presumes continued growth (especially large development) is sustainable.

RECOMMENDATION: Include a “cradle to grave” cost analysis in the socioeconomic analysis (SEA).

5. Build Support for Affordable Housing.

Excerpt from the “Discussion” of this program: *“...one of the most predominant barriers identified was the lack of community support for providing homes for moderate and lower income families.”*

The discussion related to this program restates the false information circulated by 'housing providers and supporters' that denigrates communities by accusing them of lack of support for affordable housing. In fact, communities have consistently acknowledged the need for, supported provision of and proposed suggestions for affordable housing. What they have opposed is the tokenism and the high-density over-developments, which the developers and policy-makers have proposed. They have asked for integration without application of the double standards that increase profitability while compromising the environment, public health and safety and livability for current and future residents. This program is unnecessary and diverts attention from the real concerns.

RECOMMENDATION: As there is already broad support for affordable housing, this program “Build Support for Affordable Housing” is unnecessary.

6. Establish a Housing Equity Commission – Consider adding a Housing Equity Commission whose role would be to advise on how to respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices and designs. The Commission would ... take action to develop support for housing for low and moderate income households in Marin.

Excerpt from the “Discussion” of this program: *“The Commission could also encourage public and private partnerships in promoting housing preservation and production.”*

There seems to have been ample advice given by communities, organizations, developers and funding agencies. There have also been publicly funded community development department employees and an economic forum promoting housing production.

The County has already existing commissions and councils offering relevant advice such as the Human Rights Commission, Commission of Aging, Children and Families Commission, the Disaster Council, Fish and Wildlife Commission, Health Council, Planning Commission, Workforce Investment Board and all the Design Review Boards. The challenge is for the planning department to respond to equitable solutions proposed which are consonant with environmental and social needs as well as local public input.

RECOMMENDATION: A Housing Equity Commission is unnecessary. We agree with the Planning Commission’s straw vote to eliminate this program.

7. Conduct Site Assessments on Housing Element Sites – The County will consider conducting a detailed biological site assessment of sites in the Housing Element.

Excerpt from the “Discussion” of this program: *“This program is intended to provide additional information which could be used to identify any existing constraints on a site. The analysis could be used to reduce up front predevelopment costs and determine development feasibility for lower income housing.”*

For the sake of the environment and current and future residents there is a need to eliminate Housing Element Sites such as in the Tam Valley area, which are well known to have significant multiple constraints. A biological analysis should prevent sites like those in Tam Valley from being selected as Housing Element Sites.

Unfortunately the current tier policies allow for superficial programmatic review, which then obviates or streamlines thorough CEQA review at the project level. There should be no reduction of development costs entailed in full CEQA review. This is the responsibility of the developer.

There should be no incentives for reduction of standards (social injustice) based on low income of future residents or the financial feasibility required for the profitability of the developer.

RECOMMENDATION:

Biological Analysis should be used to eliminate constrained sites from development potential but the analysis should not be used to streamline environmental review or as a substitute for the full CEQA process. As we recommended during the Countywide Plan hearings in 2007, a biologist should be added to the Planning Staff in order to carry out this preliminary analysis.

NEW PROGRAMS ADDED BY PLANNING COMMISSIONERS ON JULY 28TH:

8. Study Housing Needs and Solutions in West Marin:

We agree that housing needs in West Marin should be addressed and Housing Element Sites should be identified in West Marin. East Marin is mostly built-out and West Marin includes low-income workers in agriculture, recreation and service industries whose housing needs should be addressed. This would help to achieve geographic equity and housing diversity.

RECOMMENDATION:

Until we see the exact wording of this proposed program, we withhold judgment. However, we agree with the concept of this program, provided it does not change Ag-60 Zoning.

9. Find Ways to Increase Housing That Accepts Section 8 Vouchers:

Provided this program doesn't encourage new development but rather focuses on encouraging more of Unincorporated Marin's existing residential development to accept Section 8 vouchers, we support this program. Such a program could provide direct support for those who most need it.

RECOMMENDATION:

Until we see the exact wording of this proposed program, we withhold judgment. However, we agree with the concept of this program.

Thank you for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton, Chairperson
Sustainable TamAlmonte

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

August 11, 2014

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

Re: 2015 to 2023 Draft Marin County Housing Element Policies & Programs Carried
Over from the Previous Housing Element

Dear Marin County Planning Commission:

Sustainable TamAlmonte has the following comments and recommendations regarding the 2015 to 2023 Draft Marin County Housing Element's policies and programs that are carried over from the previous Housing Element (2007 to 2014 cycle):

Regarding Program 1.a Establish Minimum Densities on Housing Element Sites – “The County shall not approve development on sites identified in the Housing Element with fewer units than shown in the Site Inventory Analysis, unless physical or environmental constraints preclude development at the minimum density and the findings in Government Code Section 65863 can be made. If development on a site is to occur over time, the applicant must show that the proposed development does not prevent subsequent development of the site to the density shown in the Site Inventory Analysis. If a reduction in residential density for any parcel would render the sites inventory inadequate to accommodate the County’s Regional Housing Need Allocation, the County must identify sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity”:

Program 1.a “Establish Minimum Densities on Housing Element Sites” refers to Housing Element law. However, there are additional sections of the law that allow greater flexibility in regard to being able to change the density at a site identified in a Housing Element's Site Inventory. This greater flexibility should be added to this program.

RECOMMENDATION:

Re-write Program 1.a to allow for greater flexibility and the ability to lower the residential density at sites identified in the Housing Element's Site Inventory.

Regarding Housing Goal 1 – Use Land Efficiently –

Policy 1.3 Promote development certainty and minimize discretionary review for affordable and special needs housing through amendments to the Development Code; Program 1.e Study Ministerial Review for Affordable Housing; & Program 1.o Simplify Review of Residential Development Projects in Planned Districts:

AND

Housing Goal 2 – Meet Housing Needs Through a Variety of Housing Choices - Program 2.p. Expedite Permit Processing of Affordable and Special Needs Housing Projects:

Permitting affordable housing projects and special needs housing projects through a streamlined and expedited process should NOT be allowed. Moreover, ministerial review should NOT be allowed for affordable housing, for residential development projects in planned districts, or for review of subsequent development projects, consistent with a Master Plan.

We see no problem with establishing specific criteria in order to minimize the level of code interpretation required by decision makers. However, we are opposed to any streamlining or expediting of the permit review process or any ministerial review process. Streamlining and fast-tracking permit review (with specific timelines) and ministerial review would hinder thorough and accurate review, constrain public input on planning decisions and reduce transparency. This is in direct opposition to looking out for the best interests of Marin residents and the environment.

Time and time again, the planning department has demonstrated a lack of knowledge of the Tam Valley and Almonte communities, where environmental constraints and hazards abound. Only with local input, did the department become aware of crucial information. Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety. For best planning decisions, ample input from the local residents should be encouraged, rather than denied.

Moreover, treating the review of affordable housing projects and special needs housing projects differently and with less careful scrutiny than market rate housing projects could pave the way for lower income households to live in conditions substandard to those of higher income households. This is a form of social injustice.

RECOMMENDATION:

Revise Program 2.p. and eliminate all streamlining or expediting of the permit review process or any ministerial review process for Affordable and Special Needs Housing Projects.

Regarding Housing Goal 1 – Land Use Efficiently -

1.o Simplify Review of Residential Development Projects in Planned Districts. b. “Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects subjects”:

Regarding ministerial review of development projects subject to a Master Plan, many factors may change in the years following the establishment of a Master Plan, such that site specific criteria set by a Master Plan may no longer be appropriate once the subsequent project is applying for a permit. (For instance, it is now known that sea level rise will come sooner and higher than previously known at the time that the CWP was

adopted.) Therefore, development projects that are subsequent to Master Plans should be thoroughly reviewed and not allowed permitting through ministerial review.

RECOMMENDATION:

- Establish specific criteria of affordable housing, planned districts, and special needs housing projects in order to minimize the level of code interpretation required by decision makers. However, do NOT allow any streamlining of permit review or ministerial review.
- Do NOT allow the density of affordable housing developments to be established by the maximum CWP density range. Rather, require affordable housing densities to follow the density limits of the land use category and zoning of the specific site in which the housing is located.

Regarding Housing Goal 1 – Use Land Efficiently –

Program 1.g Undertake Adjustments to Second Unit Development Standards - c. Development standards to allow flexibility of second unit parking requirements;

Program 1.i Review and Update Parking Standards & Program 1.m Codify Affordable Housing Incentives Identified in the Community Development Element

– b. Adjust parking requirements:

Rather than reduce parking standards, parking standards should be maintained and enforced. Public transit is severely lacking and inconvenient in Marin County, resulting in all residents needing the use of cars on a daily basis and the use of easy access parking spaces. To reduce parking standards for the less fortunate is a form of social injustice.

Many streets throughout Marin are narrow with little or no room for off-street parking. In times of emergency ingress and egress, this is a safety issue. There have been instances when emergency vehicles have not had room to pass by parked cars on narrow streets.

There is often a shortage of parking spaces at our park and ride locations. Retail stores need ample parking to ensure patronage. Public parking is needed for the public and should not be relied on for regular private usage.

RECOMMENDATION:

- Do NOT reduce but rather maintain on-site vehicular ratios for multi-family housing.
- Do NOT allow off site parking, such as on-street parking and the use of public parking, to satisfy the parking needs for new housing units.
- Eliminate **Program 1.g – c.** and **Program 1.i – b.**

Regarding Housing Goal 1 – Use Land Efficiently –

Program 1.p Adjust Height Limits for Multi-family Residential Buildings:

A height of 45 feet should NOT be exceeded. One of the treasured aspects of Marin is the small town and rural character of its communities. This feature would be lost if multi-family residential buildings were allowed heights greater than 45 feet. A height greater than 45 feet would not blend with Unincorporated Marin's neighborhoods and definitely not with neighborhoods in the Tamalpais Community Plan area. Furthermore, existing height restrictions were created to protect neighbors' views, sunlight, and privacy. As

such, raising height limits would potentially lower the quality and value of neighboring properties.

RECOMMENDATION:

- Eliminate Program 1.p and do NOT adjust height limits for Multi-family Residential Buildings; and
- Do NOT amend the Development Code to increase the allowable height for multi-family residential development.

Thank you for your conscientious consideration.

Very truly yours,
/s/

Sharon Rushton

Chairperson

SUSTAINABLE TAMALMONTE

Cc: Marin County Board of Supervisors

August 14, 2014

County of Marin
Planning Commission
c/o Alisa Stevenson, Planner
3501 Civic Center, Suite 308
San Rafael, California 94903

SUBJECT: Draft Housing Element Update for 2015-2023

Honorable Planning Commissioners:

This letter provides general comments on behalf of the Marin Local Agency Formation Commission (LAFCO) regarding the update to the County of Marin's Housing Element currently under consideration by the Planning Commission. The comments herein are tied to LAFCO's interest as prescribed by the Legislature to assist local governmental agencies in advantageously planning for the current and future needs of local communities by appropriately matching development with services. Relevant objectives include providing housing for persons and families of all incomes necessary for the social and fiscal well-being of the state (Government Code Section 56001).

The County's Draft Housing Element Update for the 2015-2023 cycle as of July 28th identifies 10 recommended sites to accommodate – among others – the 185 unit regional housing needs assignment for the unincorporated area as determined by the Association of Bay Area Governments. LAFCO has reviewed these 10 sites for purposes of identifying related policy considerations and marked by the relationship with city or special district spheres of influence. Markedly, spheres are the State's version of urban growth boundaries and represent the current and probable future jurisdictional boundaries and service areas of the affected agencies as determined by LAFCOs. All annexations and outside service extensions must be consistent with the affected spheres with limited exceptions (Sections 56375.5 and 56133(c)).

The succeeding table provides a listing of the applicable spheres for the 10 sites recommended in the Draft Housing Element Update specific to wastewater, water, and fire services given their direct importance in facilitating/supporting development. It is pertinent to note three of the sites lie in city spheres and mark a standing expectation the affected lands be ultimately developed/served by these municipalities. LAFCO encourages the County to work with the subject cities to help ensure any future development plans for the affected lands are compatible and ultimately transferable to the municipalities less any unique local circumstances that merit otherwise. It is also encouraged the County work with the subject districts listed in the following table whose spheres include the sites but remain outside their jurisdictional boundaries.

Chairperson: Jeffry Blanchfield / *Vice Chairperson:* Dennis J. Rodoni
Regulars: Susan Adams, Judy Arnold, Carla Condon, Craig K. Murray, Gary Phillips
Alternates: Jack Baker, Christopher Burdick, Kathrin Sears, Herb Weiner
Executive Officer: Keene Simonds

Marin Local Agency Formation Commission

555 Northgate Drive, Suite 230 • San Rafael, California 94903
Telephone (415) 446-4409 • Facsimile (415) 446-4410 • General E-Mail: staff@marinlafco.org
www.marinlafco.org

Recommended Sites for County's 2015-2023 Housing Element: Relationship with Existing District and City Spheres			
Site Location	District Sphere	City Sphere	Units
Easton Point (Martha Property)	Sanitary No. 5 Marin Municipal Water (annexed) Tiburon Fire Protection (annexed)	Tiburon	43
Tamarin Lane (12 Tamarin Lane)	Novato Sanitary North Marin Water (annexed) Novato Fire Protection (annexed)	-none-	3
Indian Valley (1970 Indian Valley Rd)	Novato Sanitary North Marin Water (annexed) Novato Fire Protection (annexed)	-none-	5
Manzanita (150 Shoreline Hwy)	Sausalito-Marín City Sanitary (annexed) Marin Municipal Water (annexed) Southern Marin Fire Protection (annexed)	-none-	3
St. Vincent (St. Vincent/Silveira)	Las Gallinas Sanitary (annexed) Marin Municipal Water (annexed) * Marinwood Community Services /fire	-none-	221
Oak Manor (2400 Sir Francis Drake)	Ross Valley Sanitary (annexed) Marin Municipal Water (annexed) * Ross Valley Fire Protection	Fairfax	10
Marin City CDC (441 Drave Ave)	Sausalito-Marín City Sanitary (annexed) Marin Municipal Water (annexed) County Service Area 31 / fire (annexed)	-none-	15
Golden Gate Seminary (Seminary Drive)	Richardson Bay Sanitary (annexed) Marin Municipal Water (annexed) Southern Marin Fire Protection (annexed)	-none-	40
Marinwood Village (100 Marinwood Ave)	Las Gallinas Sanitary (annexed) Marin Municipal Water (annexed) Marinwood Community Services /fire (annexed)	-none-	82
California Park (Woodland/Auburn)	San Rafael Sanitation (annexed) Marin Municipal Water (annexed) County Service Area 19 / fire (annexed)	San Rafael	40

* All unincorporated lands in Marin County not in an existing fire district or city that provides fire service are placed in County Service Area No. 31 and are expected to be detached in the future upon annexation to another fire service provider. In some limited cases, like Marin City, CSA 31 is the designated long-term provider of fire protection.

Thank you for your consideration of the preceding comments and information; I hope it serves the Planning Commission and Board of Supervisors well in its decision-making. Should you have any questions, please contact me by telephone at (415) 446-4409 or by e-mail at ksimonds@marinlafco.org.

Sincerely,

Keene Simonds
 Executive Officer

Attachments: none

cc: Commissioners

Community Venture Partners, Inc.

A Catalyst for Sustainable Solutions

August 12, 2014

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

Re: REQUEST TO AMEND THE MARIN COUNTY HOUSING ELEMENT & EXTEND
THE PUBLIC REVIEW AND APPROVAL PROCESS

Dear Marin County Supervisors:

On Monday, August 25th, the Draft of the Marin County “Housing Element” (HE) for the 2015-2023 planning cycle will have its final review by the Planning Commission before being sent to the Department of Housing and Community Development (HCD) in Sacramento.

The County Housing Element plan will have significant impacts on all residents of Marin County. It is important that the public and our elected representatives on the Board of Supervisors have adequate time to review and comment on the plan prior to submission to HCD.

For the reasons noted below, we find that the proposed HE and its approval process schedule is unresponsive to community needs and unacceptable. We believe the submission should be HCD delayed and the review process extended to allow for greater public participation and comments by our Marin County Supervisors.

1. **Public Workshops Failed:** The County workshops that were held to solicit public input were biased toward predetermined outcomes. Its participants were not provided with sufficient facts about potential housing project site conditions or impacts to make reasonable, informed decisions.
2. **Site and Density Decisions Lack Sufficient Logic:** The methodologies and criteria used by the County to designate development sites and unit densities are generally inconsistent, inequitable and illogical. No reasonable feasibility analysis has been conducted to evaluate potential negative or unforeseen outcomes.
3. **Fast-Track Schedule is Unnecessary:** The County is fast-tracking the review, submittal and approval of the HE unnecessarily. The County has until May 31st of 2015 to gain final certification of the HE from HCD, without risk of penalty of any kind.
4. **The Fast-Track Schedule Denies Sufficient Public Participation:** The fast-track timetable for submittal of the Draft HE to the Department of Housing and Community Development (HCD) is unreasonable and fails to adequately involve the participation of the general public. The final document has not been made available to the public yet.

Once the Draft HE is sent to HCD, the opportunity for public input is over, for all practical purposes. And many residents are out of town this month, so are unable to either respond to the draft HE or attend the August 25th public hearing.

5. **The Fast-Track Schedule Denies Sufficient Participation by Our Elected Officials:** The fast-track timetable for submittal of the Draft HE to the Department of Housing and Community Development (HCD) fails to adequately provide for preliminary review and comment by our elected representatives on the County Board of Supervisors. Once the Draft HE is sent to HCD, the opportunity for significant input or changes by the BOS is over, for all practical purposes.
6. **Housing Density Far Exceeds Our Legal Requirements:** The HE's site and density designations are in excess of the state mandated Regional Housing Needs Allocation (RHNA) quota requirements (the so-called "buffer") and are unprecedented and potentially damaging to the character and economic and environmental sustainability of our County. The HE and its Alternatives propose to increase the number of mostly market rate housing units to approximately 422 percent of the RHNA requirement (781 units planned for instead of 185 required), and the number of high density affordable units to approximately 242 percent of the RHNA requirement (148 units instead of 61 required). There is no logical reason or legal requirement to do this.
7. **The State Density Bonus Adds 35 Percent More Units But Is Not Considered:** The HE fails to account for additional units that will result from the State Density Bonus law, which can automatically add up to 35 percent more units for projects providing minimal affordable housing. This could potentially increase the overall number of mostly market rate housing units approvable under this HE to approximately 470 percent (870 units planned for instead of 185 required) of the RHNA requirement.
8. **Failure to Ensure Affordable Housing:** Many of the HE policies and programs are untested and unlikely to result in the construction of any truly affordable housing for those most in need in Marin County. More than half the "affordable" units noted in the HE are for families making more than \$97,100 a year.
9. **Significant Community and Environmental Impacts:** The housing locations and densities proposed in the HE will overly impact our local roads, schools, water resources, infrastructure, and public services, and dramatically alter the character of our communities, and require further investigation.

We are strong supporters of realistic affordable housing solutions. However, based on the findings noted above, we hereby respectfully request that the County:

- I. **Delay the submission of the Draft Housing Element to HCD** until such time as the public has had adequate opportunity to review it and comment on it, and until such time as the Board of Supervisors can schedule a public hearing to review it and comment on it prior to submission to HCD.

- II. **Reduce the number of designated building sites and units** that are in excess of our legal requirements (the “buffer”) to a number which more realistically addresses our RHNA obligations under the law, and which is more reasonable and consistent with what other cities and counties have done.
- III. **Refocus on how to create affordable housing** in ways that protect public health and safety, are more equitably distributed throughout the County, and are more appropriate for the small-scale character of our towns and the infill development opportunities in our communities, and that do not place unsustainable burdens on the capacity of our roads, schools, water resources, utilities, infrastructure, and public services.

Sincerely,



Bob Silvestri
President

From: George Collins

Sent: Tuesday, August 12, 2014 9:44 PM

To: Kinsey, Steven; Adams, Susan; Rice, Katie; Arnold, Judy; Sears, Kathrin; Crawford, Brian; Arnold, Judy; Sears, Kathrin

Subject: Please see my request as a 39 year resident of Marin. Thank you. George Collins

[See August 12, 2014 letter from Community Venture Partners, Inc.]

From: Robert Skutch
Sent: Tuesday, August 12, 2014 5:10 PM
To: Crawford, Brian
Cc: Kinsey, Steven; Rice, Katie; Arnold, Judy; Sears, Kathrin; Adams, Susan
Subject: FW: Call to Action: Marin County Housing Element Plan

To the Planning Dept and Marin Board of Supervisors:

I know you have been sent the below message by the Community Venture Partners, but we would like to personally urge you slow down "the process" so that we "just plain" residents and citizens of Marin have a chance to have a "say" in public meetings as to what we believe is in the best interests of the people who live in Marin.

**Robert & Lee Skutch
Mill Valley**

[See August 12, 2014 letter from Community Venture Partners, Inc.]

From: Corinne Swall

Sent: Wednesday, August 13, 2014 3:33 PM

To: Adams, Susan; Kinsey, Steven; Rice, Katie; Arnold, Judy; Sears, Kathrin; Crawford, Brian

Subject: REQUEST TO AMEND THE MARIN COUNTY HOUSING ELEMENT

[See August 12, 2014 letter from Community Venture Partners, Inc.]

From: David King Keller
Sent: Wednesday, August 13, 2014 1:50 PM
To: Crawford, Brian; Kinsey, Steven; Adams, Susan; Arnold, Judy; Sears, Kathrin
Cc: communityventurepartners@comcast.net; marinagainstdensity@gmail.com
Subject: Stop ongoing destruction of Marin, vote for CVP suggestions

Re: Request to amend the Marin County housing element per CVP recommendations & extend the public review and approval process.

Dear Board Members,

It's like climate change; you need to UNDO the damage that has been allowed to date, not allow more damage.

We DO NOT have the infrastructure to support existing residents' needs for water and traffic and sewage and emergency services.

—
Best Regards,
David

David King Keller, PhD
Founder, Keller Business Development Advisory Group
Keynote Speaker, Trainer, Consultant, Facilitator, Coach
Writer: Numerous legal articles in local and national publications
Award winning author of 2 law firm business development books
CLE Instructor: Ethics, Diversity, Bias, Substance Abuse
Member: ABA, BASF, BASF Ethics Committee, LMA, AAJ, SCIP
www.kbdag.com W: (415) 289-0544 Cell: (415) 444-6795
LinkedIn: <http://www.linkedin.com/in/davidkingkeller>

From: Diane Hoffman

Sent: Wednesday, August 13, 2014 12:39 PM

To: Kinsey, Steven; Adams, Susan; Rice, Katie; Arnold, Judy; Sears, Kathrin; Crawford, Brian

Subject: The MARIN COUNTY HOUSING ELEMENT: a request

[See August 12, 2014 letter from Community Venture Partners, Inc.]

Please listen to the people who vote you into office.

Sincerely,

Diane Hoffman

Diane Hoffman

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AND ATTENTION TO DETAIL***

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From: Mimi Willard
Sent: Wednesday, August 13, 2014 2:37 PM
To: Kinsey, Steven; Rice, Katie; Sears, Kathrin; Arnold, Judy; Adams, Susan
Cc: Crawford, Brian; Bob Silvestri; info@marinagainstdensity.org; Justin Kai
Subject: URGENT request for addition of item to 8/19 BOS agenda

REQUEST THAT MARIN COUNTY BOARD OF SUPERVISORS

ADD TO THEIR AUGUST 19TH MEETING AGENDA THE ITEM

“OVERSIGHT OF THE PLANNING COMMISSION’S HOUSING ELEMENT”

I am writing to urge the Board of Supervisors, as our elected representatives on affairs under the county’s jurisdiction, to add to the August 19th meeting agenda a discussion of the need for the public and supervisors to have more time to thoroughly review and potentially amend the county’s draft housing element prior to submission to HCD.

The fast-track schedule designed by County planning staff and commissioners effectively cuts off all meaningful public input after one last hearing on August 25th. As the final draft has not even been released, and it is the dead of August, this schedule denies the proper opportunity for public review and comment, and more important, any chance for Supervisors to suggest amendments to the Draft Plan before it is sent to HCD.

I urge the board of supervisors to consider directing the Planning Commission to:

- Delay the submission of the Draft Housing Element to HCD** until the public has sufficient opportunity to review and comment on it, and the Board of Supervisors can schedule hearings to consider public input and suggest amendments.
- Reduce the number of designated building sites and units**, which in the draft proposal hugely exceed of our legal requirement despite the current water crisis.
- Refocus on how to create affordable housing** in ways that protect public health and safety; are more equitably distributed throughout the County; are more appropriate for the small-scale character of our towns; utilize infill development opportunities in our communities; and do not place unsustainable burdens on the capacity of our roads, schools, water resources, utilities, infrastructure, and public services.

For more specifics as to why you as supervisors should intervene on behalf of your constituents with respect to the draft housing element, I refer you to the August 12th letter sent to you by Community Venture Partners et al.

As our supervisors, you ARE the relevant local control for this issue. We urge you to **extend** the process **and amend** the draft housing element, allowing a democratic process that reflects the will of the majority of your constituents. Please represent us.

Respectfully,

Mimi Willard, Kentfield

August 13, 2014

From: Peter Singleton

Sent: Wednesday, August 13, 2014 1:57 PM

To: Adams, Susan; Arnold, Judy; Rice, Katie; Kinsey, Steven; Sears, Kathrin; Crawford, Brian

Cc: bob silvestri; Mimi Willard; Joan Bennett; Justin Kai

Subject: Request to amend County Housing Element draft and extend public process

Dear Supervisors Adams, Arnold, Kinsey, Rice, and Sears, and Community Development Director Crawford,

I am a resident of Larkspur, as well as a lifelong resident of the Bay Area, and am an active member of several local Marin County citizen groups. I also am co-founder and volunteer executive director of Bay Area Citizens, a nonprofit organization that supports the interests of California citizens in the areas of land use, property rights, local community control, and the environment. Please note that while Bay Area Citizens generally does not take a position on issues before legislative bodies (like the Marin County Housing Element) and I am not speaking here as a representative of Bay Area Citizens, Bay Area Citizens, as well as myself personally, have been actively involved in matters related to the public process and debate around Plan Bay Area.

I am forwarding to you the letter dated August 12, 2014 from Bob Silvestri of Community Venture Partners, Joan Bennett and Mimi Willard of Marin Against Density, and Justin Kai and Raymond Daily of Organized Residents of Marinwood, entitled "Request to Amend the Marin County Housing Element & Extend the Public Review and Approval Process." I know personally four of the signers of this letter, and have the greatest respect for them, and am familiar with and supportive of the work of their fine organizations. More importantly, however, I endorse everything said in this letter, and strenuously urge you to not only consider but AGREE to everything requested therein.

Anyone who attended the [Larkspur Station Area Plan meeting](#) held by the Larkspur Town Council and Planning Commission on May 22, 2014, as I did (I believe the only member of the Board who was there was Supervisor Rice) will realize that when the general public becomes aware of plans like the Housing Element draft under consideration, they are overwhelmingly opposed to these plans, and this kind of planning. You represent the public, not the special interests and other government agencies that are advancing these plans and this kind of planning for their own objectives and agenda, and it is vitally important, in fact essential, that you do as the Larkspur Town Council did shortly that May 22 meeting, and reject the Housing Element draft, and start the process anew with the interests of the citizens of Marin in mind.

Thank you,
Peter Singleton
Larkspur

[See August 12, 2014 letter from Community Venture Partners, Inc.]

From: Sally McDonough
Sent: Wednesday, August 13, 2014 9:52 AM
To: Crawford, Brian
Cc: Kinsey, Steven; Rice, Katie; Adams, Susan; Arnold, Judy; Sears, Kathrin
Subject: Marin County Housing Element Plan

Dear Board of Supervisors and County Planning Department,

I am a Marin County resident for the past 45 years. It is a truly unique and special place.

I wholeheartedly support and adopt the attached letter in every aspect. Please include the letter as my public comment.

Please allow the residents of Marin an opportunity to decide the fate of their homes and extend the time for public input on the Marin County Housing Element.

Sincerely,
Sally McDonough

[See August 12, 2014 letter from Community Venture Partners, Inc.]

From: William Quine

Sent: Wednesday, August 13, 2014 3:51 PM

To: Kinsey, Steven; Adams, Susan; Rice, Katie; Arnold, Judy; Sears, Kathrin; Crawford, Brian

Cc: communityventurepartners@comcast.net; marinagainstdensity@gmail.com

Subject: Marin Co. Housing Element Plan

I would urge you to seriously consider the letter sent to you by Community Venture Partners. As a resident of an unincorporated area of Marin County I am concerned about the process of approving housing plans without adequate vetting by our citizens. The Board of Supervisors needs to slow down the approval process for the Housing Element Plan until there has been an extensive effort to educate as well as solicit feedback from our citizens.

William Quine
101 Diablo Dr.
Kentfield

From: Susan Lewis
Sent: Thursday, August 14, 2014 4:37 PM
To: BOS
Subject: Actions regarding the County Housing Element

Susan Lewis would like information about:

I am writing to support the stated concerns and proposed actions of Community Venture Partners, Inc., Marin Against Density, and Organized Residents of Marinwood as expressed in their letter, copied below. It is critical to extend the the public review and approval process so that affordable housing is more fairly and equitably distributed throughout the county.

Thank you,
--Sue Lewis

[See August 12, 2014 letter from Community Venture Partners, Inc.]

Attachment 3: New, Revised and Deleted Programs

New Programs Requested by the Planning Commission on July 28, 2014:

2.g Study Best Practices for Housing Choice Voucher Acceptance. Support Marin Housing Authority in their efforts to maximize voucher utilization and ensure that low income renters are able to rent in place. Consider the following:

- Outreach to property owners and managers, possibly through a landlord liaison position
- Explore tax incentives for renting to low income renters
- Conduct coaching sessions for low income renters

Discussion: The Planning Commission requested that staff draft a program to help address the problem facing many low income renters who have Housing Choice Vouchers and are unable to locate rental units. Market rate rents often exceed the rent standards that Marin Housing can pay under the Housing Choice Voucher program. The result is that many low income voucher holders, many of who have waited for years to receive a voucher, are unable to find a rental. They either lose the voucher or are forced to move out of the County.

2.v Study Housing Needs and Constraints Specific to West Marin. Identify housing needs and constraints specific to rural and coastal areas of the County. Work with communities on solutions to address needs and constraints identified.

Discussion: At the July 28, 2014 hearing, the Planning Commission requested that staff draft a program to study housing needs and constraints specific to the rural and coastal areas of the County, i.e. West Marin.

Revised Programs from the 2007 – 2014 Housing Element.

The following programs from the 2007-2014 Housing Element have been revised and will be carried forward to the Draft 2015-2023 Housing Element. Revisions are shown in ~~strikeout~~ and underline format.

1.gf Undertake Adjustments to Second Unit Development Standards. Consistent with SB1866, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Also pursue the following:

- a. Consider amending Development Code Section 22.56.050.I to permitting larger sized second units of up to 1000 square feet to increase flexibility and to provide housing for families and for individuals in need of in-home care services. Consider deed restrictions on units larger than 750 square feet to preserve affordability.
- b. Reduce fees for second units in recognition of their small size and the low impact of second units. Pursue reductions in road impact and traffic fees, coastal permit fees, and design review fees.
- ~~c. Consider developing standards to allow the height limit for primary residences to be applied to second units that are located over detached garages.~~
- ~~d.c.~~ d. Develop standards to allow flexibility of second unit parking requirements, such as off-site parking, and curb and shoulder parking along a property's frontage.
- ~~e.d.~~ e. Consider adjustments in septic standards for second units.
- ~~f. Consider requiring Master Plans, Precise Development Plans and Coastal Permit applications that include development of 3 or more single family residences to include~~

- ~~second units at an appropriate ratio, such as three primary residences to one second unit (3:1).~~
- ~~g. Amend the Development Code Section 22.32.140 G to insure consistency with State Law in all planning areas, and eliminate the prohibition in Bolinas related to water adequacy for primary units.~~
- e. Consider amending Development Code Section 22.56.050.A to remove the owner occupancy requirement.

Discussion: Second units offer an important housing choice for affordable housing in the community. Implementing actions (a-g) of this program were developed after close observation of the Second Unit Amnesty program.

The 2012 second unit survey found that smaller second units are not necessarily more affordable than larger ones. Rents are instead reflective of location and unit quality. Additionally, smaller second units are not conducive to providing needed family housing. An increase in allowable square footage would provide more flexibility in development and use of second units. The suggestion of a maximum of 1,000 square feet relates to an allowance from the 2007/2008 Amnesty program. Alternative to the 1000 square foot limit on second unit size (see 1.h.a above), standards could alternatively be tied to other criteria. By way of local comparison, San Rafael Municipal Code Section 14.16.285.C.6 states:

Size Limits. The square footage of a second dwelling unit shall be no greater than forty percent (40%) of the gross square footage of the principal residence; except that any second dwelling unit may be at least five hundred (500) square feet even if that exceeds forty percent (40%) of the principal residence. A second dwelling unit larger than eight hundred (800) square feet in size shall require the issuance of a use permit approved by the planning commission. In no case shall the second dwelling unit exceed one thousand (1,000) square feet in size.

Flexibility in development standards such as off-site parking and roof height over garages are other minor ways to accommodate second units.

Owner occupancy requirements can act as anti-renter policies and obstruct the affordable rentals which are a significant need in the County. Owner occupancy is not currently required in the communities of Bolinas or Inverness, and 2 year waivers may be granted in the Tamalpais Area. There is no restriction on renting single family homes.

1.h Enable Update Definitions of Transitional and Supportive Housing. ~~Consistent with AB 745, update the Add to the Development Code definitions of transitional housing and supportive housing as a residential use to further simplify existing practice, clarify the zoning code, and aid in the development of design guidelines. These definitions can be found within this Housing Element update in Section IV: Sites Analysis.~~

Discussion: Transitional and Supportive Housing. Senate Bill (SB) 745, which took effect January 1, 2014, amends the definitions of supportive and transitional housing in Government Code Section 65582 by, among other provisions, removing the time limits of occupancy. In 2007, SB 2 amended housing element law to require that transitional and supportive housing be permitted as a residential use, subject only to restrictions applicable to other residential dwellings. The County complied with the provisions of SB 2 through the 2012 Development Code amendments.

2.j Promote the Development of Agricultural Worker Units¹. Pursue policy changes that promote the development of agricultural worker units.

¹ Partially implemented

- a. Consider ministerial review of applications for agricultural worker units in order to expedite the permitting process and facilitate the development of legal agricultural worker units.
- b. As the County undertakes an update of the Local Coastal Program (LCP), revise the C-APZ zoning district to allow certain agricultural worker housing as a permitted agricultural use, demonstrating consistency with California Health and Safety Code Section 17021.6.
- c. Consider a program to facilitate the legalization of agricultural worker housing units.
- d. Seek funding opportunities to assist with rehabilitation and replacement of agricultural worker housing units.
- e. ~~Amend the Development Code to insure consistency with Health and Safety Code Section 17021.5.~~
- e. Amend the Development Code to clarify provisions for agricultural worker housing.

Discussion: This program has been revised to remove an implemented subprogram regarding the Health and Safety Code. A new subprogram has been added to clarify Development Code provisions regarding agricultural worker housing, and to ensure consistency with amendments to the Local Coastal Program, expected to be certified in December 2014.

2.u Monitor Rental Housing Stock². Ensure that existing ~~subsidized~~ housing is conserved as part of the County's affordable housing stock, including State, Federal, and locally-assisted ~~subsidized~~ developments. ~~(See Figure IV-4 on page IV-7 for more detail about the Ridgeway Apartments conversion.)~~

- a. Identify and monitor affordable properties at risk of conversion to market rate.
- b. Continue to work with and provide technical assistance to property owners and non-profit organizations to acquire and rehabilitate affordable rental housing units in order to maintain ongoing affordability of the units and to convert market rate units to affordable units.
- c. ~~Provide support and committed funding to purchasers of the Ridgeway Apartments~~ Coast Guard residential facility in Point Reyes Station to facilitate conversion of ~~153 units of market rate rental existing~~ housing to long-term deed restricted units affordable to low and moderate income households.
- d. ~~Commit to providing relocation assistance from the County in the event of displacement of to residents of the Ridgeway Apartments as well as any other residents who may be are displaced as a result of conversion from market rate to long-term affordable housing with committed assistance from the County.~~
- e. ~~Ensure that all units receiving committed assistance from the County for conversion from market rate to affordable carry affordability restrictions of 55 years, or the maximum allowed under the State or Federal funding source, including the Ridgeway Apartments.~~
- f.e. ~~Submit a written report to the Board Supervisors and the California Department of Housing and Community Development documenting progress towards and committed assistance to the conversion of the Ridgeway Apartments. This report will be provided during the third year of the planning period (2012) in conjunction with the annual report on housing element progress.~~

Discussion: This program has been revised to remove references to the Ridgeway Apartments, because the conversion has been completed. A reference to supporting the possible conversion of the Coast Guard Facility in Point Reyes Station to affordable housing has been added.

² ~~Currently implementing~~

New Programs Approved by the Planning Commission.

The following programs were proposed by staff and approved by the Planning Commission at the public hearing on July 28, 2014. They will be included in the Draft 2015-2023 Housing Element.

1.b Evaluate Multi-family Land Use Designations. Conduct a comprehensive analysis of multi-family land use to evaluate whether multi-family zoning is appropriately located. Possible outcomes of this analysis could include:

- a. Adjust zoning maps as appropriate and redistribute multi-family zoning to locations suitable for multi-family development.
- b. Avoid designating or rezoning multi-family residential land for other uses or to lower densities without rezoning equivalent land for higher density multi-family development.
- c. Identify sites for multi-family, mixed-use, affordable workforce, and special needs housing, when undertaking community planning and zoning processes.

1.c Study Residential Density Equivalents. Evaluate options for calculating density through adjusted density equivalents based on bedrooms count or square footage rather than total number of units. Such an amendment to the Development Code would encourage development of smaller units, which corresponds to the demographic trend of increasing numbers of small households.

- a. Conduct an analysis to determine the feasibility of a density equivalent program. Identify appropriate density equivalent strategies for implementation and determine the fiscal impacts.
- b. Analyze how such a program might interact with inclusionary requirements, parking standards, and density bonuses.
- c. If it is determined feasible and appropriate, consider amending the Development Code to calculate density through density equivalents.

1.d Evaluate the Housing Overlay Designation. Analyze the Housing Overlay Designation (HOD) policy in the Countywide plan for its effectiveness in encouraging the construction of housing for lower income workforce and special needs populations. Amend the Countywide Plan if it is determined that changes are necessary to make the program more effective.

- a. Amend Countywide Plan Policy CD-2.3 to remove the requirement that HOD sites shall not comply with the mixed-use criteria.

2.i Increase Tenants Protections. Explore providing rental protections, such as:

- Noticing of rental increases
- Relocation costs
- Just cause eviction
- Rent stabilization
- Rent control

3.a Consider Methods for Improving County's Outreach with Respect to Affordable Housing. Address community opposition to homes for moderate and lower income families through education and outreach. Consider:

- Providing more information in planning documents about standards for affordable housing
- Using visual simulations and imagery from comparable projects
- Conducting interactive public workshops
- Coordinating housing providers and supporters
- Co-sponsoring an event for affordable housing week, such as a tour of existing affordable homes

Deleted Programs from the 2007 – 2014 Housing Element.

The following programs have been implemented and will therefore not be included in the Draft 2015-2023 Housing Element.

~~1.b Conduct a Comprehensive Affordable Housing Sites Inventory³.~~ ~~Involve the community in a planning exercise to designate appropriate sites for future housing by initiating a Housing Sites Inventory in preparation for the next Housing Element cycle. The process may include:~~

- ~~a. Convene a Housing Sites Inventory Taskforce representing a wide segment of the community, including affordable housing advocates, environmentalists, and people of a range of incomes, backgrounds, and geographic areas. The Taskforce should undertake a detailed planning exercise.~~
- ~~b. The Taskforce should evaluate appropriate zoning, environmental and site characteristics, access to public services and amenities, potential environmental issues, and adjacent land uses.~~
- ~~c. Develop a sites inventory that will include enough sites to meet the projected housing needs of the community over the next two RHNA cycles.~~

~~1.c Establish an Affordable Housing Combining District.~~

- ~~a. Amend the Development Code to establish an affordable housing combining zoning district that increases residential density on certain sites specified in the housing element to 30 dwelling units per acre, in order to meet future RHNA need. Incentives are available consistent with Chapter 22.24.~~
- ~~b. Amend the Countywide Plan land use section to add a cross-reference to the combining district.~~

~~1.d Streamline the Review of Affordable Housing⁴.~~ ~~Encourage the development of housing for low, very low and extremely low income households by making the review process more efficient and clarifying permitted density. Amend the Development Code to do the following:~~

- ~~a. Exempt deed-restricted housing developments that are affordable to extremely low, very low and low income households from the Master Plan and Precise Development Plan review and permit procedures. Qualifying projects are subject to design review and other state law requirements.~~

~~Allow the density of deed-restricted housing developments that are affordable to extremely low, very low or low income households to be established by the maximum Marin Countywide Plan density range in zones that allow residential uses, subject to all applicable Countywide Plan policies.~~

~~1.f Develop Multi-family Design Guidelines.~~ ~~Develop multi-family and residential mixed-use design guidelines to establish clear and comprehensive design recommendations for multi-family residential development in the unincorporated communities of Marin.~~

- ~~a. Multi-family design guidelines should emphasize essential principles of development, particularly site planning, preservation of natural features, resource conservation, compatibility with neighboring development, location of buildings in relationship to pedestrian paths and streets, landscaping, general building form, massing, and scale and standards which will increase the feasibility of housing affordable to lower income households.~~
- ~~b. Develop clear design criteria to help expedite the permit review process for developers, planners, and the public.~~

³ Completed by Housing Element Task Force and through Housing Element update.

⁴ Completed with 2012 Development Code amendments.

- ~~c. Develop standards to facilitate some ministerial permit review of multi-family, transitional, and supportive housing developments.~~
- ~~d. Allow duplexes through ministerial review within R2 and multi-family zones by applying streamlining thresholds, and apply similar design review triggers as single-family homes.~~

~~**1.h Allow Rental of Detached Accessory Structures⁵.** In order to encourage efficient land use in existing neighborhoods and to increase the stock of homes affordable to a range of incomes, allow long-term rental of detached accessory structures.~~

~~**1.j Zone and Provide Appropriate Standards for SRO Units.** Establish opportunities for development of SROs in appropriate locations as lower cost rental alternatives for one-person and extremely low income households.~~

- ~~a. Review and revise zoning regulations to identify Single Room Occupancy (SRO) units as a permitted residential use in multi-family and mixed-use areas.~~

~~**1.k Zone and Provide Appropriate Standards for Homeless Shelters⁶.** Consistent with SB 2, amend the Development Code to allow the development of Homeless Shelters as a permitted, non-conditional (permitted) use in Commercial Planned (CP) and Retail Business (C1) districts. This amendment will ensure that emergency shelters are subject to the same development standards as other residential and commercial uses within the same zone. Establish appropriate parking, development, and management standards.~~

~~**1.q Clarify Applicability of State Density Bonus.** Evaluate policies in the Countywide Plan and Development Code for housing opportunity site to ensure consistency with Government Code Section 65915. Amend the Countywide Plan and Development Code as appropriate.~~

~~**2.q Consider CEQA Expedited Review.** Consider an area-wide Environmental Assessment or Program EIR assessing area-wide infrastructure and other potential off-site impacts to expedite the processing of subsequent affordable housing development proposals.~~

~~**3.a Explore Housing at the Civic Center⁷.** Work with the City of San Rafael to consider affordable housing at the Civic Center site. Collaborate with San Rafael and HCD to facilitate possible sharing of affordable units for the RHNA process between the County and San Rafael.~~

~~**3.k Update Affordable Housing Trust Fund Operating Procedures⁸.** Update Trust Fund operating procedures.~~

- ~~a. Publish application and funding guidelines on the County website. Specify that monies paid into the fund will be used to develop or rehabilitate units affordable to very low and low income households.~~
- ~~b. Periodically report Affordable Housing Trust Fund activities and status to the Director. Include total amount of funds available, recent use of funds, and details of deed restrictions that ensure that housing costs are affordable to lower income persons.~~

⁵ Completed with 2012 Development Code amendments

⁶ Completed with 2012 Development Code amendments

⁷ Complete. Reviewed but not recommended by Housing Element Task Force and Planning Commission

⁸ Completed 10/2009. Procedures and applications materials on web site

Attachment 4:

Housing Element 2015 - 2023

Feasibility Analysis

Density Assumptions: Overview

Government Code Section 65583.2 establishes “default densities¹” that are considered a proxy for affordability for the development of housing for lower-income households. For jurisdictions such as the unincorporated County of Marin that have a population greater than 25,000 and are located within a Metropolitan Statistical Area (MSA) with a population of more than two million, the default density is 30 dwelling units per acre.² In Marin County, the default density of 30 dwelling units per acre applies to the unincorporated County and the two cities of Novato and San Rafael. All other cities within Marin County have been assigned a default density of 20 dwelling units per acre, regardless of the existing housing density of the community or the relative cost of housing.

In general, the default densities have provided clarity for local jurisdictions when identifying sites for lower income housing. However, there are some anomalies in the application of these default densities as codified. In practice, the State standards have resulted in some incongruous assignment of default densities, where jurisdictions that have denser populations and housing units per square mile have lower default densities than the unincorporated Marin County, which is predominantly rural and agricultural. The following examples demonstrate the issues at hand.

Santa Clara County

Even with an aggregate population (unincorporated areas plus cities) of 1.8 million, in the Government Code, Santa Clara County is considered suburban and has a default density of 20 dwelling units an acre. This is because it is included in the two-county San Jose-Sunnyvale-Santa Clara Metropolitan Statistical Area (MSA) that is under 2 million in population. In the Government Code, cities in a suburban county with a population of under 100,000 are also considered suburban and have a default density of 20 dwelling units an acre. Therefore, 12 of the 15 cities in Santa Clara County (the heart of Silicon Valley) are also designated suburban.

Ventura County

Ventura County is contiguous with Los Angeles County, the most populous MSA in the state with nearly 13 million people. Ventura County’s aggregate population is about 832,000 and according to the Government Code is a suburban county with a default density of 20 dwelling units an acre. Also, because Ventura County is considered suburban, its incorporated cities of less than 100,000 population are also suburban and have a default density of 20 dwelling units an acre. Therefore, six of the 10 cities in Ventura County are also suburban. If the metropolitan standard of a population less than 25,000 were applied, only three of these cities would be considered suburban.

¹ Government Code Section 65583

² HCD’s 2012 memo applying the default or “Mullin Densities” with 2010 census data: http://www.hcd.ca.gov/hpd/Default_2010census_update.pdf

Marin County

Marin County is rural and suburban in nature with an aggregate population of about 252,000, is separated from San Francisco by a body of water and more than 82% of its land is preserved by open space and agricultural uses. However, Marin is included in the San Francisco MSA and is considered metropolitan with a default density of 30 dwelling units an acre. In addition, unlike cities in suburban counties that are also considered suburban if fewer than 100,000 people are in the population, cities in metropolitan counties are only considered suburban if there are less than 25,000 people in population. Therefore, Marin County and its cities with a population greater than 25,000 have the same default density as downtown San Francisco, Sacramento or Los Angeles.

Irregular Outcomes

Under the current Government Code default density definitions, the city of Mountain View in the heart of Silicon Valley, with a population of 74,000, is deemed suburban with a default density of 20 dwelling units an acre, while the unincorporated areas of Marin County with population of 67,000 over 520 square miles is considered metropolitan with a default density of 30 dwelling units an acre. These types of outcomes raise significant policy questions and may undermine support for housing element law among the general public and elected officials.

Densities in Unincorporated Marin County

The nine incorporated cities in Marin County with a population of less than 25,000 have a default density of 20 dwelling units an acre; however, the unincorporated areas around these incorporated cities are designated metropolitan with a default density of 30 dwelling units an acre. As shown in Table 1, the unincorporated County has a population density of only 111 persons per square mile and a housing density of 48 housing units per square mile, significantly lower than all other Marin jurisdictions. This suggests that any default density applied to the unincorporated County should theoretically not be higher than the default density assigned to the cities and towns in Marin County. Table 1 describes the characteristics of Marin jurisdictions, including the default density as established by State legislation.

Table 1: Characteristics of Jurisdictions in Marin County

City	Miles from San Francisco City Limits	Land Area (sq. miles)	Population 2010	Population Per Square Mile	Number of Housing Units	Number of Housing Units Per Square Mile	Median Condo Price 2013	Default Density
Belvedere	11.3	0.54	2,068	3,830	1,045	1,935	³	20 du/ac
Corte Madera	9	3.2	9,253	2,892	4,026	1,258	\$583,500	20 du/ac
Fairfax	14.9	2.1	7,441	3,543	3,585	1,707	\$435,000	20 du/ac
Larkspur	9.9	3.13	11,926	3,810	6,376	2,037	\$440,000	20 du/ac
Mill Valley	8.4	4.7	13,903	2,958	6,534	1,390	\$599,500	20 du/ac
Novato	22.6	27.7	51,904	1,874	21,158	764	\$320,500	20 du/ac ⁴
Ross	12.2	1.6	2,415	1,509	884	553	³	20 du/ac
San Anselmo	13.3	2.7	12,336	4,569	5,538	2,051	\$539,000	20 du/ac
San Rafael	12.5	16.6	57,713	3,477	24,001	1,446	\$375,000	30 du/ac
Sausalito	3.7	1.9	7,061	3,716	4,536	2,387	\$625,000	20 du/ac
Tiburon	11.2	4.5	8,962	1,992	4,025	894	\$910,000	20 du/ac
Unincorporated	Varies	520	67,427	485	29,581	48	\$485,000	30 du/ac

Data Sources: MapQuest; City general plans and websites; U.S. Census 2010; Marin County Assessor's Office, annual 2013 data.

Market Demand and Trends

The unincorporated County has very diverse geography; most of the area is open space and agricultural lands. The population is based primarily in small suburban communities in the city centered corridor and to a lesser degree, in the rural villages in west Marin. Housing prices vary significantly from area to area; for example in the rural west Marin village of Tomales the median house price is \$525,000, well below the county as whole, while in Stinson Beach the median price is over \$2 million. Housing prices throughout Marin are high; however on average, housing prices for both detached single-family and condominiums in the unincorporated county are in the lower half compared to other Marin jurisdictions.

³ The housing stock in Belvedere and Ross are almost exclusively single family homes. There were no condominium sales in these cities in 2013. The Belvedere median single family home price was \$2,945,009 in 2013 and the median Ross single family home price was \$2,216,708.

⁴The City of Novato's default density set by legislation is 30 DUA, however, in the 2007-2014 housing element cycle, Novato used a feasibility analysis to establish a density of 20 DUA.

Table 2: Median Housing Prices in Marin County

Jurisdiction	Median Single Family House Price 2013	Median Condo/Townhouse Price 2013
Belvedere	\$2,500,000	n/a
Corte Madera	\$997,500	\$583,500
Fairfax	\$662,500	\$435,000
Larkspur	\$1,341,000	\$440,000
Mill Valley	\$1,325,000	\$599,500
Novato	\$663,500	\$320,500
Ross	\$2,000,000	n/a
San Anselmo	\$840,000	\$539,000
San Rafael	\$820,000	\$375,000
Sausalito	\$1,429,999	\$625,000
Tiburon	\$2,000,000	\$910,000
Unincorporated	\$966,000	\$485,000

Data Source: Marin County Assessor, annual 2013 real estate data.

Financial Feasibility

The history of affordable housing development in Marin has demonstrated that housing is possible at a range of densities, particularly when density standards are set by the Countywide Plan land use designation. In preparation of this housing element, County staff interviewed a range of affordable housing developers and architects with experience in Marin County⁵ to determine if the proposed densities and development standards for key affordable housing sites were financially feasible for the production of multi-family housing affordable to lower income households. These interviews revealed that the desired minimum number of units in a project is approximately 25.⁶

BRIDGE Housing is a large regional nonprofit with more than 21,000 homes in their portfolio and pipeline. BRIDGE currently has eight properties in Marin and another under development. Brad Wiblin, the Senior Vice President of BRIDGE, state that based on his experience, the most important factor in determining feasibility of an affordable housing development is the total number of units, rather than the density per acre. For example, a tax credit project requires a minimum of 50 units to be feasible based on the cost of securing tax credits. The most economical development type for affordable family housing in Marin has a density of approximately 25 units per acre, and would typically consist of 3 story wood frame buildings with tuck-under parking. An increased density above 25 units per acre would normally require steel frame buildings and podium parking. This type of development would usually require a significantly higher density of 50 to 60 units per acre to be economically feasible.

Van Meter William Pollack Architects reported that 90 percent of their work is for affordable housing developments; they are also the architects for a 61-unit affordable senior housing development recently

⁵ EAH Housing, 9/17/09; Eden Housing 9/14/09; Falcone Development Services 9/15/09; HART Marin (for-profit developer of market and affordable housing) 9/15/09; PEP Housing 9/14/09;

⁶ Smaller local housing providers operate on a much smaller scale.

constructed in Novato. Principal architect Rick Williams stated that most affordable housing developments in suburban locations have historically been between 23 to 28 dwelling units per acre density, and that higher densities are not typically compatible in a suburban context such as the unincorporated County. Higher densities are often less financially feasible because they require the use of very expensive podium or subsurface parking structures.

A feasible family affordable housing development in a suburban location is optimally designed with two to three stories and surface parking capacity of 1.5 to 1.8 parking spaces per unit. According to Mr. Williams, an ideal site size would be 2 to 3 acres and provide opportunity to develop 45 to 75 units, which is an efficient management size. Smaller sites that are less than 2 acres in size are often more challenging to develop and require modified or reduced development standards to plan an economically feasible affordable housing development. Where these constraints are present, the most frequent concessions requested are parking (especially for seniors, but also for family housing), setbacks, height (to allow for 3 story buildings), or open space to allow for surface parking. Mr. Williams has found that these issues are exacerbated on sites under 1.5 acres, and especially difficult on sites under one acre.

The Toussin Affordable Senior Apartments, 13 units of extremely low to very low income senior housing, provides an example of how a development in the RMP-20 (Residential, Multiple Planned, 20 units per acre density) district approved with the utilization of the State's Density Bonus law⁷ is financially feasible. This example also illustrates how increased densities can be reached on small sites using the County's current policies while keeping land costs lower than if they were rezoned at higher densities. The development is located on a 0.38 acre site and borders single family homes. In approving the development, the County provided a density bonus to make the development feasible, as discussed below.

The governing zoning on the Toussin site allowed up to 7 market rate housing units on the 0.38 acre property. However, County Development Code provisions allow affordable housing to be built at the upper end of the density range permitted by the applicable Countywide Plan land use designation. In this case, the applicable 30 unit per acre density of the land use designation would permit 11.4 affordable units on the site. In addition, State housing laws permit an additional density bonus of up to 35 percent for affordable housing projects. The 35 percent density bonus, applied to 11.4 units would allow up to four additional units, for a total potential of 15 affordable units. Accordingly, the approved development of 13 affordable senior housing units on the 0.38 acre site is considered a permitted use under governing County and State zoning and affordable housing laws.

⁷ Senate Bill 1818

Table 3: Toussin Affordable Senior Apartments *(sample development)*

	RMP-20 Zone Standard	As Approved
Density	20 du/ac	34 dwelling units per acre (du/ac)
Front Setback	Determined through Master Plan/Design Review	8 feet
Back setback (south)	Determined through Master Plan/Design Review	10 feet
Side setback (east)	Determined through Master Plan/Design Review	8 feet
Side setback (west)	Determined through Master Plan/Design Review	8 feet
Height	30 feet	24 feet
Parking	50% reduction for senior housing	0.8 parking spaces per unit
FAR (Floor Area Ratio)	35%	56% (not including covered parking areas)

The developer of Toussin, PEP Housing, reports that they have used a variety of local, state and federal funding sources to finance the development and provide affordability levels at 20-50% of the area median income. Funding included local sources from County Housing Trust funds, CDBG, HOME and fee waivers, as well as State funding, including 9% tax credits.

Developments that use podium parking must be developed at significantly higher densities in order to spread the costs over a greater number of units. In support of this observation, Eden Housing provided staff with a list of 72 recently constructed affordable housing developments for seniors, families and disabled people in the Bay Area. Of these, there were 37 developments established at one to three stories with surface and/or tuck-under parking. These developments ranged in size from 11 to 145 units, and from .46 to 6.9 acres. Their median density was 23.3 units per acre. The list also contained 23 developments with podium parking or parking garages. These developments ranged from two and three stories to six stories. The development sizes ranged from 27 to 215 units and from 0.15 to 4.77 acres. Their median density was 58 units per acre. Only four of these developments were at densities between 30 and 39 units per acre. Thus, it appears that podium parking requires much higher densities to make a development feasible, and that an appropriate density and zoning for two and three story development with surface and/or tuck-under parking is 20 units per acre.

In addition to incentives offered through State Density Bonus law, the County offers additional incentives to affordable housing, as outlined in Table 4 below. Together with State Density Bonus law, these incentives serve to assist developers of lower income housing, allowing them to compete for limited available sites.

Table 4: Summary of County Incentives for lower income housing

Incentive	Description
Density	In all districts that allow residential uses, allowable density will be established by the maximum CWP density range, subject to all applicable CWP policies
Where allowed	Affordable housing may be allowed in any zoning district where residential uses are allowed by the applicable Countywide Plan policies
County density bonus	10% for projects not eligible for the State density bonus
Mixed-use sites	Floor-area maybe exceeded for affordable housing
Fee Waivers	The County may waive any applicable County fees for affordable units ⁸
Technical assistance	The County may provide technical assistance for non-profit developers, related to the County's development review process and in securing funding
Priority processing	The County shall priority process housing affordable to lower income households.

Appropriate Densities for Lower-Income Housing

The County of Marin has a long history and a strong record of achieving affordable housing in constrained circumstances. Most land in the unincorporated County is preserved for open space and agricultural uses; however, the unincorporated area has approximately 28 percent of the lower and moderate income housing compared to the County as a whole.

The majority of housing developments affordable to lower income households have been developed in the unincorporated County at or below densities of 20 units per acre, with some exceptions when the site was extremely small. One senior housing development has also utilized allowances for somewhat higher densities through the State density bonus provisions. Examples of these properties are shown in Table 5 and described below.

⁸ The County has waived all or most County fees for all affordable housing developed in the unincorporated area for the past 20 years.

Table 5: Examples of Affordable Housing Units Developed in the Unincorporated County

Development Name	General Plan Land Use Designation	Zoning	Very Low Income	Low Income	Moderate Income	Total	Parcel Acreage	Units per Acre
Fireside Affordable	RS	RMPC-12.7	50	0	0	50	3.95	11.6
Toussin Senior	MF4	RMP-20	13	0	0	13	0.38	34
Bolinas Gas Station (BoGas)	C-NC	C-VCR	8	0	0	8	0.29	27
Gibson House	C-SF5, C-NC	C-RA-B2, C-VCR	7	0	0	7	0.40	20
Point Reyes Affordable	C-MF2	C-RMP-4.3	10	16	8	34	6.84	5.3
Strawberry Shopping Center (Mixed Use)	GC	RMPC	0	4	1	5	8,502 sq.ft. total	678 to 690 sq.ft. units
Gates Cooperative (New floating home berths at existing Marina)	FH	BFC-RF	30	4	4	38	n/a	n/a
Rotary Valley Senior Housing	MF 3.5	RMP 11.6	80	80	0	80	6.8	11.6
TOTALS			118	24	13	155		

Affordable Housing Developments:

Fireside Affordable Apartments, Tamalpais Planning Area. This 50-unit development was developed on the site of a derelict motel and abandoned historic roadside restaurant. The development site is 3.95 acres, yielding a housing density of 12.6 dwelling units per acre. There are 18 two-bedroom apartments, 10 1-bedroom apartments and 22 senior studios. All units are affordable to low, very low and extremely low income households.

Toussin Senior Apartments, Kentfield. This 13-unit development was developed on a parcel donated to the County as part of the inclusionary requirement of a larger market rate development in the neighborhood. The development site is .38 acres, and the housing density is 34 units per acre. The development contains a mix of studio and one bedroom units. All units are affordable to very low and extremely low income seniors coming out of homelessness.

Bolinas Gas Station, Bolinas. This 8-unit housing development was developed as part of mixed-use development in the downtown commercial area of Bolinas, a small coastal community. The parcel is .29 acres, yielding a housing density of 27 units per acre. All units are affordable to very low income households.

Gibson House, Bolinas. Situated on .40 acres, the development's housing density is 17 units per acre. All apartments are one-bedroom units. This 7-unit senior housing development provides rental housing affordable to very low income senior households.

Point Reyes Affordable Homes, Point Reyes Station. This 34-unit development is in rural west Marin and provides housing affordable to very low, low and moderate income households. The site is on 6.4 acres, is on septic and is very low density at 5.3 units per acre.

Rotary Valley Senior Housing, Lucas Valley. This 80-unit housing development serves very low income seniors. The site area is 6.8 acres, and the housing density is 11.6 units per acre. Rotary Valley is one-story senior housing with surface parking, no elevators and the land is owned by the County with a long term lease to the housing provider.

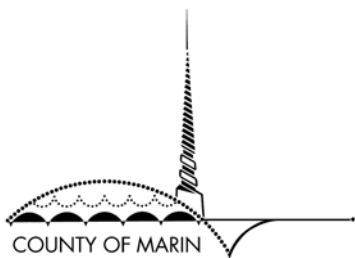
Market Rate Multifamily Developments:

The Ridgeway Apartments, Marin City. This development comprises 226 units on 8.4 acres, yielding a density of 26 units per acre (achievable on a site with a 20 DUA density when combined with the State density bonus). The property was developed as a mixed income development, with 73 units affordable through a HOME regulatory agreement, and the remaining 153 units at market rate. However, in 2009 the development was converted to 100% affordable through 4% tax credit financing.

Summit at Sausalito Apartments, Marin City. This market rate development comprises 198 units sited on 10.3 acres, yielding a density of 19 units per acre.

Summary

Marin County is a predominantly suburban and rural community with a low density development pattern. Requiring affordable housing at higher densities engenders community opposition because it may not be considered consistent with much of current development patterns. The unincorporated County has many examples of successful affordable housing developments at densities closer to 20 dwelling units an acre. According to nonprofit developers and architects with expertise in the area, this is the most feasible density for affordable family housing in a suburban community such as Marin County.

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION**STAFF REPORT TO THE PLANNING COMMISSION
MARIN COUNTY HOUSING ELEMENT UPDATE HEARING #3**

Item No: 4
Workshop Date: November 17, 2014
Planner: Leelee Thomas, Principal Planner
Alisa Stevenson, Planner

- RECOMMENDATION:**
1. Conduct public hearing
 2. Comments on the Addendum to the Supplemental Environmental Impact Report (SEIR)
 3. Comments on modifications made to the Draft Housing Element as suggested by the State Department of Housing and Community Development (HCD) and staff
 4. Recommend approval of the Draft Housing Element and the Addendum to the SEIR ("Addendum") to the Board of Supervisors

Purpose

The November 17, 2014 hearing on the Marin County Housing Element update is the third scheduled Planning Commission hearing on this project over the past 5 months. The purpose of this hearing is to review the Addendum to the Supplemental Environmental Impact Report (SEIR), review modifications to the Draft 2015-2023 Housing Element as suggested by the State Department of Housing and Community Development (HCD) and staff, and vote to recommend a decision regarding the Draft Housing Element and Addendum to the Board of Supervisors. The preliminary review recently completed by HCD does not preclude the Planning Commission or Board of Supervisors from making further changes to the Draft Housing Element. The Housing Element will be reviewed again by HCD after its adoption by the Board of Supervisors.

Schedule

The first Planning Commission hearing on July 28, 2014, was devoted to review of the Available Land Inventory (housing sites list) and draft policies and programs from the Housing Element. The Commission conducted a straw vote to recommend ten sites to accommodate housing at various income levels and five new programs to include in the Draft Housing Element.

At the second hearing on August 25, 2014, the Planning Commission reviewed the Draft Housing Element in its entirety, confirmed their recommendation from July 28th, and recommended submittal of the Draft Housing Element to HCD for preliminary review.

The Planning Commission's third hearing on November 17, 2014 will enable the Commission to review HCD's comments and consider making recommendations to the Board of Supervisors to adopt the Addendum and the Draft Housing Element. The schedule for completing the Housing Element Update is as follows:

Event	Date/Timeframe 2014 to 2015
Initiate work on Housing Element	February
Board of Supervisors approve Work Plan	March 18
Stakeholder Meetings (2)	February – March
Meetings with Design Review Boards / Community Service Districts (4)	February – March
Meetings with other community organizations (4)	February – May
Community Workshops (5)	April – May
Housing Survey (online)	March – June
Affordable housing experts meeting	June
Planning Commission Hearing #1	July 28
Planning Commission Hearing #2	August 25
State review of draft Housing Element	September – November
Planning Commission Hearing #3	November 17
Board of Supervisors Hearing #1	December 9
<i>Board of Supervisors additional hearing(s) (if needed)</i>	<i>January 2015 (tentative, if needed)</i>
Submit Housing Element to State for certification	January 31, 2015

Project Background

The California State Legislature has found the availability of housing to be of [statewide importance](#). To ensure that counties and cities recognize their collective responsibility to implement statewide housing goals. Originally enacted by the State in 1969, housing element legislation requires all local governments to prepare and implement housing elements as part of their general plans (the Marin Countywide Plan for unincorporated Marin). Housing element law was amended in 1980 to require councils of governments (e.g. the Association of Bay Area Governments (ABAG) for Bay Area counties) to determine the existing and projected housing needs at all income levels for each city and county in the region, which is then to be addressed in each local jurisdiction's housing element. This process became the Regional Housing Need Allocation (RHNA), which determines the fair share of housing need for each county, city and town in California.

Marin County has prepared a Draft Housing Element for the planning period of 2015 through 2023. The Draft Housing Element will be adopted as an amendment to the 2007 Marin Countywide Plan. The County has a long history of meeting State housing regulations while upholding local policies of the Countywide Plan and community plans. The County has adopted five Housing Elements in 1971, 1984, 1994, 2003, and most recently in December 2013.

Environmental Review

The County independently selected the consulting firm, Douglas Herring & Associates, to prepare the environmental review documentation for the Draft 2015-2023 Housing Element. One of the first major tasks was to determine the appropriate level of environmental review, pursuant to the California Environmental Quality Act (CEQA), through the preparation of a comprehensive analysis referred to as an Environmental Checklist. Upon completion and review of the preliminary findings in the Environmental Checklist, the County Environmental Coordinator determined that changes proposed in the Draft 2015-2023 Housing Element are consistent with the CEQA criteria for preparing an Addendum to the Supplemental Environmental Impact Report (SEIR)¹, which was prepared for the current Housing Element approved by the Board of Supervisors and certified by the State in 2013.

¹ The SEIR was certified by the Board of Supervisors on September 24, 2013 in conjunction with adoption of the 2007-2014 Housing Element.

Consistent with the *State CEQA Guidelines*, and as described below, the evaluation and findings in the Environmental Checklist provide the substantial evidence to support an Addendum to the SEIR as an appropriate means of ensuring that the Draft 2015-2023 Housing Element complies with CEQA. Following the Environmental Coordinator's initial determination, Douglas Herring & Associates prepared the Addendum, which incorporates the Environmental Checklist and the project description (see Attachment 2, Exhibit B).

The Addendum explains that implementation of the Draft 2015-2023 Housing Element would not create any new or substantially more severe significant environmental effects that were not analyzed in the SEIR for the 2007-2014 certified Housing Element, nor have there been substantial changes with respect to the circumstances under which the Housing Element would be undertaken that would require major revisions to the SEIR due to new or substantially more severe significant environmental effects, and there has been no discovery of new information of substantial importance that would require major revisions to the SEIR due to new or substantially more severe significant environmental effects. Therefore, no subsequent or supplemental environmental impact report is required.²

The SEIR previously determined that adoption of the 2007-2014 Housing Element would not substantially alter development patterns currently allowed under the Countywide Plan because development would occur in areas already designated for residential, commercial, or public facilities in the 2007 Countywide Plan and implementing zoning ordinances, and the amount of housing planned for in the Draft 2015-2023 Housing Element would not exceed the amount in the Countywide Plan. All of the mitigation measures identified in the Countywide Plan EIR were adopted and incorporated into the Countywide Plan and would continue to be implemented, and all of the mitigation measures identified in the SEIR were adopted and incorporated into the Housing Element and would continue to be implemented as well. No new mitigation measures are required for the 2015-2023 Housing Element.

The Addendum for the Draft 2015-2023 Housing Element carries forward the housing sites from the 2007-2014 Housing Element, with minor modifications. One housing site was removed after it was purchased and preserved for open space. Additional second units are also projected based on updated development data. The Addendum analyzes all of the housing sites included in the most recently certified Housing Element (2007-2014) to allow the Board of Supervisors flexibility in selecting sites to consider for inclusion in the final adopted Housing Element. The Addendum also analyzes the Goals, Policies and Programs of the Draft 2015-2023 Housing Element, which enable the County to meet its housing objectives. Goals and Policies of the Draft 2015-2023 Housing Element remain unchanged from the 2007-2014 Housing Element, however some of the implementing Programs have changed and several others have been deleted due to implementation. The Addendum concluded that no additional significant negative effects would result from implementation of the Draft 2015-2023 Housing Element Goals, Policies and Programs that were not previously evaluated by the SEIR.

The EIR prepared for the 2007 Countywide Plan and the SEIR did not separately evaluate potential density bonus units that could be requested by a property owner if affordability levels consistent with State law were included in a development proposal for reasons explained in the following excerpt from the Final Supplemental Environmental Impact Report (May 2013):

"The State density bonus law, Government Code 65915, became effective January 1, 2004. The Marin County density bonus ordinance consistent with State law, was adopted in 2008. Therefore, the County's requirements for implementing the State Density Bonus Law are not a change in the project, a change in circumstances, or new information requiring additional environmental review."

² Addendum to the 2013 Marin County Housing Element Supplement to the 2007 Countywide Plan EIR ("2013 SEIR"), page 4

Furthermore, the site-specific application of the County's density bonus ordinance to any particular site will be based on whether an affordable housing project is proposed for a particular site, and the affordability characteristics of the proposed project. Until site-specific projects with affordable housing components are proposed, the prediction of whether a density bonus would be requested for any particular site, and the size of the density bonus, would be speculative."

Any future development proposal on a Housing Element site would be subject to the environmental review procedures required by CEQA based on the details of the project. In other words, the Countywide Plan EIR, the SEIR, and the Addendum are not necessarily intended to be the final environmental review document for specific projects on the approved Housing Element sites.

Although the State density bonus law has been in effect since 1979, it has not been a major factor in Marin County to date. In the past ten years, only one project seeking a density bonus in the unincorporated area of the County has been proposed and approved, that being the two density bonus units included in the Toussin Senior Housing project in Kentfield. During that same time period, there have only been six other density bonus projects approved in cities in Marin (two in Novato and four in San Rafael).

Although not required by *State CEQA Guidelines* §15164, the Addendum has been made available for a four week period in advance of the November 17 Planning Commission hearing, and announced by email notice to 2,400 subscribers. The Addendum is included as Exhibit B of Attachment 2 of this report, and is available online at www.marincounty.org/housingelement.

HCD Modifications

On August 25, 2014, the Planning Commission recommended the submittal of the Draft 2015-2023 Housing Element to HCD for preliminary review. HCD's review letter is included as Attachment 1 of this report. Minor revisions to the Draft Housing Element have been made in response to HCD comments and are shown in strikethrough and underline format in Exhibit A of Attachment 2.

Assembly Bill 1537

On September 30, 2014, Governor Jerry Brown signed Assembly Bill 1537, effectively lowering the County's default density for lower income housing from 30 units per acre to 20 units per acre for the next Housing Element cycle (2015-2023). This Bill does not require any changes to existing zoning or to the Draft Housing Element Sites Inventory recommended by the Planning Commission on August 25, 2014. However, the Bill does provide the Board of Supervisors with flexibility to consider including sites in the Draft Housing Element to accommodate lower income housing opportunities at a density of 20 units per acre, rather than the 30 units per acre previously required. On July 28, 2014, the Commission considered an alternative sites list based on a 20 unit per acre default density.³ The Board of Supervisors is expected to consider this alternative sites list as well as other options for complying with the County's RHNA at their hearing on December 9, 2014.

At the August 25, 2014 hearing, the Planning Commission recommended submittal of a feasibility analysis to HCD to accompany submittal of the Draft Housing Element. The analysis was intended to demonstrate that affordable housing projects could be developed at densities lower than the 30 unit per acre default density prescribed by State law. However, because the signing of AB 1537 negates the

³ This alternative sites list was included as "Alternative 3" in Attachment 4 of the July 28, 2014 Staff Report.

need for a feasibility analysis to achieve a lower default density, the analysis is no longer being considered as part of the Draft Housing Element.

Carryover from July 28, 2014

At the July 28, 2014 public hearing, the Planning Commission reviewed a proposal from staff to make a revision to Countywide Plan Figure 3-3 to clarify the applicability of State density bonuses to the County's Housing Overlay Designation (HOD). This change was proposed to implement Program 1.q from the 2007-2014 Housing Element by amending Countywide Plan Figure 3-3 to clarify that the 658 potential units for HOD sites is inclusive of any applicable density bonus units. The Commission considered this proposal and took a straw vote, resulting in the Commission agreeing 5-0 to implement the modification as proposed by staff. However, upon further consideration, staff has concluded that additional time is needed to analyze the effects of proposed revisions necessary to implement Program 1.q. For this reason, staff recommends that Program 1.q be carried forward and incorporated into the Draft 2015-2023 Housing Element for implementation during the next housing element planning period; hence, no change in Program 1.q is proposed at this time. Revisions to the Draft Housing Element necessary to carry forward this program are reflected in Exhibit A of Attachment 2. Program 1.q would be renamed as "Program 1.l" and carried forward as follows:

Program 1.l Clarify applicability of State Density Bonus. Evaluate policies in the Countywide Plan and Development Code for housing opportunity sites to ensure consistency with Government Code § 65915-65918. Amend the Countywide Plan and Development Code as appropriate.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct the public hearing as follows:

- Staff presentation
- Open time for public comment
- Provide feedback to staff on the SEIR Addendum
- Provide feedback to staff on modifications to the Draft 2015-2023 Housing Element
- Recommend the Draft 2015-2023 Housing Element and SEIR Addendum to the Board of Supervisors

Attachments:

1. HCD review letter, October 15, 2014
2. Draft resolution recommending the Draft 2015-2023 Housing Element
 - Exhibit A:** Modifications to the Draft 2015-2023 Housing Element
 - Exhibit B:** Addendum to 2013 Supplemental Environmental Impact Report (SEIR)
3. Administrative Record (comments received)

The staff report and attachments are available online at: www.marincounty.org/HousingElement and www.marincounty.org/PlanningCommission. A copy of the staff report is also available for public review at the Community Development Planning Agency, Planning Division, from 8:00 am to 4:00 pm Monday through Thursday (closed Fridays).

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



October 15, 2014

Mr. Brian C. Crawford, Director
Community Development Agency
County of Marin
3501 Civic Center Drive
San Rafael, CA 94903

Dear Mr. Crawford:

RE: Marin County's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the County of Marin's draft housing element update which was received for review on September 2, 2014. In addition, revisions were received on October 3, 9 and 13, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by various communications with Ms. Leelee Thomas, Principal Planner and Ms. Alisa Stevenson, Senior Planner. In addition, the Department considered comments from Dave Coury pursuant to GC Section 65585(c).

The Department conducted a streamlined review of the draft housing element based on the County meeting eligibility criteria detailed in the Department's Housing Element Update Guidance. The County also utilized ABAG pre-approved housing element data.

The draft housing element with revisions meets the statutory requirements of State housing element law. The draft housing element with revisions will comply with State housing element law (GC, Article 10.6) when they are adopted and submitted to the Department, in accordance with GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) Marin County must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the cooperation and diligence provided by Ms. Thomas and Ms. Stevenson, in preparation of the housing element and looks forward to receiving Marin County's adopted housing element. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Glen A. Campora
Assistant Deputy Director

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION RECOMMENDING THAT
THE BOARD OF SUPERVISORS ADOPT THE HOUSING ELEMENT
AND AMEND THE 2007 MARIN COUNTYWIDE PLAN

* * * * *

SECTION I: FINDINGS

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

- I. WHEREAS, the Marin County Board of Supervisors adopted the Marin Countywide Plan on November 6, 2007. The overarching theme presented in the Plan is planning sustainable communities.
- II. WHEREAS, the Marin Countywide Plan is a comprehensive, long term general plan for the physical development of Marin County and establishes an overall framework and set of goals for countywide development in the unincorporated area of the County. The 2007 Marin Countywide Plan includes policies to protect and to preserve and enhance the natural environment of the County, and to strive for a high quality built environment.
- III. WHEREAS, the Marin County Housing Element is a required element of the Countywide Plan per Government Code § 65302(c), and its contents must conform to Housing Element Law, Government Code §§ 65580- 65589.8.
- IV. WHEREAS, the current Housing Element was adopted by the Marin County Board of Supervisors on September 24, 2013 and incorporated into the 2007 Countywide Plan.
- V. WHEREAS, housing elements must be updated periodically, the Marin County Community Development Agency initiated an update to the 2007-2014 Housing Element. The Draft 2015-2023 Housing Element addresses the Regional Housing Needs Allocation (RHNA) cycle of 2014 through 2022 and the planning period of 2015 through 2023.
- VI. WHEREAS, the objective of the Draft 2015-2023 Housing Element is to achieve an adequate supply of decent, safe, and affordable housing for Marin's workforce, residents, and special needs populations, with a particular focus on the unincorporated areas of the County.
- VII. WHEREAS, the Marin County Planning Commission held duly noticed public hearings on the Draft 2015-2023 Housing Element on July 28, August 25, and November 17, 2014.
- VIII. WHEREAS, the Marin County Community Development Agency submitted the Draft 2015-2023 Housing Element to the California Department of Housing and Community Development (HCD) in September 2014 for preliminary review, and HCD found the Draft to be in compliance with Housing Element Law.
- IX. WHEREAS, the Marin County Board of Supervisors certified a Final Environmental Impact Report (State Clearinghouse No. 2004022076) (EIR) for the Marin Countywide Plan prior to the adoption of the 2007 Marin Countywide Plan, a Supplement to that Environmental Impact Report (State Clearinghouse No. 2012072028) (SEIR) was prepared for the 2007-2014 Marin County Housing Element and adopted by the Board of Supervisors September 24, 2013, and

an Addendum to the SEIR was prepared for the Draft 2015-2023 Housing Element and reviewed by the Planning Commission on November 17, 2014.

- X. WHEREAS, the Draft 2015-2023 Housing Element is a planning document, and adoption of the Housing Element into the 2007 Marin Countywide Plan will not approve any specific development projects and will not directly result in changes to the physical environment.
- XI. WHEREAS, the Planning Commission has reviewed the information in the staff report for the Marin County Housing Element Update, and the Addendum to the SEIR (attached hereto as Exhibit B), which concludes that no further environmental review is required for the 2015-2023 Housing Element.

SECTION II: HOUSING ELEMENT

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission reports and recommends that the Marin County Board of Supervisors:

1. Determine that the Addendum to the SEIR reflects the independent judgment of Marin County; and
2. Adopt the Addendum to the SEIR; and
3. Adopt the Draft 2015-2023 Marin County Housing Element with revisions as contained in Exhibit A of this Resolution, and incorporate it into the 2007 Marin Countywide Plan.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 17th day of November, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON DICKENSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher
Planning Commission Secretary

635005.2

Exhibit A:
Modifications to the Draft 2015-2023 Housing Element

The following is an excerpt from the Draft 2015-2023 Housing Element reflecting modifications requested by the State Department of Housing and Community Development (HCD), as well as revisions necessary to carry forward Program 1.q (renamed to Program 1.l) and to correct a typographical error in Figure IV-6. Deletions are marked with a strikethrough and additions are marked with an underline. Any part of the Draft Housing Element not included herein remains unchanged from the version recommended by the Planning Commission on August 25, 2014. The entire Draft with these revisions can be viewed online at www.marincounty.org/housingelement.

This Exhibit includes modifications to the Draft Housing Element as follows:

- Section I: Introduction
 - Page I-7, first paragraph
- Section III: Constraints and Opportunities
 - Pages III-6 and -7, Figure III-1
 - Page III-8, Figure III-2
 - Page III-29 through -31, Figure III-10
- Section IV: Sites Inventory and Analysis
 - Page IV-6, Figure IV-3
 - Page IV-10, Figure IV-6
- Section V: Goals, Policies and Programs
 - Page V-4, Program 1.l
 - Page V-5, Policy 2.1 and Program 2.a
 - Pages V-6 and -7, Programs 2.k and 2.o
 - Page V-8, Program 2.u
- Appendix B: Evaluation of 2007-2014 Housing Element Programs
 - Page B-3, Program 1.q
- Appendix G: Housing Element Program Implementation
 - Pages G-2 through G-6, Program 1.l and timeframe column

- Webpage hosted on the County website focused exclusively on the Housing Element Update process, where workshops were announced, workshop summaries posted, and drafts provided.
- Notice of website additions and Workshop reminders were e-mailed to 1,600 Housing Element website subscribers.
- Workshop reminders were e-mailed or web-posted by each of the five district Supervisors to community contacts.
- Housing Element Workshop information was e-mailed to over 50 local nonprofit, housing advocacy, and service organizations who serve lower income community members.
- Staff presentations were provided at a variety of community forums including; Marin Partnership to End Homelessness and Marin Grassroots.

The County's outreach also included an experts meeting of nonprofit housing providers, architects, planners, and affordable housing funders. The Housing Element update process in Marin County has involved a number of groups and individuals in the process of reviewing current housing conditions and needs, and considering potential housing strategies. Two stakeholders meetings were held to gather input on outreach methods, one with advocates for lower income communities. Five hands-on community workshops were held, three on weekends and two evening meetings. In addition, three publicly noticed Planning Commission Hearings are scheduled and will include opportunities for public comment. Summaries of these working sessions and public workshops were used to identify needs, assess constraints and develop draft programs for the Housing Element update and are included in Appendix C: Summary of Public Meetings.

In addition to the outreach conducted previously, the Draft included the following opportunities for additional public participation. All of these meetings were noticed through standard practices and additional outreach and notification followed the procedures described above. In addition, notices were sent out in Spanish and Vietnamese, which are the most common languages of non-English speakers in Marin.

- Five workshops were held on weekends and evenings in a variety of locations, including Marin City and the Canal neighborhood of San Rafael.
- The Planning Commission will hold three public hearings (including one evening hearing) to receive public comment on the Draft Housing Element and recommend adoption to the Board of Supervisors.
- The Board of Supervisors will hold a public hearing to review and adopt the Draft Housing Element and Environmental Review document.

Relationship of the Housing Element to Other Countywide Plan Elements

The Countywide Plan serves as the constitution for land use in the unincorporated portions of Marin County. The long-range planning document describes goals, policies, and programs to guide land use decision-making. State law requires a community's general plan to be internally consistent. This means that the housing element, although subject to special requirements and a different schedule of updates, must function as an integral part of the overall general plan, with consistency between it and the other general plan elements. Once the general plan is adopted, all development-related decisions in unincorporated areas must be consistent with the plan. If a development proposal is not consistent with

the plan, the proposal must be revised or the plan itself must be amended. To maintain internal consistency, any proposed amendments to other elements of the general plan and to the development code are reviewed for consistency with the housing element in advance of adoption by the Board of Supervisors. If a proposed amendment is not consistent with the Housing Element, then the proposed amendment is revised or expanded as needed to maintain consistency.

The updated Countywide Plan is structured around the goal of building sustainable communities. Each of the three other elements in the Plan addresses sustainability: the Natural Systems and Agriculture Element, the Built Environment Element, and the Socioeconomic Element. The Marin Countywide Plan Update Guiding Principles related to housing are excerpted below.

- Supply housing affordable to the full range of our workforce and diverse community. We will provide and maintain well designed, energy efficient, diverse housing close to job centers, shopping, and transportation links. We will pursue innovative opportunities to finance senior, workforce, and special needs housing, promote infill development, and reuse and redevelop underutilized sites.
- Provide efficient and effective transportation. We will expand our public transportation systems to better connect jobs, housing, schools, shopping, and recreational facilities. We will provide affordable and convenient transportation alternatives that reduce our dependence on single occupancy vehicles, conserve resources, improve air quality, and reduce traffic congestion.
- Foster businesses that create economic, environmental, and social benefits. We will retain, expand, and attract a diversity of businesses that meet the needs of our residents and strengthen our economic base. We will partner with local employers to address transportation and housing needs.

With the Countywide Plan as a framework, this Housing Element update is also utilizing the same glossary. The Countywide Plan glossary begins on page 5-21 as part of the Plan's Appendices. The terms defined in the glossary are also consistent with the Marin County Development Code. Section V: Goals, Policies, and Programs includes a program to update the definitions of transitional and supportive housing in the Development Code.

There are 17 community plan areas in the unincorporated area, all of which have adopted community plans (plus the additional Peacock Gap Plan). Community plans further detail the policies of the Countywide Plan as they pertain to specific areas. Policies contained in the community plans, including those related to housing, must be consistent with those in the Countywide Plan, and, by extension, its Housing Element. The following is a list of community plans and the date of their last adopted plan.

Black Point 1978	Muir Beach 1972
Bolinas 1975	Nicasio Valley 1997
Bolinas Gridded Mesa 1984	Point Reyes Station 2001
Dillon Beach 1989	San Geronimo Valley 1997
East Shore (Tomales Bay) 1987	Stinson Beach 1985
Indian Valley 2003	Strawberry 1982
Inverness Ridge 1983	Tamalpais Valley 1992
Kentfield/Greenbrae 1987	Tomales 1997
Marin City 1992	

Figure III-1: Water Capacity for New Development

Water Service Area	Communities Served	Existing Units	Sites Inventory Units	Development Potential+	Countywide Plan Buildout	Supply Deficits for Inventory	Notes/ Description of Limitation	Inventory Sites
MMWD	All cities and towns along the City-Centered Corridor from the Golden Gate Bridge to the southern border of Novato^	20,422	494	2,859	23,281	No	Current water sources are sufficient for the development of the units proposed in the Sites Inventory. Additionally, the district is pursuing alternative water sources (desalination) and measures such as conservation, and will continue to allow new development.	<ul style="list-style-type: none"> • St. Vincent's/Silveira • Marinwood • California Park • Seminary • Marin City CDC • Manzanita • Oak Manor • Easton Point
NMWD-Novato	Novato	2,854	8	262	3,116	No	On 4/1/2014 NMWD adopted limitation on new water connections; however new connections can still proceed with a deferral agreement on landscape installation, so there is sufficient capacity to accommodate the 8 units in the Sites Inventory.	<ul style="list-style-type: none"> • Indian Valley • Tamarin Lane
NMWD-West Marin	Point Reyes Station, Olema, Bear Valley, Inverness Park, Paradise Ranch Estates	790	0	472	1,262	N/A	Sufficient water capacity at present. Additionally, the district is pursuing alternative water sources and measures such as conservation, and will continue to allow new development. No new development proposed in the Sites Inventory.	N/A
BCPUD	Bolinas	722	0	75	797	N/A	Currently at capacity. Community Plan allows the development of 68 to 75 open parcels. Due to current moratorium, future water demand anticipated to remain at or near current levels.	N/A
SBCWD	Stinson Beach	825	0	60	885	N/A	Sufficient water capacity at present. No new development proposed in the	N/A

							Sites Inventory.	
IPUD	Inverness	623	0		647	N/A	Sufficient water capacity at present. No new development proposed in the Sites Inventory.	N/A
MBCSD	Muir Beach	143	0	10	153	N/A	Sufficient water capacity for existing units and to accommodate remaining number of units before buildout.	N/A
CSWS	Dillon Beach	273	0	3	276	N/A	Sufficient water capacity for existing units and to accommodate remaining number of units before buildout.	N/A
EMWS	Dillon Beach	133	0	40	173	N/A	Sufficient water capacity for existing units and to accommodate remaining number of units before buildout.	N/A
Unserved Areas	Fallon, Inverness Park, Marshall, Nicasio, Tomales, Valley Ford*	356	0	853	1,209	N/A	Water capacity dependent on availability of alternative sources, such as on individual groundwater wells, surface water, or small spring-based systems.	N/A
TOTAL	Unincorporated Marin	27,323	502	4,476	31,799	N/A	N/A	N/A

Source: Marin Countywide Plan FEIR (2007) Exhibits 3.0-14, 5.0-17 and Section 4.9, NMWD website and CDA Staff.

Note: The distribution of existing units served by MMWD, served by water districts in West Marin and located in unserved areas in West Marin was estimated based on knowledge of existing units in West Marin communities and locations of known wells and community water systems in West Marin.

+This column represents the difference between the number of units per maximum Countywide Plan land use (buildout) and the number of existing units.

^These communities included: Lagunitas, Forest Knolls, San Geronimo Village, San Geronimo Valley, Woodacre, unincorporated Fairfax, Sleepy Hollow, Lucas Valley, Marinwood, Kentfield, Greenbrae, Greenbrae Boardwalk, Santa Venetia, Los Ranchitos, San Quentin, Bayside Acres, Country Club, Muir Woods, Homestead, Tamalpais Valley, Almonte, Marin City, Strawberry, Alto, and unincorporated Tiburon.

*These communities were identified as having wells outside of the existing municipal service areas (CWP FEIR, page 4.9 – 50). Currently, 482 private wells are identified in the Marin County Environmental Health Services database as having been drilled outside of the existing municipal and community water service areas. The wells are concentrated in the communities of Nicasio, Tomales and Marshall (CWP EIR 4.9-19).

** This includes sites which would require annexation, projects with pending annexations, and areas on wells.

Sewer

There are nine sanitary treatment plants in the City-Centered Corridor, most of which connect to lines from more than one sanitary district. There are three districts in West Marin, each with sewer lines and a treatment facility. Sanitary sewer districts have adequate capacity to treat wastewater for their service areas. Large areas of the County are served by on-site wastewater (septic) systems. As described in greater detail below, the County Environmental Health Services office regulates septic systems.

Analysis:

As shown in Figure III-2 below, Marin wastewater facilities are able to accommodate additional housing development above and beyond the RHNA allocation for this planning cycle. This excludes the Bolinas Community Public Utility District, which, as previously discussed, is not considered a service area for future housing development. All areas within the Housing Overlay Designation (HOD) and Affordable Housing Combining District (AH) are within a sanitary district or a service district that is responsible for ensuring wastewater effluent is treated.

Figure III-2: Existing Wastewater Treatment Capacity and Projected Wastewater Flows at Buildout

Wastewater Treatment Agency	Community Served	2005 Remaining Capacity (MGD)*	Additional Flow at Buildout	Remaining Capacity	Inventory Sites
Sausalito / Marin City Community Service District	Sausalito, Marin City, Tamalpais Valley, Marin Headlands, Muir Woods and surrounding areas	0.50	0.292	+0.208	• Marin City CDC
Sewage Agency of Southern Marin	Mill Valley, Tamalpais Valley, Almonte, Alto, Homestead Valley and surrounding areas	1.10	0.236	+0.864	• Seminary • Manzanita
Sanitary District #5	Tiburon, Belvedere and surrounding areas	0.21	0.001	+0.209	• Easton Point
Central Marin Sanitation Agency	San Rafael, Ross Valley, Larkspur, Corte Madera, Kentfield, Greenbrae, Ross, San Anselmo, Fairfax, Sleep Hollow, Murray Park, San Quentin and surrounding areas	2.00	0.377	+1.623	• California Park • Oak Manor
Las Gallinas Valley Sanitary District	San Rafael, Marinwood, Terra Linda, Santa Venetia, Smith Ranch Road, Lucas Valley and surrounding areas	0.59	0.205	+0.385	• St. Vincent's/Silveira • Marinwood
Novato Sanitary District	Novato and surrounding areas	1.35	0.002	+1.348	• Indian Valley • Tamarin Lane
Bolinas Community Public Utility District+	Bolinas (downtown)	n/a	0.059	n/a	N/A

Source: Marin Countywide Plan FEIR (2007) Exhibit 4.10-7.

*Dry Weather Capacities in million gallons per day (MGD).

+Bolinas Community Public Utility District currently has a moratorium on additional wastewater hookups due to lack of treatment capacity and limitations on water.

Areas not served by sanitary sewers are subject to larger minimum lot requirements and are limited to the lowest end of the density range permitted in the Countywide Plan, which limits the potential for construction of multi-family units in the Inland Rural and Coastal Corridors.

- 3.c Provide and Promote Opportunities for Community Participation in Housing Issues
- 3.j Provide and Participate in Local Affordable Housing Training and Education
- 3.k Provide Leadership to the Marin Workforce Housing Trust
- 3.l Assist with Local Funding for Affordable Housing
- 3.n Coordinate Among Project Funders

Affordable Housing Combining District

During the previous housing element cycle, the County established an affordable housing combining zoning district. This district allows affordable housing development at 30 units per acre and offers development concessions on sites in the City Centered Corridor that are otherwise governed by a lower density zone. This approach will allow compact development to occur on portions of very large parcels that may have environmental conservation features. It also provides a financial edge to affordable housing over market rate developers. The program specifies that eligible sites should be identified in the Housing Element. Sites are identified in Figure III-9. These properties are also identified in the Sites Inventory (Figure IV-6).

Figure III-9: Affordable Housing Combining District Sites

Site Name	Acres by Parcel	Acres Total	Countywide Plan 2007	Zoning 2009	AH-Combining District
St. Vincent's / Silveira	314.189 250.882	1110	PD-Agriculture and Env Resource	A2	AH zone - limited to 3.5 acres at 30 duac
Marin City Community Development	3.87	3.87	MF-2	RMP-4.2 RE-B3	AH zone - limited to 0.5 acres at 30 duac
Golden Gate Seminary	48.45 25.13	73.57	MF-2	RMP-2.47	AH zone - limited to 2 acres at 30 duac

Source: Marin County Community Development Agency, 2014

Fees and Exactions

Permit Fees – County Agencies

Local fees add to the cost of development. Figure III-10 illustrates the ~~increased~~ cost ~~to~~ of two development scenarios incurred from fees assessed by Marin County in 2014. The first scenario is a 2,400 square-foot, three-bedroom, single-family home on a 10,000 square-foot lot with a 400 square-foot garage at a density of 4 units per acre, construction cost of \$500,000, and an estimated sale price of \$800,000. The second scenario is a multi-family condominium development with 10 1,200 square-foot, two-bedroom units, on 0.5 acres, with a construction cost of \$400,000 per unit, to be sold at an average of \$500,000 per unit. Line item fees related to processing, inspections, and installation services are limited by California law to the cost to the agencies of performing these services. Most jurisdictions, the County of Marin among them, establish fees that are designed to cover the costs of staff time charged on an hourly basis and materials, consistent with California law. The County's 2012 adopted fee schedule can be found as Appendix E. Fees have increased since 2008/09 to respond to the lack of permit revenue resulting from the decline in the housing market.

Fees collected by outside agencies, such as water, sewer, fire and school impact fees, are also included in Figure III-10. Typically, school and fire impact fees are set by the school and fire districts respectively, although not all districts charge a fee. Water connection and impact fees are set by the water district, and sewer connection and impact fees are set by the sanitary

[district. Water and sewer fees are fairly consistent throughout the jurisdictions in the County, with the exception of Novato, where water fees are considerably higher.](#)

Figure III-10: Permit and Impact Fees Assessed by Marin County (2012)

Permit Type / Impact Fee	Scenario A: Single-family house, 2400 sq ft, 3 bedrooms. 10,000 sq ft lot, 4 units/acre. Construction \$500,000/unit. Sale \$800,000/unit.	Scenario B: 10-unit condo development, 1,200 sq ft, 2 bedrooms. 0.5 acre lot, 20 units/acre. Construction \$400,000/unit. Sale \$500,000/unit.
Design Review	5,670	56,700
Building Permit	3,751	26,149
Plan Review	6,900	48,110
Title 24 Energy Fee	703	3,408
BSC "Green" Tax	20	160
Seismic Tax	50	400
Affordable Housing Impact Fee	2,000	0
Technology Fee	520	1,030
Engineering Plan Check	1,200	1,200
Site Encroachment Fee	895	895
Planning Zoning Review	1,695	16,950
Plumbing/Gas Permit	344	824
Electrical Permit	144	624
Mechanical Permit	144	624
General Plan Surcharge	1,065	7,430
Other	285	2,180
Roads	5,000	40,000
In-Lieu Park Dedication Fee*	n/a	*
SUBTOTAL COUNTY DEVELOPMENT FEES	\$30,386	\$206,684 (\$20,668 per unit)
Estimated Fees of Other Districts:		
Water	\$14,141	\$102,890
Sewer	\$8,267	\$78,907
Fire	\$1,003	\$2,242
Schools	\$8,568	\$42,840
SUBTOTAL DISTRICT FEES	\$31,979	\$226,879 (\$22,688 per unit)
TOTAL FEES	\$62,365	\$433,563 (\$43,356 per unit)

Source: Marin County Community Development Agency, 2014

**The in-lieu park dedication fee applies when you subdivide property and is calculated by multiplying the number of dwelling units by the number of acres of parkland required per dwelling unit multiplied by the fair market value per buildable acre by 1.20. This fee is paid at the time a Parcel or Final Map is recorded. Please refer to Section 22.98.040 of the Marin County Development Code* for more information.*

The County provides partial or full fee waivers for projects that incorporate affordable units. The Agency Director can waive or transfer from the County In-Lieu Housing Trust Fund up to 100% of the planning, building, and environmental health services fees for projects that include below market rate housing units, subject to the requirement that the project meet the eligibility

standards for State or Federal housing funding. The amount of fees waived is determined based on the proportion of the project that consists of below market rate housing and the permanency of the housing subsidy. Historically, fees on affordable housing projects have been either waived or paid for with County Housing Trust funds.

A 2014 review of other localities in Marin found that the County's fees are generally comparable to those of the neighboring cities and towns. Jurisdictions provided development fees for the two hypothetical scenarios discussed above. The following two figures (Figure III-11 and Figure III-12) ~~illustrate the portion of~~ compare the primary planning, and building, and impact fees that contribute to the total charged by each local jurisdiction. ~~Fees collected by outside agencies, such as water, sewer, and school impact fees, are not included. Typically, school impact fees are set by the school district, water connection and impact fees are set by the water district, and sewer connection and impact fees are set by the sanitary district. Water and sewer fees are fairly consistent throughout the jurisdictions in the County, with the exception of Novato, where water fees are considerably higher.~~

In the comparison for both the single-family home (Figure III-11) and the multi-family development (Figure II-12), the County of Marin's fees were close to the median for all County jurisdictions.

Figure III-11: Comparison of Total Development Fees, Single Family Home

Jurisdiction:	Fees for Single-Family Home:				
	<i>Design Review</i>	<i>Building Permit</i>	<i>Planning/Zoning Review</i>	<i>Environmental Review (deposit)</i>	<i>Rezoning</i>
Unincorporated Marin	5,670	3,751	1,695	14,500	39,765
Belvedere	3,200	3,234	2,102	3,606	n/a
Corte Madera	2,000	2,790	2,600	2,500	2,500
Fairfax	781	5,200	282	2,500	3,000
Larkspur	1,100	4,509	500	1,000	2,000
Mill Valley	1,775	3,969	990	535	1,075
Novato	5,526	3,531	2,295	9,543	6,518
Ross	448	5,808	1,329	3,727	5,212
San Anselmo	1,200	3,536	1,200	1,920	1,200
San Rafael	1,167	4,079	2,651	10,346	7,176
Tiburon	2,825	4,718	3,067	50 to 1,600	3,500
Source: 2014 Marin County Community Development Agency survey of local jurisdiction permit fees					

Figure III-12: Comparison of Total Development Fees, 10-unit Condo

Jurisdiction:	Fees for Multi-Family Development:				
	<i>Design Review (per unit cost)</i>	<i>Building Permit (per unit cost)</i>	<i>Planning/Zoning Review (per unit cost)</i>	<i>Environmental Review (deposit)</i>	<i>Rezoning</i>
Unincorporated Marin	5,670	2,615	1,695	14,500	39,765
Belvedere	3,200	26,738	17,380	3,606	5,000 deposit
Corte Madera	2,000	3,940	3,525	2,500	2,500
Fairfax	4,851	5,200	282	2,500	3,000
Larkspur	1,100	3,733	500	1,000	2,000
Mill Valley	1,890	32,690	990	535	1,075
Novato	184	663	431	9,543	6,518
Ross	448	4,808	1,329	3,727	5,212
San Anselmo	1,200	2,921	1,200	1,920	1,200
San Rafael	1,167	3,379	2,196	10,346	7,176
Tiburon	2,825	15,059	9,788	50 to 1,600	3,500
<i>Source: 2014 Marin County Community Development Agency survey of local jurisdiction permit fees</i>					

Inclusionary Housing

Marin County has had an inclusionary housing requirement since 1980. Section 22.22.090 of the Development Code currently requires that residential subdivisions shall provide 20% of the total units or lots for affordable housing. Ownership developments must be affordable to low income households. Rental developments are subject to a rental housing impact fee, or may alternatively provide very low income units within the development. All inclusionary units must be income restricted in perpetuity. Units should be provided within the development, although the ordinance allows for flexibility; the review authority may grant a waiver if the alternative proposal demonstrates a better means of serving the County in achieving its affordable housing goals than the requirements. Waiver options may be units constructed off-site, real property may be dedicated, or 125% of the in-lieu fee may be paid.

A fee study was conducted in 2008 to update the in-lieu fee. The basis for the fee is the difference between the development costs and prices of modest housing in Marin County and the amount that lower income households can afford to pay for housing. To establish this affordability gap, the gaps for rental and for-sale housing were identified and then combined. The in-lieu fee in 2014 is \$232,020 for each unit of required affordable housing not constructed; this encourages actual provision of affordable units. Funds are deposited into the Affordable Housing Trust Fund.

In addition, the fee study looked at whether the increased inclusionary fee posed a constraint to housing development. The study found that the inclusionary housing requirements are not a constraint on market rate housing development because the inclusionary housing program in Marin has been in effect since 1980 and is well known by members of the real estate and development community and has been incorporated into the cost of land. Another way to determine if the new fee is a constraint is to compare Marin County's in-lieu fee with fees charged in surrounding areas. In theory, if Marin County's in-lieu fee is much higher than what

Figure IV-3: Quantified Objectives by Income Category

	New Construction	Rehabilitation	Conservation/ Preservation	TOTAL
Extremely Low				40118
Permits issued or projects pending	25 ⁶			
Rehab Loan Program				
Marin Agricultural Housing Program		15		
Inventory Sites	70			
Second Units	8			
Very Low				474275
Permits issued or projects pending	35			
Rehab Loan Program		96		
Marin Agricultural Housing Program		30		
Gates Coop Houseboat Community		10		
Inventory Sites	94			
Second Units	10			
Low				3873
Permits issued or projects pending	12			
Forest Knolls Trailer Court Conversion			20	
Gates Coop Houseboat Community		6		
Inventory Sites	32			
Second Units	3			
Moderate				75178
Permits issued or projects pending	75			
Inventory Sites	93			
Second Units	10			
Above Moderate (Market Rate)				19159
Permits issued or projects pending	19			
Inventory Sites	131			
Second Units	9			
TOTAL	466626	157	20	343803

Sites Inventory and Analysis

This section of the Housing Element addresses the requirements of Government Code Sections 65583 and 65583.2, which require the County to provide an inventory of sites suitable for housing development that can accommodate Marin County's short-term housing development objectives, as determined by the Regional Housing Needs Allocation for the Housing Element planning period of January 31, 2015 to January 31, 2023.

Methodology to Satisfy the Regional Housing Needs Allocation

Marin County's housing needs will be met through the implementation of a variety of strategies. The primary method for addressing the adequate sites requirement is the identification of available vacant and underutilized sites that are appropriately zoned and likely to develop within this planning period.

⁶ Marinwood Plaza [units are included under "Permits issued or projects pending" category, not under "Inventory Sites" category](#) (Inventory assumptions are 25 ELI, 35 VL and 12 L)

Figure IV-6: Available Land Inventory Summary

BOS Attachment #6
Exhibit A

Site Address	Property APN(s)	Parcel Acres	Total Acres	CWP Land Use	Zoning	Lower Income (EL, VL, L)	Moderate Income	Above Moderate Income	TOTAL
St. Vincent's Drive, San Rafael (<i>St. Vincent's / Silveira</i>)	155-011-08	244.768	55 developable	PD: Agriculture and Environmental Resource Planned Designation	A2: AH	100	50	71	221
	155-011-28	72.66							
	155-011-29	20.22							
	155-011-30	221.71							
	155-121-16	2.82							
100 Marinwood Ave, San Rafael (<i>Marinwood Plaza</i>)	164-471-64	0.45	5	HOD/GC (30 units/acre)	CP (30 units/acre)	72	0	10	82
	164-471-65	1.9							
	164-471-69	1.05							
	164-471-70	1.6							
Woodland Ave at Auburn St, San Rafael (<i>California Park</i>)	018-075-12	0.34	1.77	HOD/MF2 (30 units/acre)	RSP-4 (4 units/acre)	40	0	0	40
	018-075-14	0.07							
	018-075-15	0.04							
	018-075-17	0.05							
	018-075-18	0.05							
	018-075-19	0.18							
	018-075-20	0.05							
	018-075-21	0.05							
	018-075-22	0.05							
	018-075-27	0.06							
	018-086-10	0.18							
	018-086-13	0.05							
	018-086-14	0.28							
	018-086-15	0.05							
	018-086-16	0.05							
	018-086-17	0.22							
Seminary Drive, Mill Valley (<i>Seminary</i>)	043-261-25	50	73.61	MF2 (1-4 units/acre)	RMP-2.47: AH	20	20	0	40
	043-261-26	23.61							
441 Drake Ave, Sausalito (<i>Marin City CDC</i>)	052-140-36	4.06	4.06	MF2 (1-4 units/acre)	RMP-4.2: AH	15	0	0	15
150 Shoreline Hwy, Mill Valley (<i>Manzanita Mixed-Use</i>)	052-371-03	0.59	0.59	GC (30 units/acre)	CP (30 units/acre)	0	3	0	3
2400 Sir Francis Drake Blvd, Fairfax (<i>Oak Manor</i>)	174-011-36	0.54	1.59	HOD/GC (30 units/acre)	C1 (30 units/acre)	0	10	0	10
	174-011-33	1.05							

1.h Codify Affordable Housing Incentives Identified in the Community Development

Element. Amend County Code to implement the provisions of the Countywide Plan by codifying certain affordable housing incentives. These should include:

- a. Adjust parking requirements for senior and affordable housing using criteria established in the URBEMIS model to encourage transit-oriented development. (CD-2.d.8)
- b. Exempt affordable housing projects and second units from paying the full cost of impact fees. (CD-5.j)
- c. Identify incentives to strongly encourage residential and mixed-use development in commercial zoning districts. (DES-2.c)

1.i Promote Resource Conservation. (EN-1.b-f, EN-3.a, EN-3.e-i and EN-3.k) Continue to promote development and construction standards for new and rehabilitated dwellings that encourage resource conservation through materials selection, water conservation, community design, energy efficiency, and the use of renewable energy through the following:

- a. Adopt green building requirements for new single-family and multi-family residential construction projects, additions, and remodels that require compliance with energy efficiency and conservation requirements that exceed State standards. Require verification of these measures.
- b. Consistent with the Countywide Plan, adopt Leadership in Energy and Environmental Design (LEED) Gold certification requirements for development and major remodels of public buildings where feasible.
- c. Evaluate the feasibility of carbon neutral construction for new single-family dwellings.
- d. Continue to enforce the Single-Family Dwelling Energy Efficiency Ordinance that requires new residential projects, additions, and remodels to exceed Title 24 requirements by a minimum of 15%.
- e. Explore a program consistent with AB 811 that provides to homeowners loans repayable through the property tax bill for energy efficiency, water conservation, and renewable energy generation upgrades.
- f. Work with the Marin Housing Authority to provide applicants for rehabilitation loans for upgrading their residences with green materials and energy conserving measures.
- g. Continue to provide free technical assistance to architects, developers, green businesses, homeowners, and other agencies.

1.j Simplify Review of Residential Development Projects in Planned Districts.

- a. Consider amending the Development Code to establish criteria for ministerial review of residential development projects in planned zoning districts. Criteria may be established for characteristics such as setbacks, height limits, floor area ratios, buffers from sensitive habitats, and slope constraints, among others.
- b. Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects.

1.k Adjust Height Limits for Multi-family Residential Buildings. Consider amending the Development Code to increase the allowable height for multi-family residential development. Consider allowing increases to height limits depending on certain side yard setbacks.

1.l Clarify applicability of State Density Bonus. Evaluate policies in the Countywide Plan and Development Code for housing opportunity sites to ensure consistency with Government Code § 65915-65918. Amend the Countywide Plan and Development Code as appropriate.

Housing Goal 2: Meet Housing Needs through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs.

Policy 2.1 Special Needs Groups

Promote the development and rehabilitation of housing for special needs groups, including seniors, people living with disabilities, agricultural workers, individuals and families who are homeless, people in need of mental health care, [individuals with developmental disabilities](#), single-parent families, large families, extremely low income households, and other persons identified as having special housing needs in Marin County. Link housing to programs of the Department of Health and Human Services in order to coordinate assistance to people with special needs.

Policy 2.2 Housing Choice

Implement policies that facilitate housing development and preservation to meet the needs of Marin County's workforce and low income population.

Policy 2.3 Incentives for Affordable Housing

Continue to provide a range of incentives and flexible standards for affordable housing in order to ensure development certainty and cost savings for affordable housing providers.

Policy 2.4 Protect Existing Housing

Protect and enhance the housing we have and ensure that existing affordable housing will remain affordable.

Implementing Programs

2.a Encourage Housing for Special Needs Households. Continue to work with affordable housing providers and funders on opportunities to construct or acquire a variety of types of affordable housing appropriate for special needs groups, [including individuals with developmental disabilities](#) and extremely low income households. Specific types of housing include:

- Smaller, affordable residential units, especially for lower income single-person households.
- Affordable senior housing to meet the expected needs of an aging population, including assisted housing and board and care (licensed facilities).
- Affordable units with three or more bedrooms for large-family households.
- Affordable housing that can be adapted for use by people with disabilities (specific standards are established in California Title 24 Accessibility Regulations for new and rehabilitation projects).

2.b Enable Group Residential Care Facilities. Continue to comply with State and Federal law by allowing group homes with special living requirements consistent with the County's land use regulations.

2.c Make Provisions for Multi-family Housing Amenities. Continue to ensure that adequate provisions are made in new developments for families with children, including consideration of amenities such as tot lots, play yards, and childcare.

2.d Foster Linkages to Health and Human Services Programs. Continue to seek ways to link services for lower income people to provide the most effective response to homeless or at-risk individuals.

2.e Support Efforts to House the Homeless. Support Countywide programs to provide for a continuum of care for the homeless, including emergency shelter, transitional housing, supportive housing, and permanent housing. Participate in efforts and allocate funds, as appropriate, for County and nonprofit programs providing emergency shelter and related support services.

2.f Engage in a Countywide Effort to Address Homeless Needs. Continue to actively engage with other jurisdictions in Marin to provide additional housing and other options for the homeless, supporting and implementing *Continuum of Care* actions in response to the needs of homeless families and individuals.

2.g Ensure Reasonable Accommodation. Consistent with SB 520 enacted January 1, 2002, reduce barriers in housing for individuals with disabilities through the following actions:

- a. Develop guidelines encouraging the principles of universal design. Evaluate possible incentives to developers who incorporate principles of universal design and advance visitability.
- b. Consider allowing up to 50% reduction in parking requirements for disabled housing, as allowed for senior housing.

2.h Require Non-discrimination Clauses. Continue to provide nondiscrimination clauses in rental agreements and deed restrictions for housing constructed with County participation.

2.i Increase Tenants Protections. Explore providing rental protections, such as:

- Noticing of rental increases
- Relocation costs
- Just-cause eviction
- Rent stabilization
- Rent control

2.j Promote the Development of Agricultural Worker Units. Pursue policy changes that promote the development of agricultural worker units.

- a. Consider ministerial review of applications for agricultural worker units in order to expedite the permitting process and facilitate the development of legal agricultural worker units.
- b. As the County undertakes an update of the Local Coastal Program (LCP), revise the C-APZ zoning district to allow certain agricultural worker housing as a permitted agricultural use, demonstrating consistency with California Health and Safety Code Section 17021.6.
- c. Consider a program to facilitate the legalization of agricultural worker housing units.
- d. Seek funding opportunities to assist with rehabilitation and replacement of agricultural worker housing units.
- e. Amend the Development Code to clarify provisions for agricultural worker housing.

2.k Promote and Ensure Equal Housing Opportunity. Continue to promote equal housing opportunities for all persons and assure effective application of fair housing laws. To the extent possible, the County will ensure that individuals and families seeking housing in Marin County are not discriminated against on the basis of race, color, religion, marital status, disability, age, sex, family status (presence of children), national origin, or other arbitrary factors, consistent with the Fair Housing Act.

- a. Provide written material at public locations [throughout the County](#) and on the County's public website. Information regarding equal housing opportunity laws shall be made

available to the public. A pamphlet on equal housing opportunity shall be prepared and distributed to the public at the Civic Center and government outlets.

- b. Continue to collaborate with Fair Housing of Marin, such as ongoing representation on the Fair Housing Task Force by a member of the County staff.
- c. Conduct public outreach and complete an Analysis of Impediments to Fair Housing to identify private and public barriers to fair housing choice. [Seek to implement recommendations from the work plan of the Analysis of Impediments.](#)

2.i Deter Housing Discrimination. Continue to refer discrimination complaints to Fair Housing of Marin or other appropriate legal services, County or State agencies.

2.m Implement the Inclusionary Housing Policy. Continue to implement Development Code Section 22.22 regarding inclusionary housing for low income households in order to increase affordable housing construction, as follows:

- a. Apply flexibility to allow for maximum affordable housing outcomes (either units or funds).
- b. Maintain targets for very low income rental units and low income ownership units, such as 30% to 60% AMI for rental units, and 50% to 80% AMI for ownership units.
- c. Inclusionary units shall be deed-restricted to maintain affordability on resale to the maximum extent possible (preserve existing policy of in-perpetuity or at least 55 years).
- d. Update Section 22.22 to reflect the 2009 California Court of Appeal decisions commonly referred to as Palmer and Patterson.

2.n Apply Long-Term Housing Affordability Controls. The County or its designee(s) will continue to apply resale controls and rent and income restrictions to ensure that affordable housing provided through local funding, incentives, or as a condition of development approval remains affordable over time to the income group for which it is intended.

2.o Encourage Land Acquisition and Land Banking. Encourage land acquisition and land banking for future affordable projects as a way to assist development of affordable housing. [Study best practices and research potential funding sources. As opportunities arise and feasible properties come available, work with local housing providers to preserve them for affordable housing.](#)

2.p Expedite Permit Processing of Affordable and Special Needs Housing Projects. Define fast-tracking and establish milestones for expedited permit processing for affordable housing projects, as well as green projects, childcare facilities, special needs housing, and agricultural worker housing projects. Specific timelines for fast-tracked projects that will result in expedited review will be established. Coordinate this process with appropriate County departments and outside agencies to establish clear and specific timelines for review. Employ updated information technology to track turn-around times and monitor the permitting process.

2.q Study Best Practices for Housing Choice Voucher Acceptance. Support Marin Housing Authority in their efforts to maximize voucher utilization and ensure that low income renters are able to rent in place. Consider the following:

- Outreach to property owners and managers, possibly through a landlord liaison position
- Explore tax incentives for renting to low income renters
- Conduct coaching sessions for low income renters

2.r Encourage First-Time Homebuyer Programs. Continue to support first-time homebuyer programs for low and moderate income households, as funding is available, and combine such programs with housing counseling programs whenever possible.

2.s Link Code Enforcement with Public Information Programs. Continue to implement housing, building, and fire code enforcement to ensure compliance with basic health and safety building standards. Provide referrals to rehabilitation loan programs and subsidized housing programs for use by qualified residents.

2.t Assist in Maximizing Use of Rehabilitation Programs. Continue to promote use of low-income homeowners' assistance for housing rehabilitation. Utilize Federal Community Development Block Grant (CDBG) funds, administered by the Marin Housing Authority, that are available for this purpose, or other sources to the extent possible, given program funding criteria and local need.

2.u Monitor Rental Housing Stock. Ensure that existing housing is conserved as part of the County's affordable housing stock, including State, Federal, and locally-assisted subsidized developments.

- a. Identify and monitor affordable properties at risk of conversion to market rate. [Ensure that tenants receive appropriate noticing, education and relocation assistance where appropriate.](#)
- b. Continue to work with and provide technical assistance to property owners and nonprofit organizations to acquire and rehabilitate affordable rental housing units in order to maintain ongoing affordability of the units and to convert market rate units to affordable units.
- c. Provide support to purchaser of the Coast Guard residential facility in Point Reyes Station to facilitate conversion of existing housing to long-term deed restricted units affordable to low and moderate income households.
- d. Ensure that all units receiving committed assistance from the County for conversion from market rate to affordable carry affordability restrictions of 55 years, or the maximum allowed under the State or Federal funding source.

2.v Study Housing Needs and Constraints Specific to West Marin. Identify housing needs and constraints specific to rural and coastal areas of the County. Work with communities on solutions to address needs and constraints identified.

2007-2014 Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Achievements/ Results <i>quantified if possible</i>	Evaluation of Barriers to Implementation <i>Was it successful? Reasons why it was or was not implemented or not able to meet its objectives</i>	Recommendations for the Housing Element Update <i>Carry forward as is/ carry forward with modifications (specify) or delete</i>
1.o	Simplify Review of Residential Development Project in Planned Districts	Not yet implemented	Delay in implementation due to staffing and resources. Scheduled for implementation in FY 15/16.	Carry forward as is
1.p	Adjust Height Limits for Multi-family Residential Buildings	Partially implemented. Height limits established in conventional districts but not planned zoning districts.	Implementation in Planned Zoning Districts will be part of an extensive package of Development Code amendments.	Carry forward as is
1.q	Clarify Applicability of State Density Bonus	In process	Scheduled for implementation in 2014 <u>Delay in implementation due to need for further analysis</u>	Delete after it is successfully completed. <u>Carry forward as is</u>
Goal 2	Meet Housing Needs Through a Variety of Housing Choices			Carry forward as is
Policy 2.1	Special Needs Groups			Carry forward as is
Policy 2.2	Housing Choice			Carry forward as is
Policy 2.3	Incentives for Affordable Housing			Carry forward as is
Policy 2.4	Protect Existing Housing			Carry forward as is
Program 2.a	Encourage Housing for Special Needs Households	Currently implementing	On-going	Carry forward as is
2.b	Enable Group Residential Care Facilities	Currently implementing	On-going	Carry forward as is
2.c	Make Provisions for Multi-Family Housing Amenities	Currently implementing	On-going	Carry forward as is
2.d	Foster Linkages to Health and Human Services Programs	Currently implementing	On-going	Carry forward as is

APPENDIX G: HOUSING ELEMENT PROGRAM IMPLEMENTATION**2015-2023 Draft Housing Element**

Note: Many factors beyond Marin County government control, including adequate funding and staff resources, may affect the estimated time frame for achieving targets and program implementation.

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
Goal 1	Use Land Efficiently					
Policy 1.1	Land Use					
Policy 1.2	Housing Sites					
Policy 1.3	Development Certainty					
Policy 1.4	Design, Sustainability and Flexibility					
Program 1.a	Establish Minimum Densities on Housing Element Sites	CDA	Local resources	2015	High	Preserve the development capacity for sites included on the Site Inventory list
1.b	Evaluate Multi-family Land Use Designations	CDA	Local resources	2016	Medium	Increase capacity for affordable and multi-family housing development; zone lands appropriately; implement Countywide Plan
1.c	Study Residential Density Equivalents	CDA	Local resources	2018	Low	Encourage smaller units or and more efficient use of land
1.d	Evaluate the Housing Overlay Designation	CDA	Local resources	2016	Medium	Improve opportunities for multifamily, workforce housing.
1.e	Study Ministerial Review for Affordable Housing	CDA	Local resources	2020	Low	Facilitate the development of affordable housing.
1.f	Undertake Adjustments to Second Unit Development Standards	CDA	Local resources	2016	Medium	Expand and improve housing choice and stock, especially for smaller households and local workforce
1.g	Review and Update Parking Standards	CDA and DPW	Local resources	2016	High	Increase utilization of land for housing development; seek efficient parking standards based on housing type and location

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
1.h	Codify Affordable Housing Incentives Identified in the Community Development Element	CDA	Local resources	2016	High	Implement the CWP; support the development of affordable housing
1.i	Promote Resource Conservation	CDA	Local resources	On-going	Low	Promote energy efficiency, resulting in reduced costs over time which supports long-term housing affordability; provide education to households at a range of income levels on energy efficiency and resource conservation
1.j	Simplify Review of Residential Development Project in Planned Districts	CDA	Local resources	2016	Medium	Consider amending the Dev Code to establish ministerial review in planned zoning districts. Consider allowing Master Plans to establish site criteria for ministerial review
1.k	Adjust Height Limits for Multi-family Residential Buildings	CDA	Local resources	2018	Medium	Amend the Dev Code to increase the allowable height for multi-family residential development.
1.l	Clarify Applicability of State Density Bonus	CDA	Local resources	2015	High	Evaluate policies in the CWP and Dev Code and amend as appropriate to ensure consistency with Gov. Code Section 65915
Goal 2	Meet Housing Needs Through a Variety of Housing Choices					
Policy 2.1	Special Needs Groups					
Policy 2.2	Housing Choice					
Policy 2.3	Incentives for Affordable Housing					
Policy 2.4	Protect Existing Housing					
Program 2.a	Encourage Housing for Special Needs Households	CDA	Local resources	Annually and On-going	Medium	Promote a mix of housing types appropriate to the housing needs of the community, including extremely low income and special needs households

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
2.b	Enable Group Residential Care Facilities	CDA	Local resources	On-going	Medium	Provide regulatory measures to facilitate housing provision and options for all segments of the community, including special needs populations
2.c	Make Provisions for Multi-Family Housing Amenities	CDA	Local resources	On-going	Low	Make appropriate considerations for families with children and larger households
2.d	Foster Linkages to Health and Human Services Programs	HHS and CDA	TBD	On-going	Medium	Respond to special needs through comprehensive services
2.e	Support Efforts to House the Homeless	HHS and CDA	TBD	On-going	Medium	Respond to homeless needs through comprehensive services
2.f	Engage in a Countywide Effort to Address Homeless Needs	HHS and CDA	TBD	On-going	High	Respond to homeless needs through comprehensive services
2.g	Ensure Reasonable Accommodation	Fair Housing of Marin and CDA	Local resources	2016 and On-going	Medium	Reduce barriers in housing for individuals with disabilities
2.h	Require Non-discrimination Clauses	CDA	Local resources	On-going	Low	Reduce discrimination
2.i	Increase Tenants Protections	CDA	Local resources	2015	Medium	Protect renters from significant rental increases and reduce displacement
2.j	Promote the Development of Agricultural Worker Units in Agricultural Zones	CDA	Local resources	2016	Medium	Provide affordable and accessible, local housing for Agricultural workers
2.k	Promote and Ensure Equal Housing Opportunity	CDA/ Fair Housing of Marin	Local resources	On-going and when the AI is updated	High	Reduce discrimination
2.l	Deter Housing Discrimination	CDA	Local resources	On-going	High	Demonstrate responsiveness to discrimination complaints; promote the principles of fair housing
2.m	Implement the Inclusionary Housing Policy	CDA	Local resources	On-going	High	Maximize opportunities for affordable housing, particularly with long-term affordability controls and for households at the deepest levels of affordability

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
2.n	Apply Long-Term Housing Affordability Controls	CDA	Local resources	On-going	High	Pursue controls which will preserve the affordable housing stock in perpetuity
2.o	Encourage Land Acquisition and Land Banking	CDA	Local resources	On-going as needed	Low	Use land efficiently and allocate land for affordable and special needs development
2.p	Expedite Permit Processing of Affordable and Special Needs Housing Projects	CDA	Local resources	2015	High	Reduce constraints for affordable and special needs developments
2.q	Study best practices for Housing Choice voucher acceptance	CDA, Marin Housing Authority	TBD	2015	High	Preserve affordable housing opportunities
2.r	Encourage First Time Homebuyer Programs	MHA	Mortgage Credit Certificate s, CDBG funds, Local resources,	On-going	Medium	Continue to provide housing opportunities to households with low incomes; seek opportunities for expansion and coordination with other assistance programs
2.s	Link Code Enforcement with Public Information Programs	CDA, Marin Housing Authority	Local resources	On-going	Medium	Secure affordable safe housing; improve the safety and quality of existing housing stock
2.t	Assist in Maximizing Use of Rehabilitation Programs	CDA, Marin Housing Authority	Annual CDBG funds	On-going	Medium	Preserve the existing housing stock through rehabilitation; increase awareness of programs in the community
2.u	Monitor Rental Housing Stock	CDA	Local resources	On-going	Medium	Preserve the existing stock of rental housing as well as rental housing as a housing choice
2.v	Study Housing Needs and Constraints Specific to West Marin	CDA	Local resources and seek grants	2018	Medium	Consider ways to maximize housing opportunities in West Marin, increase affordable housing options for low and moderate income households.
Goal 3	Ensure Leadership and Institutional Capacity					
Policy 3.1	Coordination					

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
Policy 3.2	Research, Monitoring and Evaluation					
Policy 3.3	Funding					
Program 3.a	Consider Methods for Improving County's Outreach with Respect to Affordable Housing	CDA, Facilities	Local resources	2017	Medium	Conduct outreach and education to encourage and facilitate affordable housing.
3.b	Advance Organizational Effectiveness	CDA	Local resources	On-going	Low	Promote shared resources and coordination towards the achievement of common goals
3.c	Provide and Promote Opportunities for Community Participation in Housing Issues	CDA	Local resources	On-going	Medium	Foster community support for affordable housing; engage the community in housing issues
3.d	Coordinate with Regional Transportation and Housing Activities	CDA	Local resources	On-going	Medium	Maximize housing opportunity sites; decrease transportation congestion; participate in regional planning exercises
3.e	Coordinate with Other Agencies	CDA	Local resources	On-going as projects are proposed	Medium	Streamline the development process and reduce constraints to the development of affordable and special needs housing.
3.f	Promote Countywide Collaboration on Housing	CDA; Countywide Planning Agency	Local resources	On-going	Medium	Collaborate with Marin Cities and Towns to address regional planning and housing issues
3.g	Preserve Existing Housing Stock	CDA	Local resources	2013 2015 and on-going	Medium	Offer a range of housing choices and affordability through existing housing stock
3.h	Monitor Inclusionary Housing Programs	CDA	Local resources	On-going	High	Evaluate the program for ways to increase its effectiveness; collect funding to leverage for affordable housing
3.i	Undertake Housing Element Monitoring, Evaluation and Revisions	CDA	Local resources	On-going	High	Evaluate progress, review accomplishments and modify as needed

2014 Draft Housing Element Goal, Policy, or Program	Goal, Policy or Program Title	Responsibility	Potential Funding	Time Frame	Priority	Objective
3.j	Provide and Participate in Local Affordable Housing Training and Education	CDA	Local resources	On-going	Medium	Serve as a resource to the community; seek to expand staff knowledge related to affordable housing
3.k	Provide Leadership to the Marin Workforce Housing Trust	CDA	Local resources	On-going	Medium	Prioritize funding for extremely low income and special needs populations
3.l	Assist with Local Funding for Affordable Housing	CDA	Local resources/ Housing Trust Funds	On-going <u>Annually and</u>	High	Pursue and leverage funding for affordable housing
3.m	Raise Funds from a Variety of Sources	CDA, CAO		On-going <u>Annually and</u>	Low	Pursue and collect funding for affordable housing
3.n	Coordinate Among Project Funders	CDA, MCF, MHA and MWHT	Local resources	On-going	Medium	Serve as a coordinator among local funders
3.o	Utilize Federal Grants Division Funding	CDA	CDBG and HOME	On-going <u>Annually and</u>	Medium	Pursue and leverage funding for affordable housing

COUNTY OF MARIN, CALIFORNIA

Draft 2015–2023 Marin County Housing Element

ADDENDUM TO THE
*2012 DRAFT MARIN COUNTY HOUSING ELEMENT
SUPPLEMENT TO THE 2007 COUNTYWIDE PLAN EIR*

OCTOBER 2014



Marin County 2015–2023 Housing Element

Addendum to the 2013 SEIR

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Chapter 1: Introduction and Project History

Marin County is the lead agency, pursuant to the State Guidelines for the California Environmental Quality Act (CEQA Guidelines Section 15050), for the preparation of this Addendum to the 2013 Marin County Housing Element Supplement to the 2007 Countywide Plan EIR (“2013 SEIR”)¹, which was prepared for the County of Marin’s (County) 2007–2014 Housing Element.² This Addendum explains that implementation of the County’s proposed 2015–2023 Housing Element (also “Project”) would not create any new or substantially more severe significant environmental effects that were not analyzed in the 2013 SEIR. The 2013 SEIR previously determined that “...adoption and implementation of the *2012 Draft Housing Element* would not substantially alter development patterns currently allowed under the Countywide Plan,” because development would occur in areas already designated for residential, commercial, or public facilities development in the Countywide Plan and implementing zoning ordinances. (2013 Draft SEIR at page 54.) When adopted, the 2015–2023 Housing Element will be incorporated into the 2007 *Marin Countywide Plan (Countywide Plan)*, which is the County’s general plan. This Addendum has been prepared by the County of Marin in accordance with CEQA, the State CEQA Guidelines, and the Marin County Environmental Impact Review Guidelines.

1.1 Project History

State planning law requires each city and county to adopt a general plan that identifies existing land use relationships in the jurisdiction, identifies a blueprint for future growth and development, and establishes specific goals, policies, and implementation measures to guide current and future land use within the jurisdiction. At a minimum, each general plan must include seven components, or “elements,” which are Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Some agencies compile their general plans into a single document that contains all required elements and may contain other optional elements, while others prepare each element as a stand-alone document. The Housing Element, in particular, is a general plan element that many agencies prepare as a stand-alone document, because it must be updated every eight years (or four years in some cases) , and must be certified by the State, unlike other general plan elements.

The purpose of the Housing Element is to identify existing and projected housing needs within the jurisdiction, establish policies and programs to achieve quantified objectives, and identify appropriate sites for development of safe and affordable housing to meet the housing needs of all income levels covered by the general plan land use element and implementing zoning.

¹ State Clearinghouse No. 2012072028, certified September 24, 2013.

² Throughout the SEIR, the then-proposed 2007–2014 Housing Element is referred to as the *2012 Draft Housing Element*. It was adopted by the County on December 31, 2013, and is the current Housing Element for the County. To distinguish it from the proposed Project, which is the 2015–2023 Housing Element evaluated in this Addendum, it is referred to throughout this document as “the 2007–2014 Housing Element.”

Pursuant to Government Code Section 65588(e), the last update to the County's Housing Element was to be adopted by June 30, 2007. However, the State Department of Housing and Community Development (HCD) extended this deadline to June 30, 2009 so that projections of housing needs could be coordinated with the Regional Housing Needs Allocation (RHNA) then being developed by the Metropolitan Transportation Commission.

The County prepared a *Draft Housing Element* for the 2007–2014 planning period after an extensive effort of public outreach, including public workshops and public meetings before the Planning Commission. Prior to adoption of the 2007–2014 Housing Element, the County prepared and certified an SEIR that included the December 2012 Draft SEIR and May 2013 and June 2013 Responses to Comments documents that together comprised the Final SEIR. The Final SEIR was certified by the Board of Supervisors on September 24, 2013. The 2007–2014 Housing Element was certified by HCD on December 31, 2013. Litigation challenging the 2007–2014 Housing Element was filed on October 24, 2013.³

Due to the delay in adopting the housing element for the 2007–2014 planning period, the County must now prepare a new Housing Element for the planning period of 2015 through 2023. The statutory deadline for the fifth-cycle update is January 31, 2015. The Regional Housing Needs Allocation (RHNA), which establishes the minimum number of units a jurisdiction must plan for, has decreased significantly in comparison with the RHNA applicable to the 2007–2014 Housing Element. Therefore, the existing sites can be relied upon to fully accommodate the County's RHNA, decision makers will have some flexibility in selecting sites, and no new housing sites for the 2015–2023 Housing Element have been proposed. In addition, the County has already implemented numerous programs identified in the recently certified 2007–2014 Housing Element, so the 2015–2023 Housing Element is expected to address fewer housing programs. On the whole, the proposed changes from the 2007–2014 Housing Element are minor modifications and largely technical in nature, and therefore require only minor technical changes or additions to the SEIR.

This Addendum describes the policies and programs proposed for the 2015–2023 Housing Element, identifies the housing sites consistent with the *Countywide Plan* that would meet the County's RHNA obligation, and identifies the substantive changes to the proposed 2015–2023 Housing Element in comparison with the 2007–2014 Housing Element or the land use element of the *Countywide Plan*. Using an Environmental Checklist, it then identifies where impacts that could occur from implementation of the 2007–2014 Housing Element were evaluated in the 2013 SEIR, determines and documents whether any of the conditions described in *CEQA Guidelines* Section 15162(a) are applicable, and provides an evaluation of how the 2013 SEIR analysis applies to the proposed 2015–2023 Housing Element. Where warranted, additional analysis of the potential environmental impacts of the proposed 2015–2023 Housing Element is provided.

³ *Marin Community Alliance vs. County of Marin*, Case No. 130439, filed October 24, 2013.

1.2 Environmental Review of Proposed Project

The 2013 SEIR was prepared as a supplement to the *2007 Marin Countywide Plan EIR* (“CWP EIR”)⁴, which evaluated the significant environmental impacts of the *Countywide Plan*, including the previous 2003 Housing Element and land use element. The 2013 SEIR programmatically evaluated the environmental effects associated with the 2007–2014 Housing Element, which covered the planning period from 2007 through 2014. Additionally, the 2013 SEIR programmatically evaluated the environmental effects associated with the planning period from 2014–2022. In accordance with Section 15150 of the *CEQA Guidelines*, the 2013 SEIR—including the December 2012 Draft SEIR, the May 2013 Final SEIR, a June 2013 Final SEIR Amendment, and the Mitigation Monitoring and Reporting Program—are hereby incorporated by reference, as are the 2007–2014 Housing Element and the CWP EIR. Documents incorporated by reference are available for review at the following website: www.marincounty.org/envplanning.

Under Section 15164 of the *CEQA Guidelines*, a Lead Agency or Responsible Agency shall prepare an addendum to a previously certified Environmental Impact Report (EIR) if changes or additions to the project have occurred since certification of the EIR, but the changes are sufficiently limited such that preparation of a subsequent EIR is not required. Specifically, a lead agency shall prepare an Addendum to an EIR if only minor technical changes or additions are necessary but none of the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a subsequent EIR have occurred.

Section 15162(a) requires preparation of a subsequent EIR if one or more of the following conditions applies:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

⁴ State Clearinghouse No. 2004022076, certified November 6, 2007.

- C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

For the proposed 2015–2023 Housing Element and as discussed in detail in Chapter 3, Environmental Checklist, of this document, the County has determined through preliminary environmental review of the proposed Project that there would be no new or substantially more severe significant impacts not already addressed in the 2013 SEIR, and nor would any of the other conditions set forth in Section 15162(a) apply. That is primarily because the inventory of sites in the proposed 2015–2023 Housing Element consists of the same housing sites identified in the 2007–2014 Housing Element, with the exception that one of the former sites has been removed, and because the County’s Regional Housing Needs Allocation for the period 2015–2023 is 185 units, which is 588 fewer than the RHNA for the period 2007–2014. In addition, many of the implementing programs from the 2007–2014 Housing Element have been deleted from the proposed 2015–2023 Housing Element because they have already been implemented. A few new implementing programs are proposed, which are described in Chapter 2, below. These proposed new program call for performing planning studies, and do not have the potential to result in significant effects on the environment. Based on the conclusions of the Environmental Checklist (Chapter 3, below), an Addendum to the 2013 SEIR is warranted, and neither a Subsequent EIR nor a Supplemental EIR (pursuant to *CEQA Guidelines* Section 15163) is required.

The Environmental Checklist evaluates the CEQA checklist categories in terms of any “changed condition” (i.e. changed circumstances, project changes, or new information of substantial importance) that may result in a different environmental impact significance conclusion from the certified 2013 SEIR and would require major revision of the 2013 SEIR. As discussed in Chapter 3, the proposed changes that constitute the Project, in combination with other changed conditions, would not result in new or substantially more severe significant environmental effects requiring revisions to the 2013 SEIR. The continued implementation or application of mitigation measures identified in the 2013 SEIR would be necessary to avoid or reduce potential effects of the proposed project. These mitigation measures are identified, and their full, final, adopted text is provided, in Chapter 3 Environmental Checklist. The text of all adopted mitigation measures, with minor revisions as shown in Chapter 3, is provided in a revised Mitigation Monitoring and Reporting Program (MMRP), which is available for review at: www.marincounty.org/envplanning.

Neither CEQA nor the Marin County Environmental Impact Review Guidelines require a formal public review and comment period for an addendum. However, the 2013 SEIR and this Addendum are available for review during the hours of 8:00 am to 4:00 pm, Monday through

Thursday, at the Marin County Community Development Agency at 3501 Civic Center Drive, Room 308, San Rafael, CA 94903, and on the Community Development Agency's website at: www.marincounty.org/envplanning. The proposed Housing Element is available online at: www.marincounty.org/housingelement. The previous EIRs that have been incorporated by reference are also available for review.

This Addendum is available for review by the public for a period of at least 21 days prior to a November 17, 2014 meeting before the Planning Commission, at which point the Planning Commission will consider recommendation of adoption of the Addendum by the Board of Supervisors, along with final recommendation of adoption of the proposed 2015–2023 Housing Element.

Final consideration of whether or not to adopt the Addendum and approve the 2015–2023 Housing Element will be made by the Marin County Board of Supervisors, and is tentatively scheduled for December 2014 or January 2015. Following approval of the 2015–2023 Housing Element, the County will submit the Housing Element to the State Department of Housing and Community Development (HCD) for certification.

Chapter 2: Description of the Proposed Project

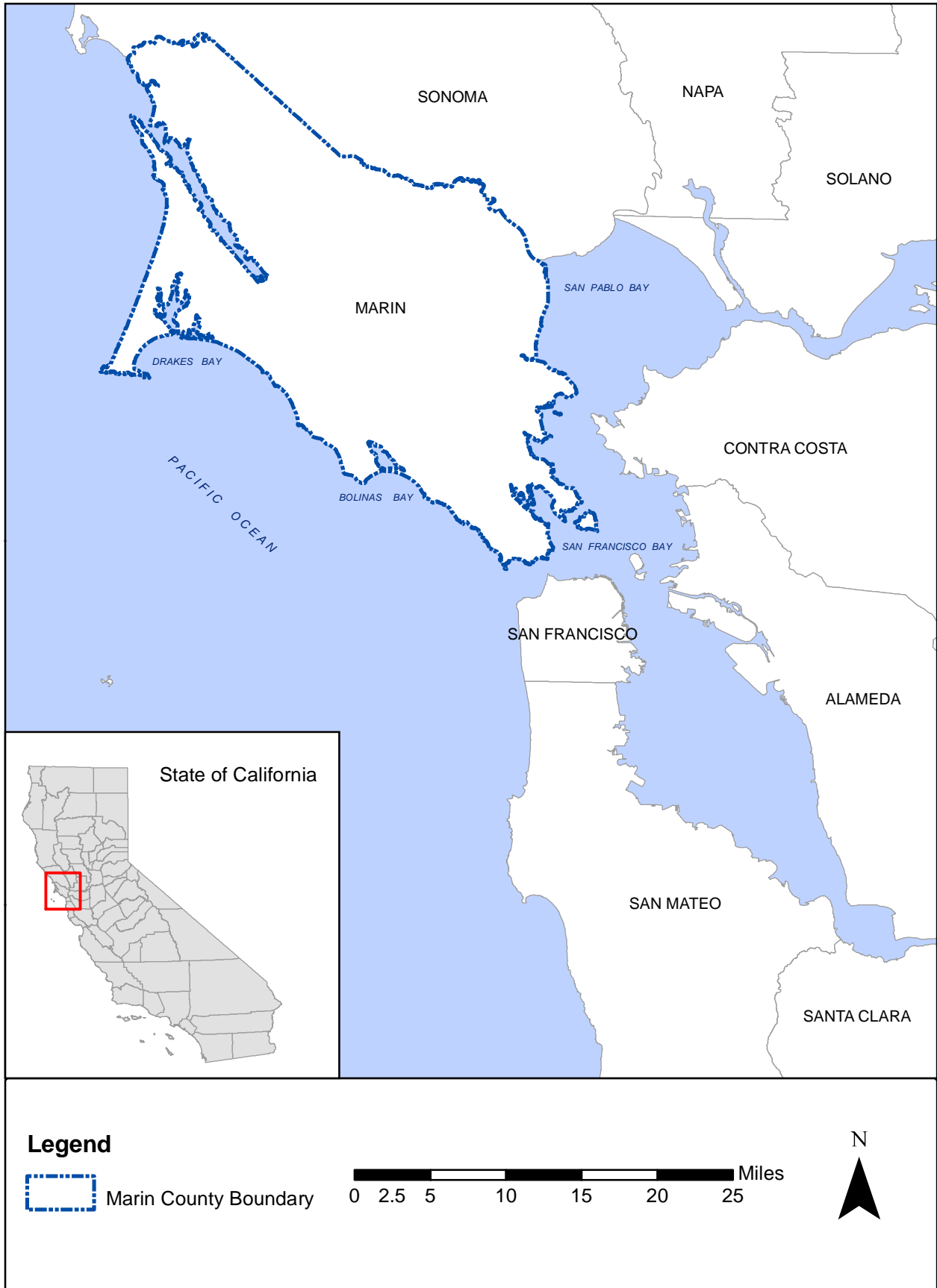
The proposed project consists of the 2015–2023 Housing Element for Marin County, which is an update of the County's 2007–2014 Housing Element of the 2007 *Countywide Plan*. The list of housing sites that are being evaluated is the same list and is found in Table 3, and the sites are shown on Exhibits 2 through 9. The proposed 2015–2023 Housing Element also includes deletion of 2007–2014 Implementing Programs that have been completed, and minor revisions to some of the Implementing Programs. Seven new programs have been added, and County Development Code amendments are proposed to make the Code consistent with the 2015–2023 Housing Element. The full text of these deleted, revised, and new Implementing Programs is found in Section 2.4. The proposed consistency amendments to the County Development Code are described in Section 2.5

Marin County is one of nine counties comprising the San Francisco Bay Area. Located to the north of the City of San Francisco, Marin County covers approximately 606 square miles of land and water area, and supports a population of 252,409 permanent residents.⁵ The majority of the County's population resides in the County's 11 incorporated cities and towns, which are concentrated in proximity to the U.S. 101 corridor that extends along the east side of the County, near San Francisco and San Pablo bays. Much of the additional land potentially available for development (approximately 5 percent of the County) is within these incorporated cities and towns.

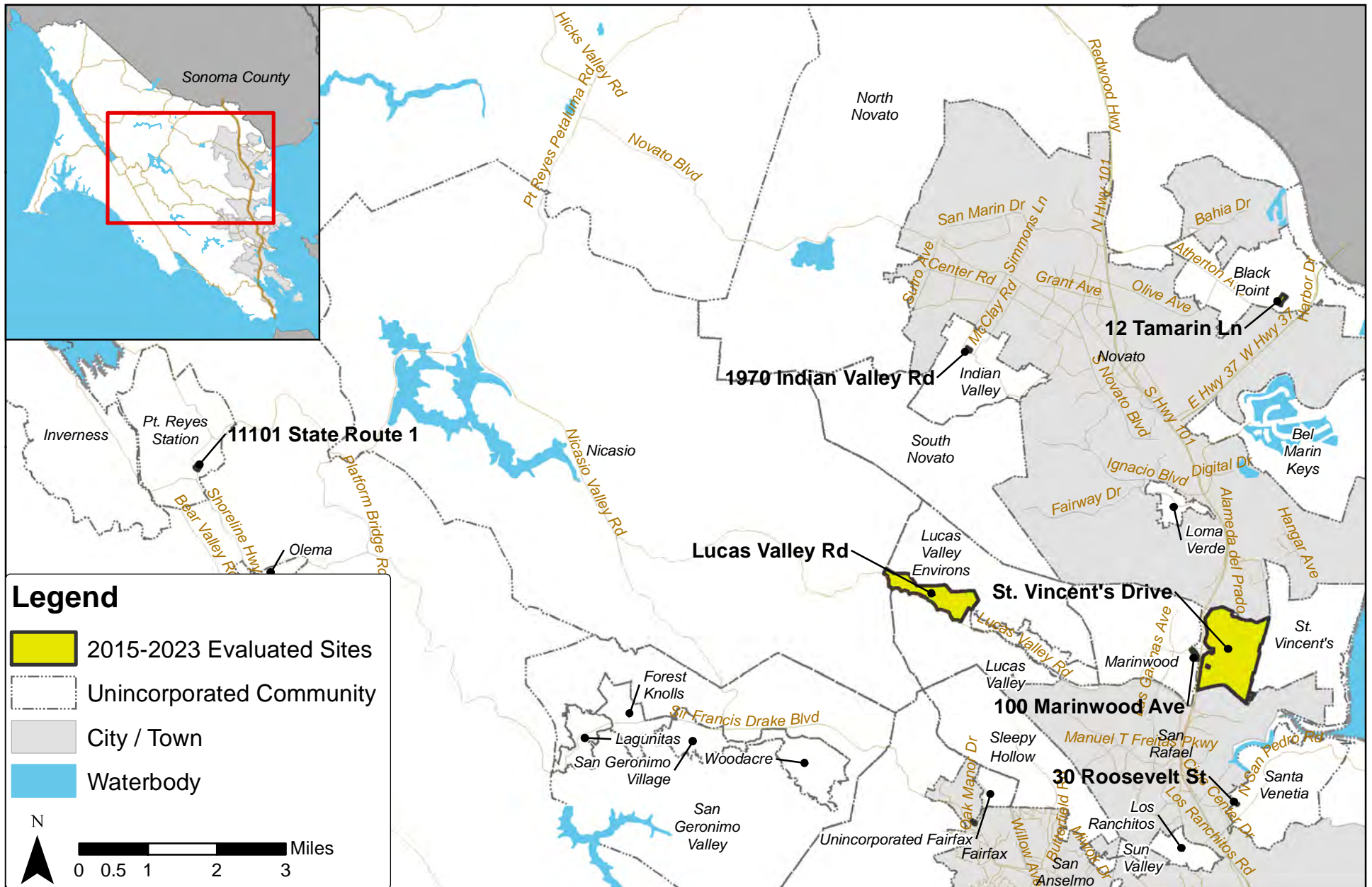
⁵ U.S. Census, 2010.

Exhibit 1

Marin County and San Francisco Bay Area



Location of Housing Sites - North Marin



Source: County of Marin Community Development Agency, September 2014

Location of Housing Sites - South Marin

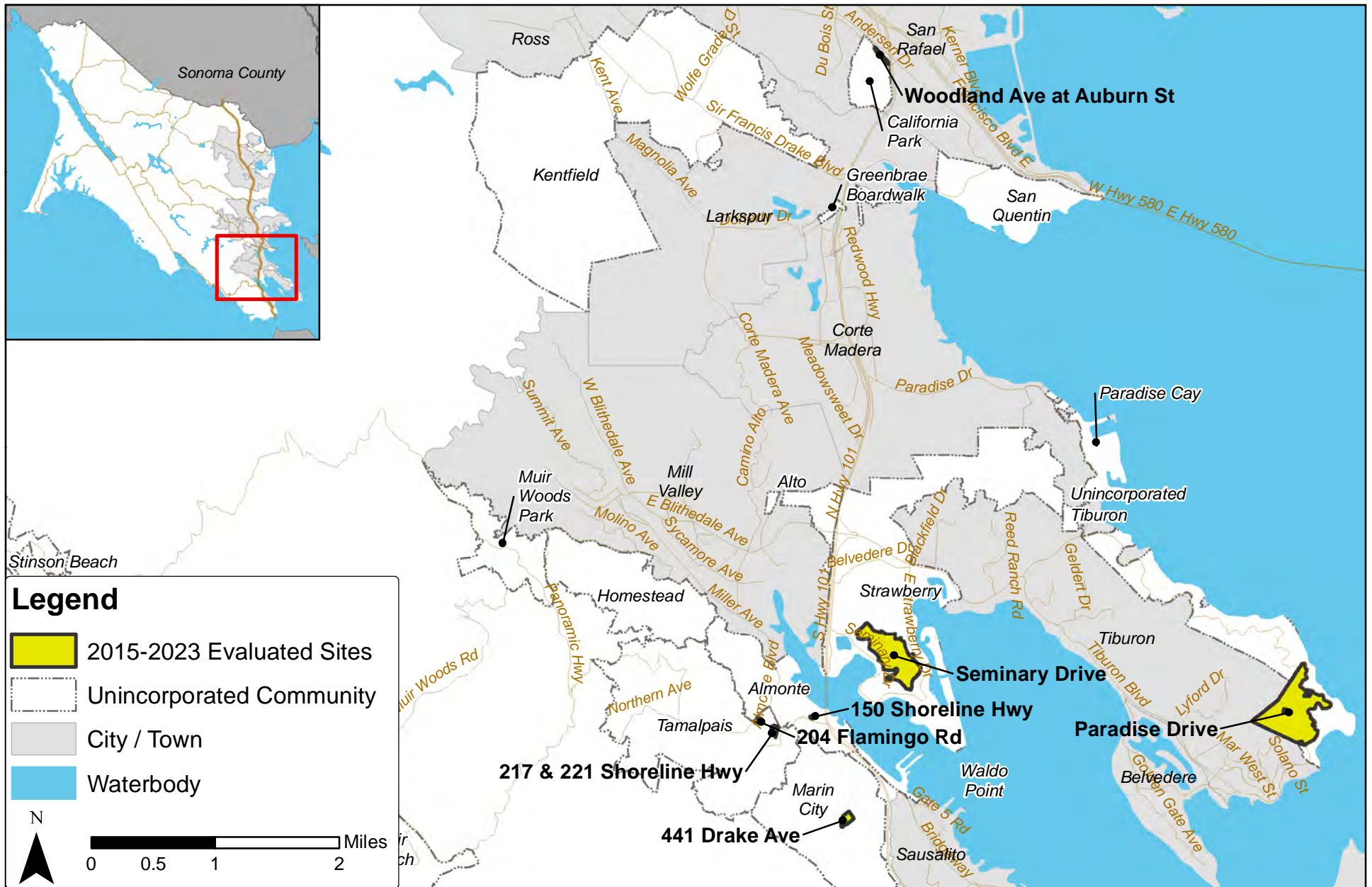
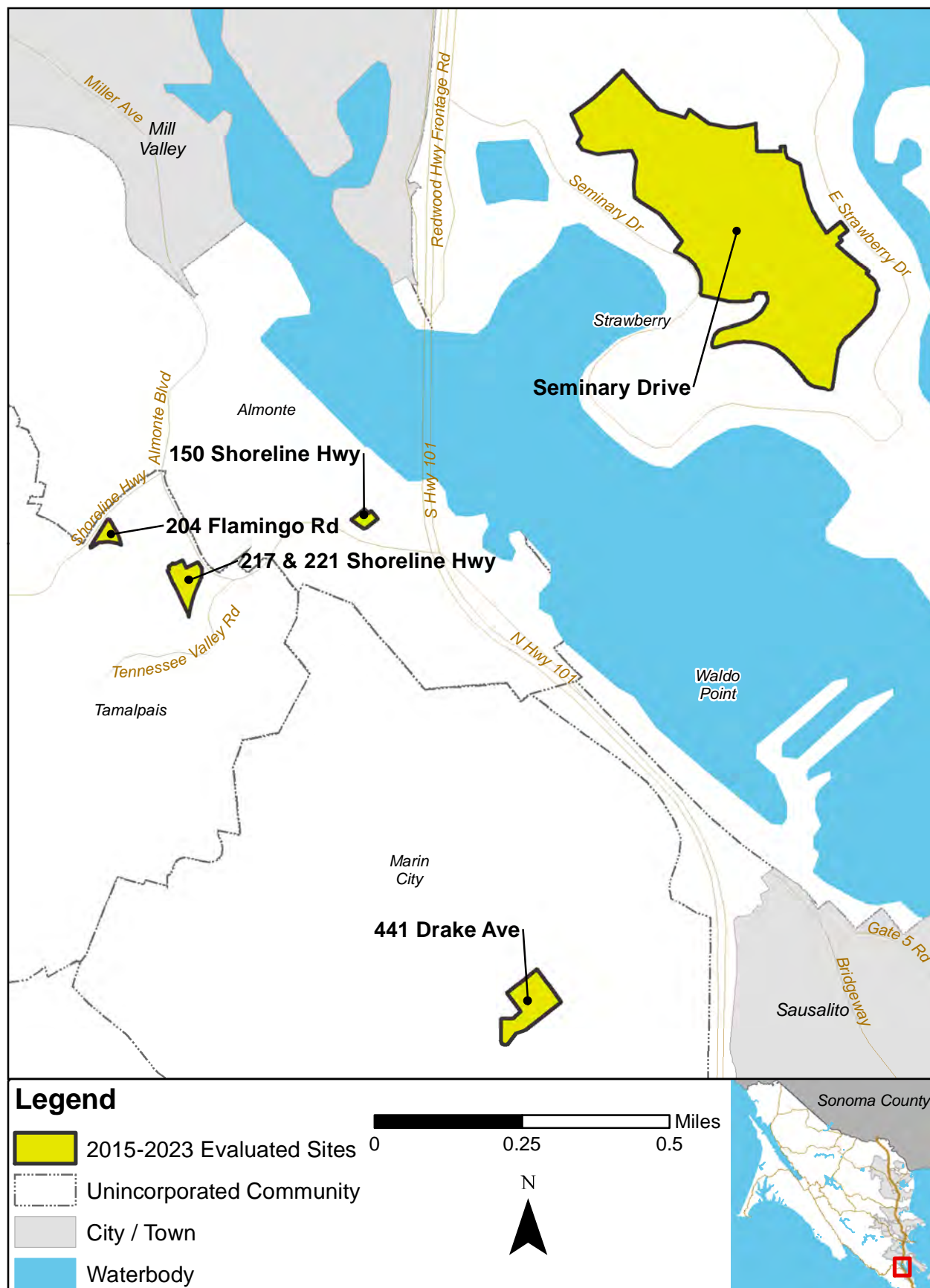


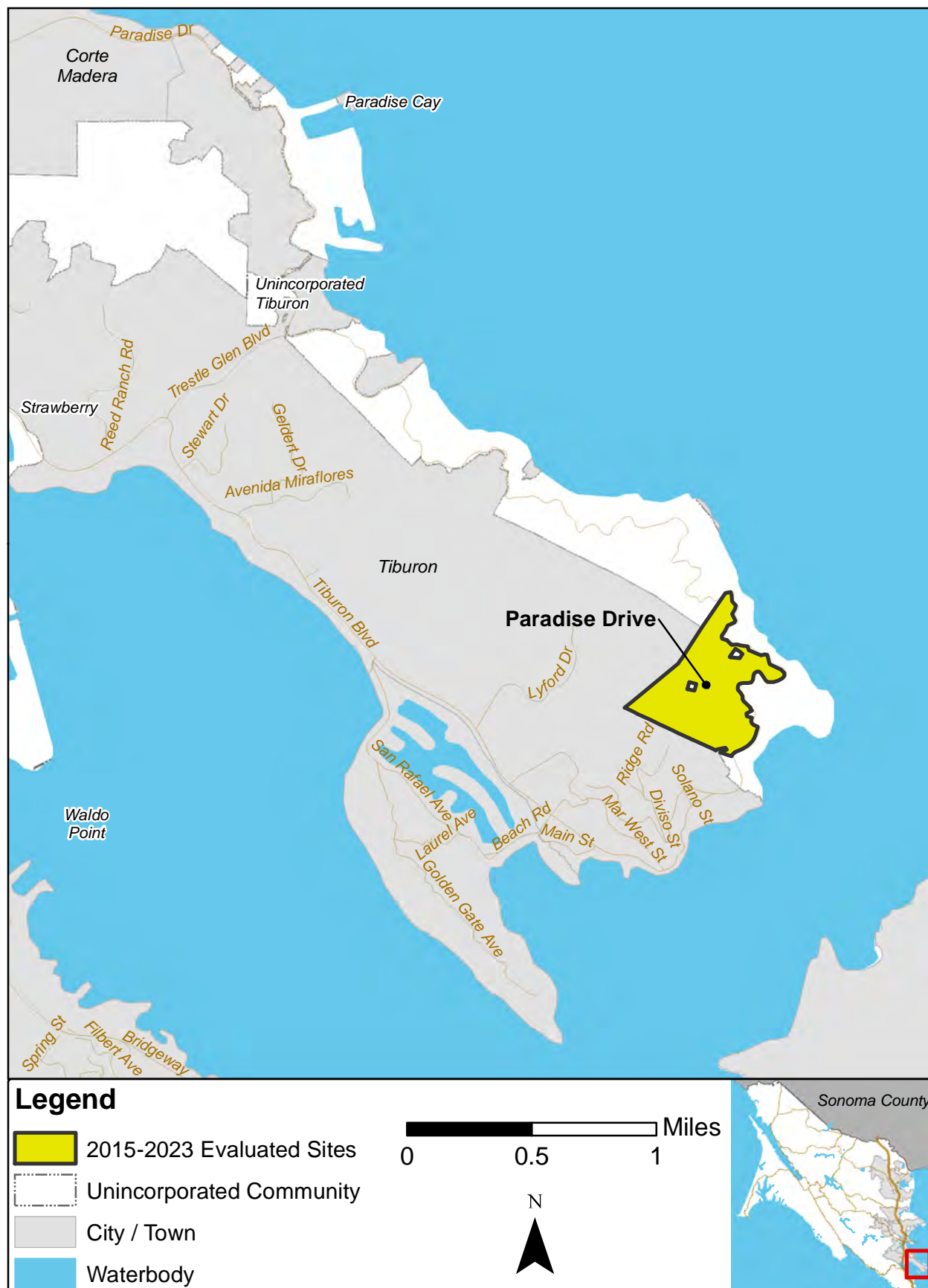
Exhibit 3

Housing Sites - Southern Marin



Source: County of Marin Community Development Agency, September 2014

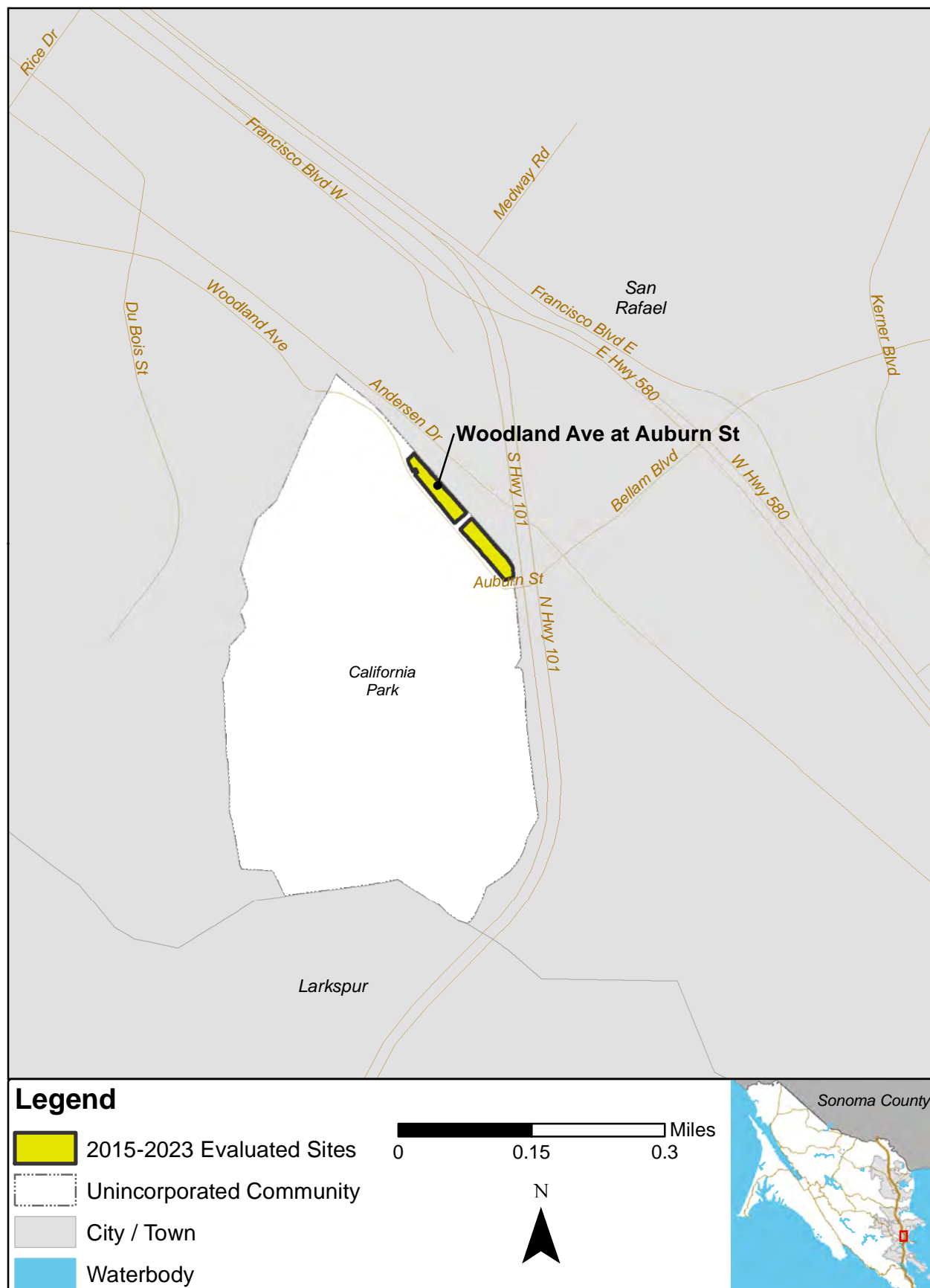
Housing Sites - East Tiburon



Source: County of Marin Community Development Agency, September 2014

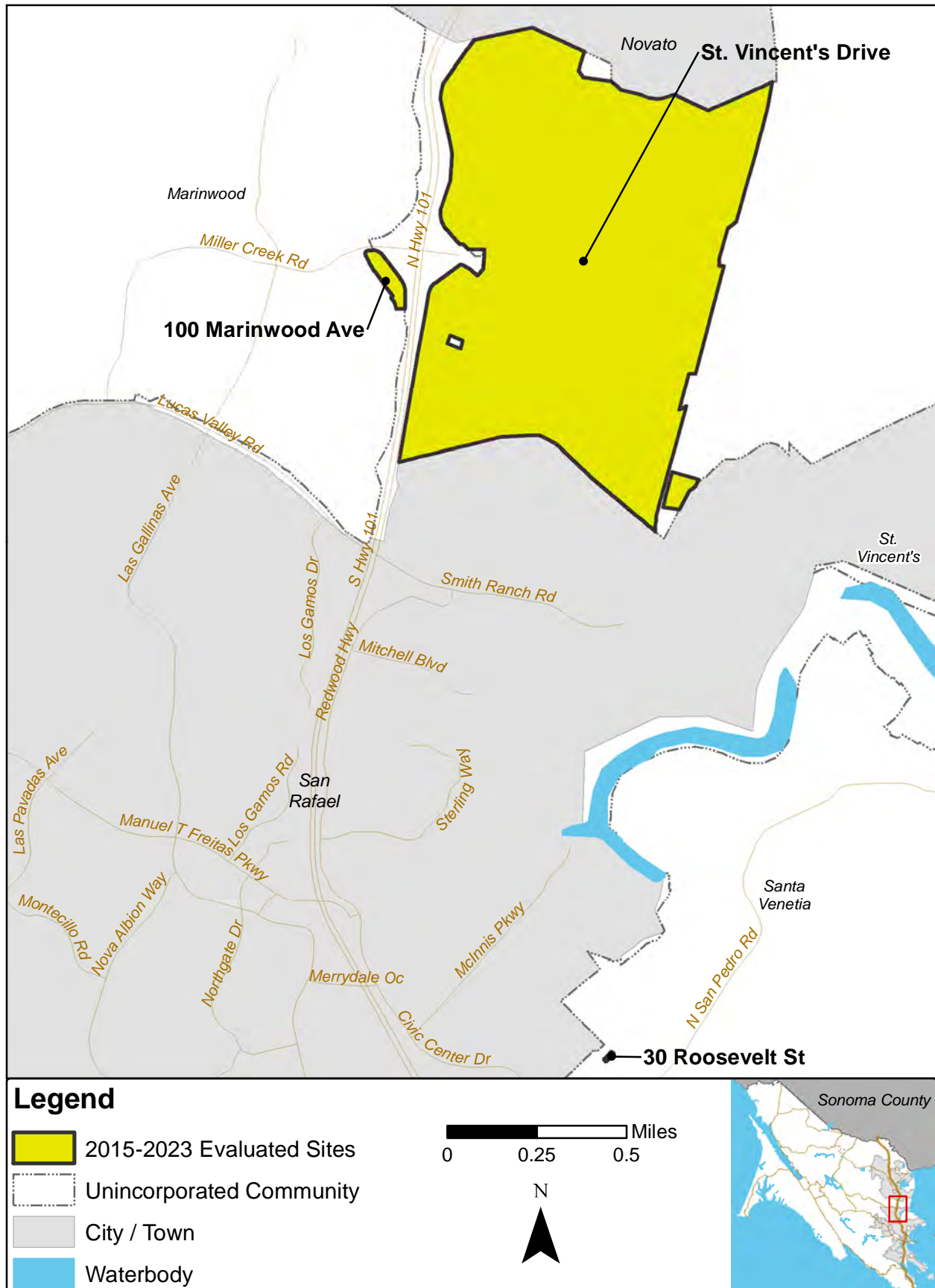
Exhibit 5

Housing Sites - South San Rafael



Source: County of Marin Community Development Agency, September 2014

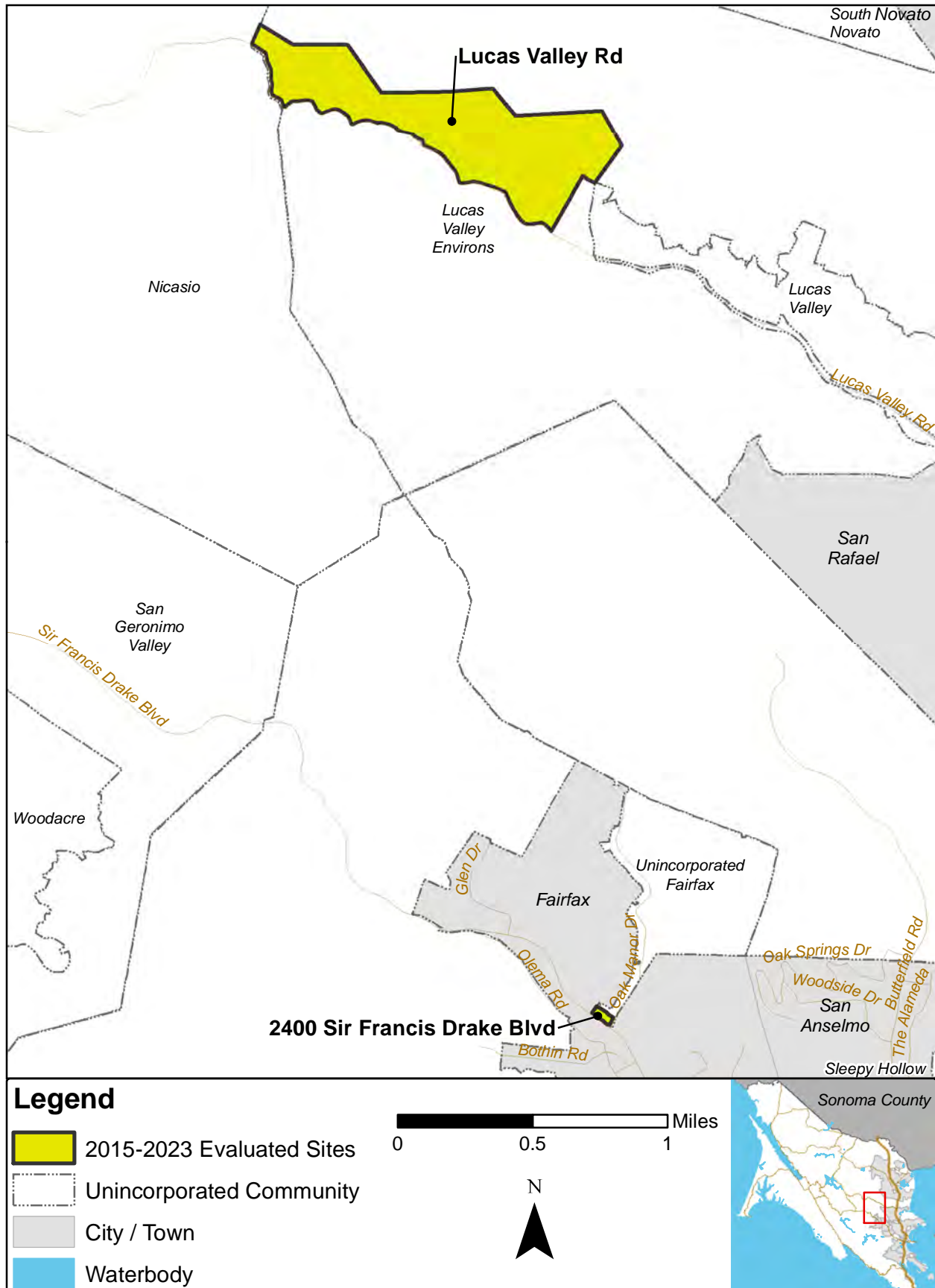
Exhibit 6 **Housing Sites - North San Rafael**



Source: County of Marin Community Development Agency, September 2014

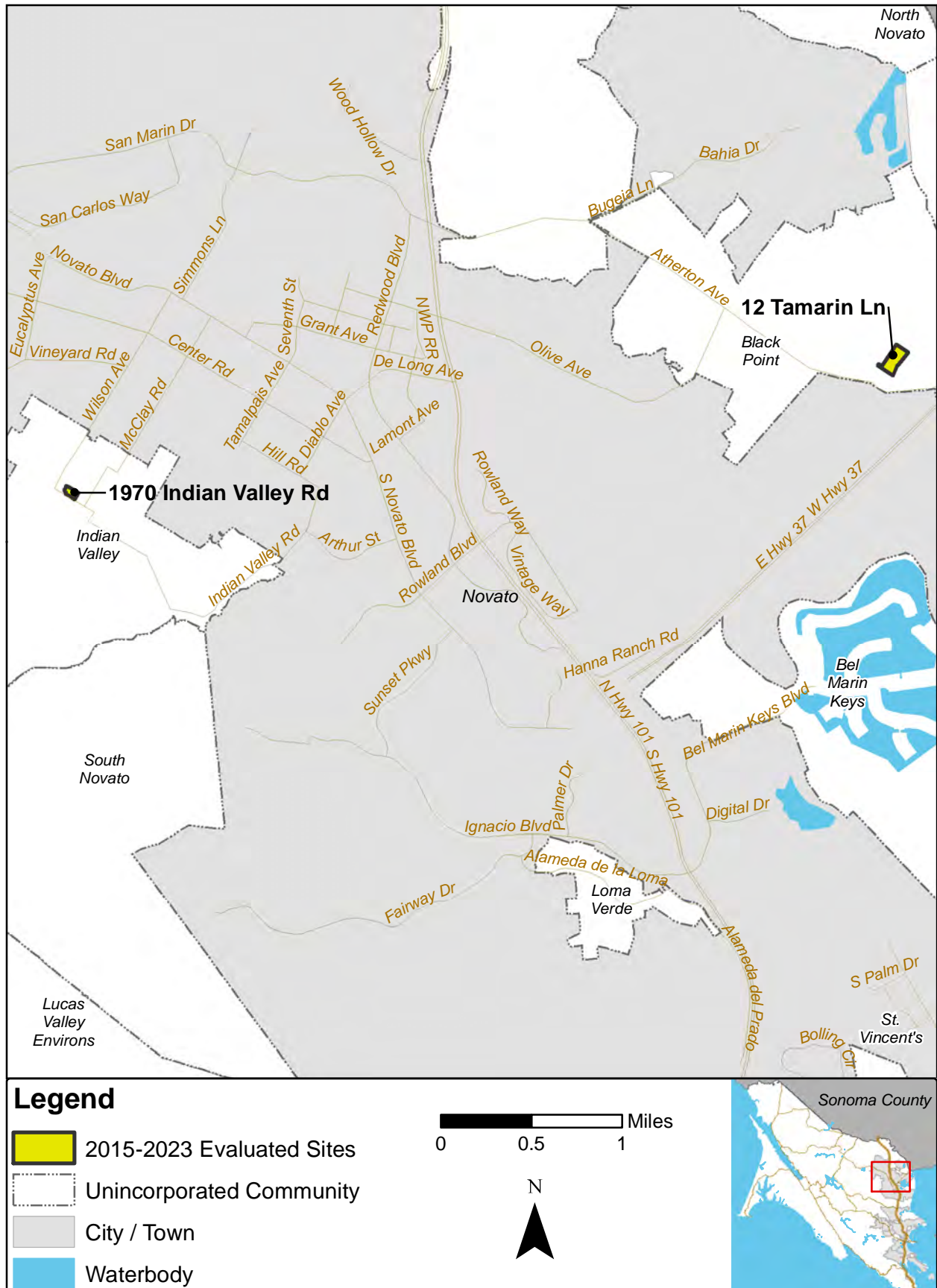
Exhibit 7

Housing Sites - Lucas Valley and Fairfax



Source: County of Marin Community Development Agency, September 2014

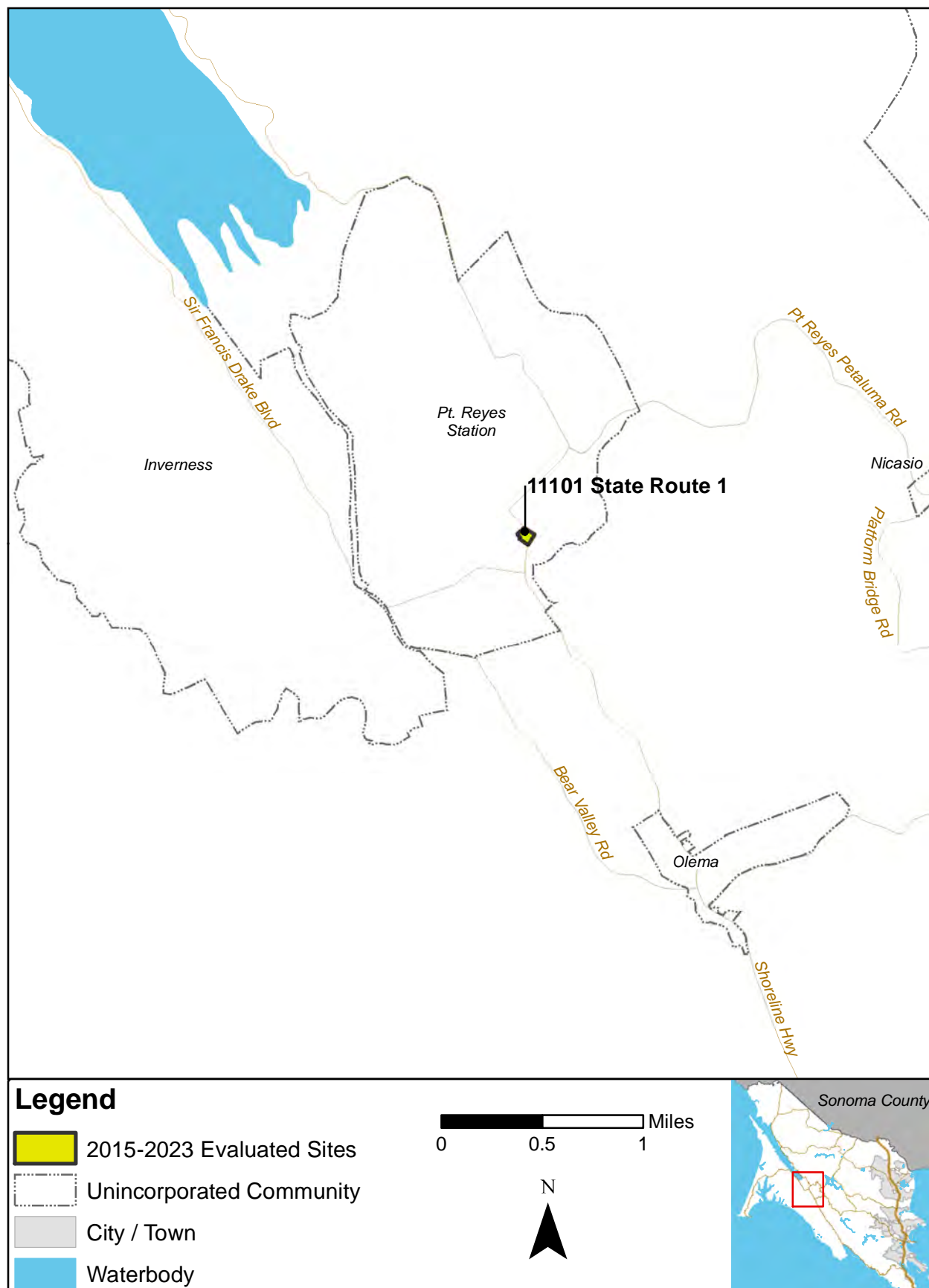
Exhibit 8 Housing Sites - Novato



Source: County of Marin Community Development Agency, September 2014

Exhibit 9

Housing Sites - Point Reyes Station



Source: County of Marin Community Development Agency, September 2014

While the population is concentrated in the 11 cities and towns, the majority of the land area—approximately 87 percent—is unincorporated, and includes 16 unincorporated communities, many located near the County’s western coastal area. The County’s boundaries and its relationship to the greater San Francisco Bay Area are shown on Exhibit 1.

2.1. Project Overview

As summarized above, State housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development.

State law requires that the housing element contain the following information:

- A review of the goals, objectives, and policies of the current housing element.
- Current demographic, economic, and housing information for the locality.
- A quantified housing needs assessment.
- Analysis of the constraints to providing housing for all income levels.
- A discussion of opportunities for energy conservation in new housing developments.
- An inventory of assisted units at risk of conversion to market rate.
- An inventory of residential land resources, including suitable sites for housing, homeless shelters, and transitional housing.
- A set of housing goals, policies, and programs.
- Quantified objectives for housing over the next five-year period.
- A description of diligent efforts towards participation by all economic groups in the update process.

Marin County’s proposed Housing Element for the 2015–2023 planning period is organized as follows:

Section I: Introduction. This section provides an overview of the Housing Element planning process, including recent changes to State housing element law. It lists the three primary goals and ten policies that provide the overall direction for the Housing Element. The extensive community outreach and public participation for the Housing Element planning process are summarized and the relationship of the Housing Element to other *Countywide Plan* elements is described.

Section II: Housing Needs Analysis. This section describes the County’s population and housing characteristics and data, broken down by income level. Current sales and rent prices are described and occupancy data, by income level, are provided. Other factors affecting the need for housing are discussed, including ability to pay, overcrowding, foreclosures, and population groups with special needs.

Section III: Constraints and Opportunities for Housing Development. Constraints include non-governmental constraints, such as land and construction costs, financing, community resistance to new development, and infrastructure (transportation facilities, water supply, wastewater capacity). Governmental constraints, including land use and permit controls and procedures, and a variety of fees and exactions, are discussed. Affordable housing incentives are among the opportunities described.

Section IV: Sites Inventory and Analysis. This section is a key component of the Housing Element. It describes the land characteristics of the County, including its four environmental corridors (Baylands, City-Centered, Inland-Rural, and Coastal). It provides current data on affordable housing units in Marin. This section lists the latest Regional Housing Needs Allocation as determined by the Executive Board of the Association of Bay Area Governments (ABAG). It quantifies the County’s affordable housing objectives, by strategy (i.e., from new construction, rehabilitation, and conservation/preservation), broken down by income category. To achieve these objectives, an inventory of available affordable housing sites from the land use element of the *Countywide Plan* is presented that considers site size, zoning controls, site availability, and income suitability. The inventory is presented in tabular form, supplemented by detailed descriptions of each site. Funding opportunities are also discussed.

Section V: Goals, Policies & Programs. Section V lists all of the goals, policies, and implementing programs intended to enable the County to meet its objectives for new residential units, as established by the RHNA.

2.2. Project Objectives

CEQA requires an EIR to provide a statement of the objectives of the project being evaluated in the EIR. The CEQA project objectives of the Project are the same as the project objectives of the 2007–2014 Housing Element, which have been carried over into the proposed 2015–2023 Housing Element, and are as follows.

2.2.1 Primary Project Objective

The primary objective of the Housing Element is to plan sustainable communities by supplying housing affordable to the full range of Marin County’s diverse community and workforce.

2.2.2 Additional Project Objectives

Additional project objectives of the Housing Element focus on the County’s housing strategies, which are the following:

2.2.2.1 Goal 1 Use Land Efficiently

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

2.2.2.2 Goal 2 Meet Housing Needs Through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices, and designs.

2.2.2.3 Goal 3 Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments so as to respond to housing needs effectively over time.

2.2.3 Interpretation of Project Objectives

The Policies in the Housing Element are organized around three central ideas, in furtherance of the preceding goals, for facilitating development of housing affordable to lower income households in Marin:

- Provide clear development standards and incentives for affordable housing developments to minimize risk to funders and developers.
- Minimize discretionary review; streamline the permitting process.
- Establish programs appropriate to various Marin locations (urban vs. rural) and be responsive to the local community.

These ideas have been carried through in the proposed 2015–2023 Housing Element. For example, in direct response to input received from the development community and the housing advocacy community, programs are included to build support for moderate and lower income housing.

Marin County's housing policies and programs have been revised to reflect the major themes identified through the County's community outreach process and a critical evaluation of the programs and policies from the 2007–2014 Housing Element. Implementing programs are grouped by the housing goals described above.

With respect to meeting Goal 2 (Meet Housing Needs Through a Variety of Choices), State law requires each jurisdiction to address how it will satisfy the objectives for new residential units as represented by the Regional Housing Needs Allocation. Means of achieving the development of these units are outlined through policies and programs in the 2015–2023 Housing Element. The County's quantified housing provision objectives sufficient to meet the RHNA requirements are listed below in Section 2.3, Housing Sites.

More details on the County's housing policies and programs are provided below in Section 3.4, Policies and Programs.

2.3. Housing Sites

2.3.1 Regional Housing Needs Allocation

A key component of the Housing Element is an inventory of sites consistent with the land use element of the *Countywide Plan* and implementing zoning suitable for housing development that can meet the jurisdiction's allocation of housing affordable to various income levels, as determined by the RHNA. The RHNA establishes quantified objectives for housing affordable to families with extremely low, very low, low, moderate, and above moderate income levels. Every city and county in the State of California has a legal obligation to accommodate its fair share of the existing and projected future housing needs in the region in which it is located. Housing element law requires local governments to update land use plans, policies, and zoning to accommodate projected housing growth. The RHNA figure is not a projection of residential building permit activities, but of housing need based on regional growth projections and regional policies for accommodating that growth.

On July 18, 2013, the Executive Board of the Association of Bay Area Governments adopted the 2014-2022 Regional Housing Need Allocation Plan for the San Francisco Bay Area, which included a formula for distributing the regional housing need across all the jurisdictions in the nine-county Bay Area.⁶ The formula is based on a fair-share allocation intended to achieve the requirement that all cities and counties in California work to provide a fair share proportion of the region's total housing need for households at all income levels. However, it also factors in sustainability, i.e., a jurisdiction's ability to promote growth in sustainable locations. Table 1 lists the Regional Housing Needs Allocation for all jurisdictions in Marin County.

Marin jurisdictions saw a significant decrease in the 2014-2022 RHNA allocations from the 2007–2014 allocations. This was due to the methodological decision to focus growth in transit-oriented areas of the Bay Area. Because Marin has no fixed transit⁷ and a relatively low service level of bus transit, the County's RHNA share was reduced.

Every housing element must demonstrate that the local jurisdiction has made adequate provisions to support development of housing at various income levels (extremely low, very low, low, moderate, and above moderate) to meet its 'fair share' of the existing and projected regional housing need. However, because local jurisdictions are rarely, if ever, involved in the actual construction of housing units, the RHNA numbers establish goals that should be used to guide planning and development decision-making. Specifically, the numbers establish a gauge for determining whether the County is allocating adequate sites at a range of densities to accommodate the development of housing at a range of income levels. The proxy to

⁶ The 2014-2022 Regional Housing Needs Allocation (RHNA) applies to the Housing Element planning period of January 31, 2015 to January 31, 2023 ("2015-2023").

⁷ Fixed route public transportation is public transportation by metro subway and light rail.

demonstrate that the County can achieve housing goals for lower income households is currently the identification of available sites that allow residential uses at 30 units per acre.⁸

Table 1: Regional Needs Housing Allocation, 2015–2023 Planning Period

Jurisdiction	UNITS NEEDED BY INCOME CATEGORY					
	Very Low (0-50% AMI)†	Low (51-80% AMI)	Moderate (81-120% AMI)	Above Moderate (120%+ AMI)	2015–2023 Total	2007–2014 Total
Belvedere	4	3	4	5	16	17
Corte Madera	22	13	13	24	72	244
Fairfax	16	11	11	23	61	108
Larkspur	40	20	21	51	132	382
Mill Valley	41	24	26	38	129	292
Novato	111	65	72	167	415	1,241
Ross	6	4	4	4	18	27
San Anselmo	33	17	19	37	106	113
San Rafael	240	148	181	438	1,007	1,403
Sausalito	26	14	16	23	79	165
Tiburon	24	16	19	19	78	117
Unincorporated	55	32	37	61	185	773
TOTAL	618	367	423	890	2,298	4,882

† Extremely Low Income (ELI) units are assumed to be 50% of the Very Low (VL) income RHNA figure, or 27 units, for the unincorporated County.

Source: http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf and Marin County Community Development Agency

The primary means through which Marin County's quantified objectives will be achieved are a combination of new construction, rehabilitation, and conservation/preservation of market-rate to affordable units. Table 2 below provides a breakdown of housing units that can be developed over the planning period using these three strategies for achieving the County's quantified objectives. With respect to the third strategy, conversion and rehabilitation will significantly support lower income housing objectives, with the conversion of 20 housing units at the Forest Knolls Trailer Court, and of single family homes through the federally funded Rehab Loan Program. The Marin Agricultural Housing program also aims to rehabilitate up to 40 agricultural worker housing units in the next five years, 15 of which are represented in the extremely low income category in Table 2. Achieving affordable housing objectives will also rely, in part, on new construction, consistent with potential opportunities reported in the site inventory discussed below. Development trends have historically shown that moderate and above

⁸ Pending legislation (AB 1537, Levine) would reduce the County's default density from 30 DUA to 20 DUA for the 2015-2023 planning period.

moderate income housing objectives will be met through new construction of single-family homes and second units.

2.3.2 Housing Sites Inventory

Government Code Sections 65583 and 65583.2 require planning jurisdictions to provide an inventory of sites in the Housing Element, consistent with the land use element of the *Countywide Plan*, that are suitable for housing development and can accommodate the jurisdiction's short-term housing development objectives, as determined by the Regional Housing Needs Allocation for the planning period, in this case for January 31, 2015 to January 31, 2023.

Marin County's housing needs will be met through the implementation of a variety of strategies. The primary method for addressing the adequate sites requirement is the identification of available vacant and underutilized sites that have appropriate land use designations in the land use element of the *Countywide Plan* and are appropriately zoned and possible to develop within this planning period. The Housing Element analysis includes a parcel-specific inventory of appropriately zoned, available, and suitable sites that can provide realistic opportunities for the provision of housing to all income segments within the community. Table 3 provides a summary inventory of potential housing sites, each of which is analyzed in detail in Appendix F: Site Inventory Profiles, of the proposed 2015–2023 Housing Element.

Table 2: Quantified Housing Objectives by Income Category

		New Construction	Rehabilitation	Conservation/ Preservation	TOTAL
Extremely Low (EL)					40
	Permits issued or projects pending	25 ¹			
	Rehab Loan Program				
	Marin Agricultural Housing Program		15		
Very Low (VL)					171
	Permits issued or projects pending	35			
	Rehab Loan Program		96		
	Marin Agricultural Housing Program		30		
	Gates Coop Houseboat Community		10		
Low (L)					38
	Permits issued or projects pending	12			
	Forest Knolls Trailer Court Conversion			20	
	Gates Coop Houseboat Community		6		
Moderate (M)					75
	Permits issued or projects pending	75			
Above Moderate (AM) (Market Rate)					19
	Permits issued or projects pending	19			
TOTAL		166	157	20	343

¹Marinwood Village (Lower income Inventory assumptions are 25 ELI, 35 VL and 12 L)

The County's land inventory was developed for the previous housing element using a combination of resources, including the County's GIS parcel database and review of policies in the Marin Countywide Plan Community Development (land use) Element and the Marin County Development Code (zoning). Sites were also vetted through direct community input, a series of community workshops, and current development proposals. This cross-analysis resulted in identification of suitable sites and an estimate of potential residential development capacity for these sites. Small and large residentially zoned and mixed-use parcels are included to accommodate a range of housing types and income categories.

The land inventory began with the 16 sites included in the 2007–2014 Housing Element, which was the result of a review of over 29,000 assessor's parcels. Studies were conducted by Countywide Plan land use designation groupings. Vacant and underutilized parcels were evaluated for residential potential. To encourage compact and sustainable development, an emphasis was placed on sites within existing communities and proximity to major roads and services. Opportunities for housing related to community need and local support were also evaluated, particularly in the Inland-Rural Corridor and Coastal Corridor. Development potential on identified sites was also compared to community plans for consistency. Competitiveness for tax credit funding was also considered. The resulting site inventory in Table 3 accommodates Marin County's need with properties currently identified as housing policy sites, or sites that comply with the County's current default density. Only properties with potential to develop within the planning period were included in the inventory. Each site, its governing land use, and development potential is further detailed in Appendix F, Site Inventory Profiles, of the proposed 2015–2023 Housing Element.

The proposed inventory is a subset of the housing sites inventory in the certified 2007–2014 Housing Element, and reflects the reduction in the County's RHNA in comparison with the previous planning period. The previous inventory identified a total of 793 housing units distributed among 16 sites, including four sites with approved projects at the time the 2007–2014 Housing Element was adopted (September 2013). In addition, a total of 30 second units were included for a total of 823 units, although the SEIR evaluated 50 second units.

The evaluation for the 2015-2023 Housing Element carries forward the sites from the 2007-2014 Housing Element, with minor modifications. One site was removed because it was purchased to preserve it from development⁹ and based on updated development history, additional second units are projected. As shown in Table 3, this includes a total of 801 units; 596 lower income units, 205 moderate and above moderate income units. These units are distributed on 15 sites and include 40 projected second units.

⁹ 650 North San Pedro, San Rafael.

Table 3: Sites Evaluated for the 2015–2023 Housing Element

Sites to Accommodate the RHNA	Site Size (acres)	Number of Units
St. Vincent's Drive, San Rafael (<i>St. Vincent's/Silveira</i>)	55	221
100 Marinwood Ave., San Rafael (<i>Marinwood Plaza</i>)	5	85
Woodland at Auburn, San Rafael (<i>California Park</i>)	1.77	50
Seminary Drive, Mill Valley (<i>Golden Gate Seminary</i>)	73.61	60
441 Drake Ave., Sausalito (<i>Marin City CDC</i>)	4.06	15
150 Shoreline Hwy., Mill Valley (<i>Manzanita Mixed-Use</i>)	0.59	3
2400 Sir Francis Drake Blvd., Fairfax (<i>Oak Manor</i>)	1.59	10
Paradise Drive, Tiburon (<i>Easton Point</i>)	110	43
1970 Indian Valley Road, Novato (<i>Indian Valley</i>)	8.27	5
12 Tamarin Lane, Novato (<i>Tamarin Lane</i>)	6.34	5
204 Flamingo Road (<i>Old Chevron Station</i>)	0.79	10
11101 State Route 1 (<i>Grandi Building</i>)	2.5	2
217 & 221 Shoreline Highway (<i>Armstrong Nursery</i>)	1.77	10
Lucas Valley Road (<i>Grady Ranch</i>)	240	240
30 Roosevelt (<i>Roosevelt Street</i>)	0.18	2
Second Units	–	40
TOTAL Units Allocated	–	801

Table 4: Sites included in the 2015–2023 Housing Element ¹⁰

Sites to accommodate the RHNA	Lower Income Units	Moderate Income Units	Above Moderate Income Units	Totals
St. Vincent's Drive, San Rafael (<i>St Vincent's/Silveira</i>)	100	50	71	221
100 Marinwood Ave, San Rafael (<i>Marinwood Village</i>)	72		10	82
Woodland at Auburn, San Rafael (<i>California Park</i>)	40			40
Seminary Drive, Mill Valley (<i>Golden Gate Seminary</i>)	20	20		40
441 Drake Ave, Sausalito (<i>Marin City CDC</i>)	15			15
150 Shoreline Hwy, Mill Valley (<i>Manzanita Mixed-Use</i>)		3		3
2400 Sir Francis Drake Blvd, Fairfax (<i>Oak Manor</i>)		10		10
Paradise Drive, Tiburon (<i>Easton Point</i>)			43	43
1970 Indian Valley Road, Novato (<i>Indian Valley</i>)			5	5
12 Tamarin Lane, Novato (<i>Tamarin Lane</i>)			3	3
Second units	21	10	9	40
TOTAL units allocated	268	93	141	502
RHNA minimum requirement for 2015-2023	87	37	61	185
Units allocated above RHNA for 2015-2023	181	56	80	317

However, the 2015–2023 proposed Housing Element housing sites inventory includes fewer sites and units than what is being evaluated in this Addendum. This is intended to provide options and flexibility for County decision makers. The inventory for the proposed 2015-2023 Housing Element includes 10 of the 16 sites evaluated in this Addendum, with an aggregate total of 502 units allocated as follows: 268 lower-income (ELI, VLI, and LI) units, 93 moderate income units, 141 above moderate income units, and 40 projected second units. As shown in Table 4,

¹⁰ As recommended by the Planning Commission on August 25, 2014

the full inventory demonstrates zoning capacity of 317 units above the 2014–2022 RHNA of 185 units.¹¹ The proposed housing sites are shown on Exhibits 2 through 9.

2.3.3 Currently Permitted Residential Development

Approved new housing units that were issued building permits between the beginning of the RHNA period (January 1, 2014) and the beginning of the planning period (January 31, 2015) will be counted toward the County's RHNA objectives. Table 5 lists building permits issued from January 1, 2014 to July 31, 2014, showing the County's progress thus far in meeting the 2014–2022 regional housing needs.

Table 5: Unit Development Inventory: Building permits issued January through July 2014

Type of Building Permits Issued 1/1/14 – 7/31/14	Units by Income Level					Method of Affordability: (1) Sales price (2) Rent price (3) Type of Subsidy
	Total Units	VL	L	M	AM†	
Single-family building permits	20	0	0	8	12	8 Moderate rent price worker units. No subsidy.
Multi-family building	0	0	0	0	0	n/a
Houseboats and Mobile home permits issued	0	0	0	0	0	n/a
New second units permitted	3	0	1	1	1	Rent price. See Second Unit Survey 2014 discussion below.
Total permits issued	23	0	1	9	13	n/a
<i>RHNA –2014-2022</i>	<i>185</i>	<i>55</i>	<i>32</i>	<i>37</i>	<i>61</i>	<i>RHNA –2014-2022</i>
<i>Remaining need</i>	<i>162</i>	<i>55</i>	<i>31</i>	<i>28</i>	<i>48</i>	<i>Remaining need</i>

Source: Marin County Community Development Agency, July 2014

VL = Very low income; L = Low income; M = Moderate income; AM = Above moderate income.

Note: A detailed discussion on income categories for second units can be found in the section titled Second Units.

¹¹ The acreages reported in Table 3 vary somewhat from most of the acreages for the same sites as listed in the 2007–2014 Housing Element. This is because the data in the previous inventory was based on a GIS evaluation, while the more recent acreage numbers were the result of audits of parcel data in the County Assessor's records. While the revised numbers are more accurate, the actual physical sizes of the affordable sites have not changed.

2.4. Policies and Programs

State law requires each jurisdiction to address how it will satisfy the objectives for new residential units as represented by the Regional Housing Needs Allocation (RHNA). Means of achieving the development of these units should be outlined through policies and programs in the Housing Element. The County's quantified housing provision objectives were listed above in Tables 1 and 2.

Marin County's housing policies and programs have been revised to reflect the major themes identified through the County's community outreach process and a critical evaluation of the programs and policies from the certified 2007–2014 Housing Element. Policies for the proposed Housing Element update are grouped by the housing goals described below, which were also listed in Section 3.2. The complete list of implementing programs is provided in Section V of the proposed 2015–2023 Housing Element. An evaluation and status update of programs from the 2007–2014 Housing Element is included in Appendix B of the proposed 2015–2023 Housing Element. Revisions to the implementing programs in comparison with the 2007–2014 Housing Element are discussed below.

2.4.1 Revisions to Previous Goals, Policies, and Programs

This and the following subsections provide a summary discussion of revisions, deletions, and additions to the goals, policies, and programs from the 2007–2014 Housing Element for the proposed 2015–2023 Housing Element. The complete list of goals and policies is shown below. These goals and policies would remain unchanged in the 2015–2023 Housing Element, and only some implementing programs would change, as noted below. For the full text of all proposed implementing programs, see Section V of the proposed 2015–2023 Housing Element. Note that the reference numbers of deleted Implementing Programs listed below pertain to the 2007–2014 Housing Element; program numbers in the proposed 2015–2023 Housing Element have been changed in some cases, as shown below and in Section V of the proposed 2015–2023 Housing Element.

2.4.2 2007–2014 (and proposed 2015–2023) Housing Element Goals and Policies

Goal 1 Use Land Efficiently

Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.

Policy 1.1 Land Use

Enact policies that encourage efficient land use regulations which foster a range of housing types in our community.

Policy 1.2 Housing Sites

Recognize developable land as a scarce community resource. Protect and strive to expand the supply and residential capacity of housing sites, particularly for lower income households.

Policy 1.3 Development Certainty

Promote development certainty and minimize discretionary review for affordable and special needs housing through amendments to the Development Code.

Policy 1.4 Design, Sustainability, and Flexibility

Enact programs that facilitate well designed, energy efficient development and flexibility of standards to encourage outstanding projects.

Goal 2 Meet Housing Needs Through a Variety of Housing Choices

Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices, and designs.

Policy 2.1 Special Needs Groups

Promote the development and rehabilitation of housing for special needs groups, including seniors, people living with disabilities, agricultural workers, individuals and families who are homeless, people in need of mental health care, single-parent families, large families, extremely low income households and other persons identified as having special housing needs in Marin County. Link housing to programs of the Department of Health and Human Services in order to coordinate assistance to people with special needs.

Policy 2.2 Housing Choice

Implement policies that facilitate housing development and preservation to meet the needs of Marin County's workforce and low income population.

Policy 2.3 Incentives for Affordable Housing

Continue to provide a range of incentives and flexible standards for affordable housing in order to ensure development certainty and cost savings for affordable housing providers.

Policy 2.4 Protect Existing Housing

Protect and enhance the housing we have and ensure that existing affordable housing will remain affordable.

Goal 3 Ensure Leadership and Institutional Capacity

Build and maintain local government institutional capacity and monitor accomplishments so as to respond to housing needs effectively over time.

Policy 3.1 Coordination

Take a proactive approach in local housing coordination, policy development, and communication. Share resources with other agencies to effectively create and respond to opportunities for achieving housing goals.

Policy 3.2 Research, Monitoring, and Evaluation

Perform effective management of housing data relating to Marin County housing programs, production, and achievements. Monitor and evaluate housing policies on an ongoing basis, and respond effectively to changing housing conditions and needs of the population over time.

Policy 3.3 Funding

Aggressively and creatively seek ways to increase funding resources for lower income and special needs housing.

2.4.3 Deleted and Revised Implementing Programs

The following implementing programs from the 2007–2014 Housing Element have been revised, where noted, or deleted from the proposed 2015–2023 Housing Element.

[Deleted] Implementing Program 1.b from the 2007–2014 Housing Element, in support of Goal 1, called for a task force to conduct a comprehensive affordable housing sites inventory sufficient to meet the projected housing needs of the community over the next two RHNA cycles. This program was deleted from the proposed 2015–2023 Housing Element because it was successfully implemented. The Housing Element Taskforce evaluated over 35 sites for multi-family housing at increased densities.

[Deleted] Implementing Program 1.c from the 2007–2014 Housing Element, in support of Goal 1, called for establishing in the Development Code an affordable housing (AH) combining district that increases residential density to 30 dwelling units per acre on certain sites specified in the Housing Element, in order to meet future RHNA need. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully implemented. A new AH combining district was added both to the Development Code and the Countywide Plan, and three new sites were rezoned with the new district.

[Deleted] Implementing Program 1.d from the 2007–2014 Housing Element, in support of Goal 1, called for streamlining the review of new affordable housing development by exempting deed-restricted housing developments that are affordable to extremely low, very low, and low-income households from the Master Plan and Precise Development Plan review and permit procedures. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully implemented. Changes were made to the Development Code in 2010 and 2012.

[Deleted] Implementing Program 1.f from the 2007–2014 Housing Element, in support of Goal 1, called for developing design guidelines for multi-family and residential mixed-use projects to established clear design standards for such developments. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully implemented. The Multi-Family Design Guidelines were adopted by the Board of Supervisors in December 2013.

[Revised] Implementing Program 1.g from the 2007–2014 Housing Element, in support of Goal 1, called for making adjustments to second unit development standards to allow for larger units so as to provide housing for families and individuals in need of in-home care services. It also called for a reduction in fees on second units in recognition of their small size and low impact. Program 1.g is being carried forward (renumbered as Program 1.f) with modifications, with subprograms c and g being deleted because they are complete and deleted subprogram f

because the Planning Commission chose not to implement it. The revised program reads as follows (new text shown in underlined text; deleted text shown in ~~strikethrough text~~:

1.gf Undertake Adjustments to Second Unit Development Standards. Consistent with SB1866, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Also pursue the following:

- a. Consider amending Development Code Section 22.56.050.I to permitting larger sized second units of up to 1000 square feet to increase flexibility and to provide housing for families and for individuals in need of in-home care services. Consider deed restrictions on units larger than 750 square feet to preserve affordability.
- b. Reduce fees for second units in recognition of their small size and the low impact of second units. Pursue reductions in road impact and traffic fees, coastal permit fees, and design review fees.
- ~~c. Consider developing standards to allow the height limit for primary residences to be applied to second units that are located over detached garages.~~
- ~~dc.~~ Develop standards to allow flexibility of second unit parking requirements, such as off-site parking, and curb and shoulder parking along a property's frontage.
- ed. Consider adjustments in septic standards for second units.
- ~~f. Consider requiring Master Plans, Precise Development Plans and Coastal Permit applications that include development of 3 or more single family residences to include second units at an appropriate ratio, such as three primary residences to one second unit (3:1).~~
- ~~g. Amend the Development Code Section 22.32.140 G to insure consistency with State Law in all planning areas, and eliminate the prohibition in Bolinas related to water adequacy for primary units.~~
- e. Consider amending Development Code Section 22.56.050.A to remove the owner occupancy requirement for the primary residence.

[Deleted] Implementing Program 1.h from the 2007–2014 Housing Element, in support of Goal 1, called for allowing rental of detached accessory structures. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully implemented. Changes were made to the Development Code in 2012.

[Deleted] Implementing Program 1.j from the 2007–2014 Housing Element, in support of Goal 1, called for zoning and providing appropriate standards for Single Room Occupancy (SRO) units. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully implemented. Changes were made to the Development Code in 2013.

[Deleted] Implementing Program 1.k from the 2007–2014 Housing Element, in support of Goal 1, called for zoning and providing appropriate standards for homeless shelters. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully implemented. Changes were made to the Development Code in 2012.

[Deleted] Implementing Program 1.l from the 2007–2014 Housing Element, in support of Goal 1, called for enabling transitional and supportive housing by adding definitions to the Development Code. The program has been deleted because it was successfully implemented.

[Revised] Implementing Program 1.m from the 2007–2014 Housing Element, in support of Goal 1, called for codifying affordable housing incentives identified in the Community Development Element of the Countywide Plan. It also called for adjustment of parking requirements for senior and affordable housing to encourage transit-oriented development (TOD) and identifying incentives to encourage residential and mixed-use development in commercial zoning districts. Subprograms a and d are being deleted because they were successfully completed. The revised program reads as follows (new text shown in underlined text; deleted text shown in ~~strikethrough text~~):

1.mh Codify Affordable Housing Incentives Identified in the Community Development Element. Amend County Code to implement the provisions of the Countywide Plan by codifying certain affordable housing incentives. These should include:

- ~~a. Allow additional units of senior housing on a Housing Overlay Designation (HOD) site if the units are affordable to low and very low income households, and if the projected peak hour traffic impacts of the total project fall within the maximum peak hour traffic level permissible on the site. (CD-2.d.7)~~
- ba. Adjust parking requirements for senior and affordable housing using criteria established in the URBEMIS model to encourage transit-oriented development. (CD-2.d.8)
- eb. Exempt affordable housing projects and second units from paying the full cost of impact fees. (CD-5.j)
- ~~d. Allow housing for low and very low income households to exceed the FAR on mixed-use sites. Allow moderate income housing to exceed the FAR on mixed-use sites within areas of acceptable levels of traffic service. (CD-8.7.5)~~
- ec. Identify incentives to strongly encourage residential and mixed-use development in commercial zoning districts. (DES-2.c)
- ~~f. For affordable housing projects, mixed-use projects that include affordable housing, second units, and projects developed in accordance with the Housing Overlay Designation, allow densities above the low end of the range in areas with LOS D, E and F: In accordance with the Countywide Plan Policy CD-8.7, residential units on mixed-use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, including any applicable density bonus. Such units are not subject to the FAR exemption described in CD-8.7 (5).~~

[Deleted] Implementing Program 1.q from the 2007–2014 Housing Element, in support of Goal 1, called for evaluating policies in the Countywide Plan and Development Code to ensure consistency with the State density bonus. This program is being deleted from the proposed 2015–2023 Housing Element update because it currently being implemented.

[Revised] Implementing Program 2.g from the 2007–2014 Housing Element, in support of Goal 2, called for reducing barriers in housing for people with disabilities. Two of the subprograms are being deleted from the 2015–2023 Housing Element because they have already been implemented. The revised program reads as follows (new text shown in underlined text; deleted text shown in ~~strikethrough text~~):

2.g Ensure Reasonable Accommodation. Consistent with SB 520 enacted January 1, 2002, reduce barriers in housing for individuals with disabilities through the following actions:

- ~~a. Establish a written Reasonable Accommodation procedure for providing exceptions in zoning and land use for housing for persons with disabilities.~~
- ~~b. Amend the Development Code to clarify that retrofitted access ramps are permitted in setback areas.~~
- c.a. Develop guidelines encouraging the principles of universal design. Evaluate possible incentives to developers who incorporate principles of universal design and advance visitability.
- ~~d.b.~~ Consider allowing up to 50% reduction in parking requirements for disabled housing, as allowed for senior housing.

[Revised] Implementing Program 2.j from the 2007–2014 Housing Element, in support of Goal 2, called for promoting the development of agricultural worker units. A minor revision to one of the subprograms is being proposed in the 2015–2023 Housing Element. The revised program reads as follows (new text shown in underlined text; deleted text shown in ~~strikethrough text~~):

2.j Promote the Development of Agricultural Worker Units. Pursue policy changes that promote the development of agricultural worker units.

- a. Consider ministerial review of applications for agricultural worker units in order to expedite the permitting process and facilitate the development of legal agricultural worker units.
- b. As the County undertakes an update of the Local Coastal Program (LCP), revise the C-APZ zoning district to allow certain agricultural worker housing as a permitted agricultural use, demonstrating consistency with California Health and Safety Code Section 17021.6.
- c. Consider a program to facilitate the legalization of agricultural worker housing units.
- d. Seek funding opportunities to assist with rehabilitation and replacement of agricultural worker housing units.

- e. ~~Amend the Development Code to insure consistency with Health and Safety Code Section 17021.5.~~ Amend the Development Code to clarify provisions for agricultural worker housing.

[Deleted] Implementing Program 2.q from the 2007–2014 Housing Element, in support of Goal 2, called for consideration of an area-wide Environmental Assessment or Program EIR to expedite CEQA review of new affordable housing development proposals. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully implemented by completion of the 2013 SEIR.

[Revised] Implementing Program 2.u from the 2007–2014 Housing Element, in support of Goal 2, called for monitoring of the conservation of the County’s affordable housing stock. References to the Ridgeway Apartments are being deleted because conversion of the site to affordable housing was successfully completed. The revised program reads as follows (new text shown in underlined text; deleted text shown in ~~strike through text~~):

2.u Monitor Rental Housing Stock. Ensure that existing housing is conserved as part of the County’s affordable housing stock, including State, Federal and locally-assisted subsidized developments. (~~See Figure IV-4 on page IV-7 for more detail about the Ridgeway Apartments conversion.~~)

- a. Identify and monitor affordable properties at risk of conversion to market rate.
- b. Continue to work with and provide technical assistance to property owners and non-profit organizations to acquire and rehabilitate affordable rental housing units in order to maintain ongoing affordability of the units and to convert market rate units to affordable units.
- c. Provide support ~~and committed funding to~~ purchasers of the Ridgeway Apartments Coast Guard residential facility to facilitate conversion of ~~153 units of market rate rental existing~~ housing to long-term deed restricted units affordable to low and moderate income households.
- d. Commit to provide relocation assistance in the event of displacement of residents ~~of the Ridgeway Apartments as well as any other residents~~ who may be displaced as a result of conversion from market rate to long-term affordable housing with committed assistance from the County.
- e. Ensure that all units receiving committed assistance from the County for conversion from market rate to affordable carry affordability restrictions of 55 years, or the maximum allowed under the State or Federal funding source, ~~including the Ridgeway Apartments.~~
- f. ~~Submit a written report to the Board Supervisors and the California Department of Housing and Community Development documenting progress towards and committed assistance to the conversion of the Ridgeway Apartments. This report will be provided during the third year of the planning~~

~~period (2012) in conjunction with the annual report on housing element progress.~~

[Deleted] Implementing Program 3.a from the 2007–2014 Housing Element, in support of Goal 3, called for consideration of affordable housing at the Civic Center site and collaboration with the City of San Rafael in meeting RHNA requirements. This program was deleted from the proposed 2015–2023 Housing Element update the Planning Commission has declined to pursue it.

[Revised] Implementing Program 3.e from the 2007–2014 Housing Element, in support of Goal 3, called for coordination with other agencies to facilitate and streamline the development of affordable and special needs housing. Subprogram b is being deleted because it was successfully implemented. The revised program reads as follows (new text shown in underlined text; deleted text shown in ~~strikethrough text~~):

3.e Coordinate with Other Agencies. Coordinate with other regulatory agencies and special districts to facilitate and streamline the development of affordable and special needs housing. Pursue fee waivers and expedited review.

- a. Pursue fee waivers and expedited review for affordable and special needs housing.
- ~~b. Coordinate with pertinent departments in their efforts to amend the Safety and Conservation Elements of the Countywide Plan to include analysis and policies regarding flood hazard and flood management information.~~

[Deleted] for updating Affordable Housing Trust Fund operating procedures. This program was deleted from the proposed 2015–2023 Housing Element update because it was successfully completed in 2009.

2.4.4 Proposed New Implementing Programs

The following new implementing programs have been added to the proposed 2015–2023 Housing Element.

1.b Evaluate Multi-family Land Use Designations. Conduct a comprehensive analysis of multi-family land use to evaluate whether multi-family zoning is appropriately located. Possible outcomes of this analysis could include:

- a. Adjust zoning maps as appropriate and redistribute multi-family zoning to locations suitable for multi-family development.
- b. Avoid designating or rezoning multi-family residential land for other uses or to lower densities without rezoning equivalent land for higher density multi-family development.
- c. Identify sites for multi-family, mixed-use, affordable workforce, and special needs housing, when undertaking community planning and zoning processes.

1.c Study Residential Density Equivalents. Evaluate options for calculating density through adjusted density equivalents based on bedrooms count or square footage rather than total number of units. Such an amendment to the Development Code would encourage development of smaller units, which corresponds to the demographic trend of increasing numbers of small households.

- a. Conduct an analysis to determine the feasibility of a density equivalent program. Identify appropriate density equivalent strategies for implementation and determine the fiscal impacts.
- b. Analyze how such a program might interact with inclusionary requirements, parking standards, and density bonuses.
- c. If it is determined feasible and appropriate, consider amending the Development Code to calculate density through density equivalents.

1.d Evaluate the Housing Overlay Designation. Analyze the Housing Overlay Designation (HOD) policy in the Countywide plan for its effectiveness in encouraging the construction of housing for lower income workforce and special needs populations. Amend the Countywide Plan if it is determined that changes are necessary to make the program more effective.

- a. Amend Countywide Plan Policy CD-2.3 to remove the requirement that HOD sites shall not comply with the mixed-use criteria.

2.i Increase Tenants Protections. Explore providing rental protections, such as:

- Noticing of rental increases
- Relocation costs
- Just cause eviction
- Rent stabilization
- Rent control

2.q Study best practices for Housing Choice voucher acceptance. Support Marin Housing Authority in their efforts to maximize voucher utilization and ensure that low income renters are able to rent in place. Consider the following:

- Outreach to property owners and managers, possibly through a landlord liaison position
- Explore tax incentives for renting to low income renters
- Conduct coaching sessions for low income renters

2.v Study Housing Needs and Constraints Specific to West Marin. Identify housing needs and constraints specific to rural and coastal areas of the County. Work with communities on solutions to address needs and constraints identified.

3.a Consider Methods for Improving County's Outreach with Respect to Affordable Housing. Address community opposition to homes for moderate and lower income families through education and outreach. Consider:

- Providing more information in planning documents about standards for affordable housing
- Using visual simulations and imagery from comparable projects
- Conducting interactive public workshops
- Coordinating housing providers and supporters
- Co-sponsoring an event for affordable housing week such as a tour of existing affordable homes

2.5. Administrative Actions

In addition to adoption of the proposed 2015–2023 Housing Element this Addendum to the 2013 SEIR contemplates the following actions as implementing programs and activities. These approvals will be considered and made solely by the Marin County Board of Supervisors and are the following:

- The Countywide Plan will be amended to incorporate the 2015–2023 Housing Element.

2.5.1 Related Marin County Development Code Update

The proposed 2015–2023 Housing Element carries forward programs that include amendments to the Development Code that were previously evaluated in the SEIR. Four new programs were added to the 2015–2023 Housing Element that consider possible amendments to the Development Code; this Addendum contemplates these actions as implementing programs and activities of the 2015–2023 Housing Element. The purpose of the amendments is to make the Development Code consistent with the goals, policies, and programs of the 2015–2023 Housing Element. The Development Code updates contemplated by the new implementing programs would entail increasing the potential for efficient land use by conducting planning studies to evaluate multifamily zoning and density equivalents. Consideration of these Development Code amendments is called for in new Programs 1.b and 1.c, which are listed above in Section 2.4. Because these programs call for planning studies for possible future actions, they are exempt from CEQA review pursuant to Section 15262 of the *CEQA Guidelines*. No other Development Code updates are contemplated by proposed new implementing programs evaluated in this Addendum.

Chapter 3: Environmental Checklist for Addendum to the Supplemental EIR

The purpose of this checklist is to evaluate the [Project] in order to determine, for each environmental resource area, whether any “changed condition” (i.e., changed circumstances, Project changes, or new information of substantial importance) may result in a new or substantially more severe environmental impact. A “no” answer does not necessarily mean that there are no potential impacts relative to that environmental area, but that there is no change in the condition or status of the impact since it was analyzed and addressed (with or without mitigation) in the *Marin County Housing Element Supplement to the CWP EIR Final Supplemental Environmental Impact Report* (State Clearinghouse No. 2012072028, certified September 24, 2014) (“SEIR”). The SEIR consists of three volumes, which are identified in more detail in the next section below: the Draft SEIR, the Final SEIR, and the Final SEIR Amendment. Accordingly, the answer in the checklist may be “no” if the Project does not involve changes that would result in a modification to the conclusion of the prior environmental documents with regard to that particular impact.

3.1 Explanation of Checklist Evaluation Categories

3.1.1 Where Impact was Analyzed

The first column in the checklist, “where impact was analyzed,” provides a cross-reference to the specific SEIR document and the impact number, section, or pages in which information and analysis that pertain to the environmental issue listed under each topic may be found. The SEIR consists of the following documents:

- *2012 Draft Marin County Housing Element Supplement to the 2007 Countywide Plan EIR – Draft Supplemental Environmental Impact Report* (December 20, 2012) (“Draft SEIR”)
- *Marin County Housing Element Supplement to the 2007 Countywide Plan EIR – Final Supplemental Environmental Impact Report – Responses to Comments to the Draft Supplemental Environmental Impact Report* (May 2013) (“Final SEIR”)
- *Marin County Housing Element Supplement to the 2007 Countywide Plan EIR – Final Supplemental Environmental Impact Report – Responses to Comments to the Draft Supplemental Environmental Impact Report AMENDMENT* (June 2013) (“Final SEIR Amendment”)

3.1.2 Do Proposed Changes Involve New or Substantially More Severe Significant Impacts?

Pursuant to Section 15162(a)(1) of the State CEQA Guidelines, this checklist column indicates whether the proposed changes in the current Project would result in new significant impacts that have not previously been considered in the SEIR or a substantial increase in the severity of a previously identified significant impact.

3.1.3 Do Any New Circumstances Involve New or Substantially More Severe Impacts?

Pursuant to Section 15162(a)(2) of the State CEQA Guidelines, this checklist column indicates whether there have been circumstances under which the Project is undertaken (e.g., changes to the Project site or the vicinity) that have occurred subsequent to the SEIR, which would result in the current Project having new significant environmental impacts that were not considered in the SEIR or which would substantially increase the severity of a previously identified significant impact.

3.1.4 Any New Information of Substantial Importance Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the State CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the SEIR was certified as complete is available requiring an update to the analysis of the SEIR to verify that the environmental conclusions remain valid. If the new information shows that: (A) the Project would have one or more significant effects not discussed in the SEIR that would require major revision of the SEIR; or (B) that significant effects previously examined would be substantially more severe than shown in the SEIR and would require major revision of the SEIR; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative, then the question would be answered 'Yes' and would either require the preparation of a subsequent or supplemental EIR or a mitigated negative declaration. However, if the additional analysis completed as part of this environmental checklist finds that the conclusions of the SEIR remain the same and no new significant impacts are identified, or identified environmental impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered 'No' and no subsequent or supplemental EIR is required pursuant to CEQA Guidelines section 15162 or 15163, and an addendum shall be prepared pursuant to CEQA Guidelines section 15164. New studies completed as part of this environmental checklist are attached to this checklist, or are on file with the Marin County Community Development Agency.

3.1.5 Do Existing SEIR Mitigation Measures Reduce Impacts to a Less-Than-Significant Level?

Pursuant to Section 15162(a)(3) of the State CEQA Guidelines, this column indicates whether the SEIR identified feasible mitigation measures to avoid or minimize the significant impacts of the proposed Project. The mitigation measures that were identified in the SEIR were adopted and incorporated into the Project, and many of them have already been implemented. A "yes" response is provided if previously-adopted mitigation measures would effectively reduce new or more severe impacts of the current Project. A "no" response would indicate that previously-adopted measures are insufficient to reduce new or more severe impacts. If "NA" is indicated,

this Environmental Checklist concludes that the impact does not occur with this Project and therefore no mitigation is needed.

3.2 Discussion and Mitigation Sections

3.2.1 Discussion

A discussion of the elements of this Environmental Checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the Project relates to the issue, and the status of any mitigation that may be required or that has already been adopted and, in some cases, implemented.

3.2.2 Mitigation Measures from the CWP EIR and/or SEIR

Previously adopted mitigation measures from the SEIR that will reduce or avoid impacts of the proposed Project are listed under each environmental category. The majority of the SEIR mitigation measures were carried over from the *2007 Countywide Plan EIR* ("CWP EIR"). As noted in the discussions, in some cases the SEIR identified new mitigation measures. Additional new mitigation measures could be included in this Environmental Checklist, if needed, although none have been determined to be needed for the proposed Project. The final text of the previously adopted mitigation measures from the SEIR is included in the "Mitigation Measures" section of each checklist item. In addition, all of the SEIR mitigation measures are consolidated in the revised Mitigation Monitoring and Reporting Program (MMRP) that is available for review at the following website: www.marincounty.org/envplanning.

3.2.3 Conclusions

A discussion of the conclusion relating to the analysis contained in each section.

3.3 Introduction to the Analysis

The Environmental Checklist that follows evaluates the physical effects on the environment that could result from implementation of the proposed 2015–2023 Housing Element. Because the greatest potential for adverse effects would occur with development of the housing sites considered for the 2015–2023 Housing Element, the checklist discussions are focused on this component of the proposed Project. Unless otherwise noted in specific checklist items, the discussions for specific environmental resource areas (.e.g., biological resources, cultural resources, etc.) do not explicitly address the proposed new and revised implementing programs in the Housing Element for the reasons explained below.

All of the new and revised implementing programs (listed in Section 2.4) were reviewed for their potential to cause new environmental impacts not previously evaluated in the SEIR. The proposed new implementing programs consist of conducting planning studies or performing evaluations of existing or contemplated programs. Conducting these studies and evaluations would not result in significant effects on the environment; furthermore, feasibility and planning

studies are statutorily exempt from CEQA review. Section 15262 of the *State CEQA Guidelines* states that feasibility and planning studies for possible future actions, which the presiding agency, board, or commission has not approved, adopted, or funded, do not require preparation of an EIR or Negative Declaration.

The proposed revisions to existing implementing programs consist of (1) deletion of certain subprograms because they have been completed, or (2) minor text changes to provide greater clarification regarding certain programs. In some cases, revised implementing programs call for consideration of amendments to the Development Code. These implementing programs would not directly amend the Development Code, and consideration of possible future amendments does not constitute discretionary action by the County that is subject to CEQA review. Any such future actions would require separate environmental review pursuant to CEQA.

While it is possible that future zoning or Development Code amendments could have potentially significant adverse effects on the environment, such amendments are not part of the proposed Project, and it would be speculative to identify potential impacts. Again, such revisions would be subject to separate environmental review at the time they are proposed.

1. Aesthetics

Environmental Issue Area	Where Impact Was Analyzed in SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
1. Aesthetics. Would the Project:					
a. Have a substantial adverse effect on a scenic vista?	Draft SEIR, pg. 59	No	No	No	n/a
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft SEIR, pg. 59	No	No	No	n/a
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	Draft SEIR, pg. 59	No	No	No	n/a
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Draft SEIR, pg. 60	No	No	No	Yes

Discussion

- 1-a) The SEIR concluded that implementation of the 2007–2014 Housing Element¹ would not authorize or directly result in development of new housing units in excess of the 31,623 units analyzed in the CWP EIR, but found that implementation of Housing Element policies and programs would facilitate future residential development at higher densities in some locations, and at a limited number of new locations than allowed under then-current *Countywide Plan* land use designations. Such development would have the potential to degrade the quality of scenic resources, including scenic vistas. The SEIR determined this previously identified less-than-significant impact would remain less than significant.

New development pursuant to the 2007–2014 Housing Element would be subject to CWP policies and programs that protect scenic vistas. Specifically, the SEIR cited Goal DES-1 (Preservation of Community Character), Policy DES-1.1 (Address Design at the Community Level), DES-1.2 (Protect Rural Character), Program DES-1.a (Add Design Components to Community Plans), Goal DES-3 (New Development in Built Areas), Policy DES-3.1 (Promote

¹ The SEIR referred throughout to the “2012 Draft Housing Element,” which was subsequently adopted and certified. All SEIR references to the 2012 Draft Housing Element have been revised in this document to read “2007–2014 Housing Element” to be consistent with usage in the 2015–2023 Housing Element and to reduce confusion.

Infill), Policy DES-3.2 (Promote Green Spaces), Goal DES-4 (Protection of Scenic Resources), Policy DES-4.1 (Preserve Visual Quality), Policy CD-1.3 (Reduce Potential Impacts), and Program CD-1.c (Reduce Potential Impacts) as goals, policies, and programs that would further reduce the impact of new housing development on scenic resources and vistas.

The proposed 2015–2023 Housing Element is a revised version of the 2007–2014 Housing Element. The housing sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. No new housing sites are considered. The total number of housing units considered for the Housing Element has been reduced from 823 units to 801 units. Development of future housing would therefore not have the potential to cause new or more severe impacts on scenic vistas than those previously identified in the SEIR.

- 1-b) The SEIR stated that there are no designated State Scenic Highways or National Scenic Byways within Marin County, and did not identify any impact on scenic highways. Although Highway 1 is eligible for designation as a State Scenic Highway, it is not currently designated as such.² Therefore, there is no potential for the proposed 2015–2023 Housing Element to adversely affect scenic highways.
- 1-c) The 2007–2014 Housing Element identified housing sites for new housing development, including four properties where all or portions of the sites would be assigned to the AH Combining District, which would result in the housing densities evaluated in the *Countywide Plan* being exceeded. These changes were analyzed in the SEIR. The SEIR also analyzed 14 additional properties that were evaluated for the AH Combining District in the 2014-2022 cycle (2015-2023 Housing Element planning period). The EIR for the *Countywide Plan* had determined in Impacts 4.12-1 (Scenic Resources) and 4.12-2 (Community Character) that provisions of the Development Code and design review of individual projects would preserve and possibly improve the visual character and quality of the housing sites and their surroundings. The 2007–2014 Housing Element included additional policies and programs to protect visual quality, including Program 1.f (Develop Multi-family Design Guidelines) and Policy 1.4 (Design, Sustainability, and Flexibility), that emphasize preservation of natural features, massing, and compatibility with neighboring development. The SEIR noted that any new development resulting from implementation of the 2007–2014 Housing Element would comply with the *Countywide Plan* and Development Code policies and regulations, as well as the implementing programs in the 2007–2014 Housing Element, and development of individual sites would be subject to an evaluation of visual impacts. On this basis, the SEIR concluded that the project would not involve new or substantially more severe significant impacts than those discussed in the *Countywide Plan* EIR.

² California Department of Transportation (Caltrans), Officially Designated State Scenic Highways and Historic Parkways (website), accessed August 12, 2014 at: http://www.dot.ca.gov/hq/LandArch/scenic_highways/.

The number of total housing units considered in the 2015-2023 Housing Element has been reduced from 823 units to 801 units in comparison with the previous Housing Element, and no new sites have been added. The conclusion of the SEIR that additional housing sites would comply with existing policies and development regulations and with proposed implementing programs, and would therefore not involve new or substantially more severe significant impacts, is equally applicable to the implementing programs of the proposed 2015–2023 Housing Element. The proposed project would therefore not cause new or more severe impacts on the visual quality of proposed housing sites and their surroundings than those previously identified in the SEIR.

- 1-d) The *Countywide Plan EIR* previously identified a significant unavoidable impact from additional sources of nighttime lighting that would result from implementation of the *Countywide Plan*: Impact 4.12-4 (Light Pollution and Nighttime Sky). The SEIR acknowledged that properties proposed for the AH Combined District and other properties identified in the 2007–2014 Housing Element could be developed at higher densities than anticipated in the analysis contained in the 2007 CWP EIR, but concluded that nighttime lighting impacts resulting from potential construction would be minimized because all development projects would be consistent with Countywide Plan Program DES-1.h (Lighting Design Guidelines). The SEIR found that the new development provided for in the 2007–2014 Housing Element would not involve new or substantially more severe impacts. The mitigation for lighting impacts identified in the CWP EIR, listed below, would still apply.

The SEIR analysis summarized above would still apply to the proposed 2015–2023 Housing Element. Overall, the number of housing units considered would be reduced in comparison with the previous Housing Element, and no new housing sites would be added. Although the density at some sites could be increased in the future as the County executes proposed new Implementing Program 1.b (Evaluate Multi-family Land Use Designations), all development projects would still be required to comply with Countywide Plan Program DES-1.h (Lighting Design Guidelines), as previously concluded in the SEIR. Therefore, the proposed project would therefore not cause new or more severe nighttime lighting impacts than those previously identified in the SEIR.

CWP EIR Mitigation Measures

The CWP EIR identified two mitigation measures to reduce identified visual impacts. Both Mitigation Measures 4.12-2 and 4.12-4 were adopted as a part of the *Countywide Plan* and would continue to apply. Mitigation Measure 4.12-4 became Program DES-1.h (Lighting Design Guidelines). Future housing development projects would be subject to these *Countywide Plan* programs.

Mitigation Measure 4.12-2 In order to reduce impacts to the visual character of Marin County’s communities to a less-than-significant level, Mitigation Measure 4.12-2 requires the County to obtain funding for Program DES-1.a (Add Design Components to Community Plans) and to revise the time frame of its implementation to the medium-term or sooner. In addition, the Marin

County Community Development Agency would be responsible for revising design guidelines of community plans to be consistent with the *Countywide Plan*.

Mitigation Measure 4.12-4 stated that in order to minimize light trespass, light pollution, and glare, new development and projects that would make significant parking lot improvements or add new lighting would be required to prepare a lighting plan for design review and approval by County staff. Mitigation Measure 4.12-4 added Program DES-1.h to the Built Environment Element of the *Countywide Plan*. Program DES-1.h reads as follows:

Program DES-1.h Lighting Design Guidelines. Amend the Development Code to include lighting design guidelines to be applied through design review and other discretionary permits. Explore the feasibility of amending the Building Code to include lighting specifications. Require new development and major remodel projects that would make significant parking lot improvements or add new lighting to submit a lighting plan consistent with these guidelines for design review by County staff. Lighting design guidelines and/or specifications should address:

- *Efficiency – Cost effective energy efficient standards for outdoor lighting shall be developed to conserve energy thereby reducing excessive lighting, light pollution, light trespass, and glare;*
- *Reasonableness of Intensity – Acceptable standards shall be defined for various land uses and development types specifying the maximum allowable total lumens per acre;*
- *Directional Control – Standards shall be developed to minimize the upward transmission and intensity of light at various distances from its source through the use of full-cutoff lighting, downward casting, shielding, visors etc;*
- *Signage – Standards with respect to illuminated signs shall be developed that prohibit or limit the size, spacing, design, upward transmission of light, and hours of operation. In addition, signs should be white or light colored lettering on dark backgrounds;*
- *Night Lighting – Hours of operation for various uses shall be specified in order to prohibit all-night lighting except when warranted for public safety reasons. On demand lighting shall be encouraged;*
- *Education – A voluntary educational component of this program shall include the distribution of informational materials for use by county residents, developers, and lighting supply retailers. These materials shall provide specific methods and product information necessary for compliance of new development as well as aiding the conversion of existing lighting sources;*
- *Incentives – The County shall develop incentives for residents and businesses encouraging the conversion of existing lighting sources to compliant ones; and*
- *Enforcement – These standards shall be incorporated into the County Development Code and design review process for new development.*

The SEIR determined that no additional mitigation measures for aesthetic impacts would be required for the 2007–2014 Housing Element. Based on the discussion above, the proposed 2015–2023 Housing Element would similarly not require any new mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe impacts on aesthetics than those previously evaluated in the 2013 SEIR.

2. Agriculture and Forestry Resources

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
2. Agriculture. Would the Project:					
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Draft SEIR, pg. 66	No	No	No	n/a
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Draft SEIR, pgs. 66-67	No	No	No	n/a
c. Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?	Draft SEIR, pg. 67	No	No	No	n/a
d) Result in the loss of forest land or conversion of forest land, to non-forest use?	Draft SEIR, pg. 67	No	No	No	n/a
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land, to non-forest use?	Draft SEIR, pg. 67	No	No	No	n/a

Discussion

- 2-a) The SEIR disclosed that the CWP EIR identified a significant unavoidable impact from conversion of agricultural lands to non-agricultural uses, but concluded that the 2007–

2014 Housing Element would not increase the severity of the impact. Implementation of Program 1.c (Establish an Affordable Housing Combining Zoning District) of the 2007–2014 Housing Element would permit designation of up to 3.5 acres of the St. Vincent/Silveira properties, which the State has designated as Farmland of Local Importance, for affordable residential development. However, conversion of Farmland of Local Importance is not considered a significant effect. In addition, this implementing program has already been implemented and has been deleted from the proposed 2015–2023 Housing Element. This less-than-significant impact from the SEIR would therefore no longer apply to the proposed Project. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element does not consider any new housing sites that have not previously been evaluated in the SEIR, and the proposed new and revised implementing programs do not have the potential to result in conversion of agricultural lands to non-agricultural uses. The proposed project would therefore not cause new or substantially more severe impacts on agricultural lands than those previously identified in the SEIR.

- 2-b) The SEIR stated that the CWP EIR identified a less-than-significant impact from conversion of lands under Williamson Act contract to non-agricultural uses. Although the 2007–2014 Housing Element included the addition of the St. Vincent/Silveira predominantly agricultural properties as a housing site with increased densities, the SEIR found that the St. Vincent/Silveira site was not subject to a Williamson Act contract, and therefore, implementation of Program 1.c (Establish an Affordable Housing Combining Zoning District) of the 2007–2014 Housing Element would not alter land under a Williamson Act contract. The SEIR concluded that the 2007–2014 Housing Element would not substantially increase the severity of the impact on lands under a Williamson Act contract.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element does not consider any new housing sites that have not previously been evaluated in the SEIR, and the proposed new and revised implementing programs do not have the potential to result in conversion of agricultural lands to non-agricultural uses. The proposed project therefore does not have any potential to cause new or substantially more severe impacts related to conversion of lands under Williamson Act contract to non-agricultural uses than those previously identified in the SEIR.

- 2-c) The CWP EIR did not discuss impacts of timberland resources because it was prepared and certified prior to the inclusion of this topic in the Environmental Checklist, which occurred with the December 2009 amendments to the *CEQA Guidelines*. Although the SEIR addressed impacts due to the loss or conversion of forest land (see Checklist Item 2-d, below), it did not address timberland as a distinct resource. "Timberland" is defined in Public Resources Code Section 4526 as land, other than land owned by the federal

government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. By contrast, "forest land" is defined in Public Resources Code Section 12220(g) as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Section II-c of the revised Environmental Checklist contained in Appendix G of the *CEQA Guidelines* also asks whether a project would conflict with zoning of timberland zoned Timberland Production. Government Code Section 51104(g) defines "timberland production zone" or "TPZ" as an area that has been zoned pursuant to Government Code Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, which are defined in Section 51104(h). None of the housing sites in the proposed 2015–2023 Housing Element are zoned Timberland Production, so there is no potential for the Project to conflict with Timberland Production zoning.

Although a few of the housing sites identified in the 2007–2014 Housing Element and considered in the proposed 2015–2023 Housing Element are partially or largely covered with trees, including the Marin City CDC, Easton Point, and Tamarin Lane sites, the SEIR determined that none of the sites are designated as forest land, and concluded that the impact on forest land would be less than significant. As indicated by the definitions cited above, timberland is oriented toward commercial production. None of the housing sites considered in the proposed 2015–2023 Housing Element would be viable for commercial timber production. Therefore, the SEIR conclusion regarding the potential for the previous Housing Element to adversely affect forest land would be equally applicable to timberland. The proposed Project would not lead to the loss of forest land or timberland and would not cause conversion of forest land or timberland to non-forest/timber uses.

- 2-d) As noted in Checklist Item 2-c, above, the SEIR determined that none of the housing sites are designated as forest land, and implementation of the 2007–2014 Housing Element would not lead to the loss of forest land or conversion of forest land to non-forest use. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, the proposed Project would similarly have no adverse effect on forest land, nor would any of the proposed new implementing programs have the potential to adversely affect forest land.
- 2-e) The SEIR referenced two impacts on agricultural lands identified in the *Countywide Plan* EIR, which are Impact 4.8-1 (Conversion of Agricultural Lands to Non-Agricultural Uses), a significant unavoidable impact, and Impact 4.1-3 (Land Use Conflicts between Agricultural

and Urban Uses), a less-than significant impact. The 2007–2014 Housing Element added the St. Vincent's / Silveira properties (housing site 5) to the inventory of housing sites. The SEIR determined that although implementation of the Countywide Plan Policy SV-2.4 (Cluster Development) would allow up to 55 acres of urban development on the site and implementation of Program 1.c would rezone 3.5 acres of the St. Vincent's / Silveira property for affordable housing development, there would be no increase in the severity of impacts associated with conversion of agricultural land or conflicts between agricultural land and urban uses. The SEIR also concluded that because none of the housing sites are designated as forest land or require construction of infrastructure or other development within designated forest land, the 2007–2014 Housing Element would not involve other changes that would lead to conversion of forest land to non-forest use.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The planning studies called for in the proposed new implementing programs would have no effect on agricultural land or forest land. Therefore, the proposed 2015–2023 Housing Element does not have the potential to result in any new or substantially more severe impacts on agricultural and forest land than those previously evaluated in the 2013 SEIR.

CWP EIR Mitigation Measures

The SEIR found that Mitigation Measures 4.8-1 from the *Countywide Plan EIR* was not applicable to the 2007–2014 Housing Element, and the SEIR did not include mitigation for the conversion of agricultural lands to open space uses. The SEIR determined that no additional mitigation measures were required for the 2007–2014 Housing Element related to impacts on agricultural or forest resources. No new or substantially more severe impacts on these resources have been identified for the proposed 2015–2023 Housing Element; therefore, no additional mitigation measures are required for the proposed Project.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe impacts on farmland of Statewide importance or on agricultural or forest resources than those previously evaluated in the 2013 SEIR.

3. Air Quality

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
3. Air Quality. Would the Project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	Draft SEIR, pgs. 72-74	No	No	Yes	Yes
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Draft SEIR, pg. 75	No	No	Yes	Yes
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Draft SEIR, pg. 75	No	No	Yes	Yes
d. Expose sensitive receptors to substantial pollutant concentrations?	Draft SEIR, pgs. 75-77 Final SEIR, pg. 389 Final SEIR Amendment, pg. 132	No	No	Yes	Yes
e. Create objectionable odors affecting a substantial number of people?	Draft SEIR, pg. 78	No	No	No	Yes

Discussion

- 3-a) The most recent clean air plan is the *Bay Area 2010 Clean Air Plan (CAP)* that was adopted by the Bay Area Air Quality Management District (BAAQMD) in September 2010. The 2010 CAP updates the *Bay Area 2005 Ozone Strategy*, which was the previous clean air plan adopted by the BAAQMD, and was adopted after the CWP EIR was certified. The SEIR contained a discussion of the CAP's emissions control measures, which are intended to directly or indirectly reduce air pollutant emissions in the Bay Area. These include measures to reduce stationary and area sources, mobile source measures, transportation control measures, land use and local impact measures, and energy and climate measures.

In evaluating the consistency of the 2007–2014 Housing Element with the 2010 CAP, the SEIR first determined that the vehicle travel projections under the 2007–2014 Housing Element would be consistent with those contained in the *Countywide Plan* and evaluated

in the CWP EIR. The SEIR then evaluated whether the population and employment projections would exceed those assumed in the CAP, and concluded that they would not. The SEIR found that the 2007–2014 Housing Element would not substantially alter development patterns currently allowed under the *Countywide Plan*, and the number of housing units that could be built following adoption of the 2007–2014 Housing Element would not exceed the number of housing units evaluated in the CWP EIR. Future housing development would also be required to be consistent with the goals and policies of the *Countywide Plan*, including all goals and policies pertaining to air quality. On this basis, the SEIR concluded that implementation of the 2007–2014 Housing Element would not substantially alter the population forecasts made for the CWP EIR.

Although the CWP EIR had found a significant unavoidable impact (Impact 4.3-1) related to inconsistency with the *Bay Area 2005 Ozone Strategy*, the then-current Clean Air Plan, the SEIR determined that implementation of the 2007–2014 Housing Element would not result in a new or substantially more severe impact related to inconsistency with the adopted clean air plan, which at that time (and currently) was the 2010 CAP. Nonetheless, the previously identified impact would still apply to the 2007–2014 Housing Element, and implementation of Mitigation Measure 4.3-1 (which is the same as Mitigation Measure 4.2-1) from the CWP EIR would still be required.

The sites considered in the proposed 2015–2023 Housing Element include 22 fewer housing units than were provided for in the 2007–2014 Housing Element. New housing would be considered at the same housing sites (reduced by one) as contemplated in the previous Housing Element, so the VMT traveled by residents of those sites would not increase. With fewer housing units considered, there would be no potential for County population to increase beyond that previously considered in the SEIR. Consequently, implementation of the 2015–2023 Housing Element would not result in new or substantially more severe impact related to inconsistency with the CAP than was previously evaluated in the SEIR. Impact 4.3-1 from the CWP EIR would still apply to the Project, and implementation of Mitigation Measure 4.3-1 would still be required.

- 3-b) The SEIR discussed Impact 4.3-4 (Carbon Monoxide Concentrations Along Roadways) from the CWP EIR, noting that the impact from increased carbon monoxide concentrations along roadways was found to be less than significant because traffic increases under the *Countywide Plan* would result in carbon monoxide concentrations that would be below ambient air quality standards at the most congested intersections. The SEIR discussed that, following completion of the CWP EIR, the BAAQMD had updated its CEQA Air Quality Guidelines, which establish a screening threshold for intersections of 44,000 vehicles per hour. Intersections with lower vehicle volumes than this threshold would have a less-than-significant impact with respect to local carbon monoxide impacts. The SEIR found that there are no intersections in Marin County where traffic volumes approach 44,000 vehicles per hour. The SEIR found that because VMT under the 2007–2014 Housing Element would not exceed the VMT previously evaluated in the CWP EIR, Impact 4.3-4 would continue to be less than significant.

With respect to other criteria air pollutants, such as ozone and particulate matter, the SEIR found that, pursuant to BAAQMD CEQA Guidelines, consistency of a proposed plan, like the proposed 2015-2023 Housing Element, with ambient air quality standards criteria pollutants should be addressed through an analysis of the consistency of the plan with the CAP, which is addressed in Checklist Item 3-a, above (and had been previously addressed in the SEIR). That is because there are no quantified emission-based BAAQMD thresholds for criteria pollutants that apply to planning documents such as the Housing Element. The SEIR determined that Impact 4.3-4 would continue to be less than significant under the 2007–2014 Housing Element.

In comparison with the 2007–2014 Housing Element, the severity of Impact 4.3-4 would be reduced under the proposed 2015–2023 Housing Element. Fewer housing units are being considered, with the result that fewer VMT could be generated on these than under the previous Housing Element. Therefore, implementation of the 2015–2023 Housing Element would not result in a new or substantially more severe impact related to violations of air quality standards than was previously evaluated in the SEIR.

- 3-c) To address this Environmental Checklist question, the SEIR referred back to Checklist Item 3-a, which addressed the consistency of the 2007–2014 Housing Element with the Clean Air Plan. The CAP identifies measures for achieving attainment status for ambient air quality standards for criteria air pollutants, which are inherently cumulative in nature. As stated above, for plan-level analysis of impacts from emissions of criteria air pollutants, a plan is determined to have a less-than-significant impact if it is consistent with the CAP and the projected increase in VMT is less than or equal to the projected increase in population. The SEIR determined that the 2007–2014 Housing Element was consistent with the 2010 CAP, which identifies strategies for achieving attainment with the ambient air quality standards for criteria pollutants. Plan-level impacts on air quality are by their nature cumulative. Since the 2007–2014 Housing Element was determined to have a less-than-significant impact related to consistency with the CAP, it was determined that the 2007–2014 Housing Element would have a less-than-significant cumulative impact on air quality.

Fewer housing units are being considered under the proposed 2015–2023 Housing Element; therefore, there would be fewer VMT generated than under the 2007-2014 Housing Element on these sites. There are no features of the proposed Project with the potential to result in a new or substantially more severe impact related to cumulative emissions of criteria air pollutants than was previously evaluated in the SEIR.

- 3-d) Following certification of the CWP EIR, the BAAQMD developed new tools and procedures for evaluating impacts to sensitive receptors due to exposure to toxic air contaminants (TACs). Consequently, the SEIR performed screening analysis of each of the proposed sites included in the 2007–2014 Housing Element’s housing sites inventory in order to identify any sites where the health risk to sensitive receptors could exceed thresholds of significance. Potential exposure to TACs is particularly increased along highways and other

heavily travelled roadways. Accordingly, the SEIR used BAAQMD's Google Earth Highway Screening Analysis Tool, along with its published Roadway Screening Analysis Tables, which are county-specific tables containing estimates of risk and hazard impacts from busy roadways in the Bay Area, to identify housing sites with increased risk.

Based on this screening analysis, of the 17 housing sites in the previous inventory, the following three sites would expose residents to mobile source TAC emissions that could cause an increased cancer risk of greater than 10 cancers per million population, which is the applicable threshold of significance. These included the following sites:

- Marinwood Plaza, 100 Marinwood Avenue
- California Park, Woodland Avenue
- St. Vincent's & Silveira, St. Vincent's Drive, Silveira Parkway

In addition, the St. Vincent's/Silveira site would potentially be exposed to concentrations of fine particulate matter ($PM_{2.5}$) in excess of the significance threshold of 0.3 micrograms per cubic meter ($\mu g/m^3$).

In addition to the 17 sites included in the 2007–2014 Housing Element, the SEIR also performed a screening analysis on another 35 sites that were at that time anticipated for inclusion in the 2015–2023 Housing Element. However, none of those sites are in fact now included in the housing sites being evaluated for the proposed Project. Therefore, while some of those 35 sites exceeded the screening threshold for TACs, they are not part of the Project, and no further discussion of those sites is warranted.

The screening analysis also evaluated risk from exposure to TACs using BAAQMD's Stationary Source Screening Analysis Tool. Based on the same threshold of significance, the screening analysis identified three housing sites where exposure to TACs from stationary sources, such as dry cleaners, could be significant. The sites are (TAC sources listed in parentheses):

- Marinwood Plaza, 100 Marinwood Avenue (Tesoro gas station)
- Old Chevron Station, 204 Flamingo Road (Shoreline Cleaners)
- Grandi Building, 11101 State Route 1 (AT&T generator)
- Grady Ranch, Lucas Valley Road (Verizon Wireless generator)

The SEIR stated that the sites listed above would require detailed, quantified, project-specific modeling at the time applications for specific projects at these sites are submitted for County review. If project-specific analysis determines that health risks from TAC exposure are significant, then additional measures would be required to reduce impacts to a less-than-significant level, in accordance with Countywide Plan Policy AIR-2.1 (Buffer Emission Sources and Sensitive Land Uses) and Programs AIR-1.b (Evaluate Air Quality Impacts of Proposed Projects and Plans), AIR-2.a (Require Separation Between Air

Pollution Sources and Other Land Uses), AIR-2.b (Protect Sensitive Receptors Near High-Volume Roadways), and AIR-2.c (Health Risk Analysis for Sensitive Receptors). The SEIR found that such measures could include site design, use of appropriate filtration in ventilation systems, vegetative barriers, or a combination of the measures. The SEIR analysis concluded that in order to avoid significant impacts associated with the 2007–2014 Housing Element, Program AIR-2.c would need to be revised to reflect new BAAQMD procedures for evaluating TAC impacts. It also identified a new mitigation measure (Mitigation Measure Air Quality-1) to ensure that the exposure of future residents to TACs would be reduced to a less-than-significant level.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element does not consider any housing sites not previously evaluated in the SEIR. The SEIR discussed changes in BAAQMD procedures for evaluating TAC impacts that had occurred after certification of the CWP EIR. No further changes with potential to affect the proposed project have occurred since certification of the SEIR. Therefore, implementation of the 2015–2023 Housing Element would not result in a new or substantially more severe impact related to exposure of sensitive receptors to hazardous air pollutants than was previously evaluated in the SEIR. Implementation of New SEIR Mitigation Measure Air Quality-1 would continue to be required for the proposed Project.

Sensitive receptors can also be exposed to substantial pollutant concentrations during construction of projects. Construction activities such as demolition, grading, construction worker travel to and from project sites, delivery and hauling of construction supplies and debris to and from the project site, and fuel combustion by on-site construction equipment all generate pollutant emissions. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants, which can lead to adverse health impacts. The SEIR concluded that compliance with *Countywide Plan* policies and programs would ensure that construction-related impacts would be less than significant, and would not increase the severity of CWP EIR Impact 4.3-3 (Buffer Zones from Potential Source of Odor/Toxics). The SEIR cited Policies AIR-1.2 (Meet Air Quality Standards) and AIR-1.3 (Require Mitigation of Air Quality Impacts) and Program AIR-1.b (Evaluate Air Quality Impacts of Proposed Projects and Plans), finding that they would require projects to meet air quality standards and ensure that impacts are mitigated. Specific to construction emissions, the SEIR determined that AIR-1.g (Require Control Measures for Construction and Agriculture Activity) would require project sponsors to implement standard fugitive dust control measures recommended by the BAAQMD. These requirements would continue to apply to the proposed 2015–2023 Housing Element, which would not result in increased construction above that previously evaluated in the SEIR. There would be no new or substantially more severe impacts related to exposure of sensitive receptors to hazardous air pollutants during construction of new housing than was previously evaluated in the SEIR.

- 3-e) The SEIR found that CWP EIR Impact 4.3-3 addressed potential odor impacts, and the EIR identified Mitigation Measures 4.3-3(a) and 4.3-3(b) to address these potential impacts. The SEIR concluded that implementation of the 2007–2014 Housing Element would not cause a new significant impact or substantially increase the severity of Impact 4.3-3. The proposed 2015–2023 Housing Element would not create or locate any new point sources of odors, and the only potential sources of construction odors (i.e., new housing sites) were included in the previous Housing Element. There is therefore no potential for the Project to result in new or substantially more severe odor impacts.

CWP EIR Mitigation Measures

The CWP EIR identified several mitigation measures to reduce identified air quality impacts. Mitigation Measures 4.3-1 (which is the same as Mitigation Measure 4.2-1), 4.3-2, and 4.3-3 were adopted as a part of the *Countywide Plan* and would continue to apply. As appropriate, future housing development would be subject to Mitigation Measures 4.2-1, 4.3-2, and 4.3-3, and related *Countywide Plan* policies and programs, identified in the CWP EIR.

Mitigation Measure 4.2-1 (also **Mitigation Measure 4.3-1**) became Policy TR-1.8 (Reduce Vehicle Miles Traveled [VMT]) and Program TR-1.s (VMT Reduction Monitoring and Implementation and Transportation Demand Management Program). They read as follows:

Policy TR-1.8 Reduce Vehicle Miles Traveled (VMT). *Reduce the rate of increase for total vehicle miles traveled by single-occupant automobile to not exceed the population growth rate.*

Program TR-1.s VMT Reduction Monitoring and Implementation and Transportation Demand Management Program *Develop and implement a countywide program for monitoring and reducing VMT consistent with State and regional efforts and based on information from State and regional planning agencies. Identify and require in new developments specific transportation demand management (TDM) strategies for reducing the VMT below levels that would otherwise occur. Consider the following types of strategies for inclusion in the VMT Reduction Monitoring and Implementation and Transportation Demand Management Program:*

- *Increased transit.*
- *All new residential projects consisting of 25 units or more should be located within ½ mile of a transit node, shuttle service, or bus route with regularly scheduled, daily service.*
- *New multi-family projects consisting of 25 units or more should include TDM measures such as reduced parking for affordable or senior projects, subsidized public transportation passes, or ride-matching programs based on site specific review. For market rate projects, consider TDM programs such as charging parking fees separate from rent.*

- *Safe, convenient connections should be provided to existing pedestrian and bicycle facilities and secure bicycle parking should be provided in new nonresidential developments.*
- *TDM should be required for new or expanded projects with 50 employees or more, including programs such as parking cash out, subsidized transit passes, ridesharing incentives, and bicycle storage facilities.*

Mitigation Measure 4.3-2(a) of the CWP EIR added a new program to the Design Section of the Built Environment Element as follows:

Program DES-2.d Require Parking “Cash-Out” Program. *Require new office developments with more than 50 parking spaces to offer a Parking “Cash-Out” Program. Consider the feasibility of a parking cash-out program for other new developments located in the City-Centered corridor.*

Mitigation Measure 4.3-2(b) of the CWP EIR required Marin County to identify a funding source, make a higher priority or implement sooner, Programs AIR-3.a (funding source, higher priority, implement sooner), AIR-3.d (higher priority), AIR-3.e (higher priority), TR-2.k (higher priority, implement sooner), TR-1.c (funding sources, higher priority, implement sooner).

Mitigation Measure 4.3-3(a) revised policy AIR-2.1 of the Natural Systems & Agriculture Element to read as follows:

Policy AIR-2.1 Buffer Emission Sources and Sensitive Land Uses. *Consider potential air pollution and odor impacts from land uses that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include freeways, manufacturing, extraction, hazardous materials storage, landfill food processing, wastewater treatment, and other similar uses.)*

Mitigation Measure 4.3-3(b) revised Program AIR-2.a of the Natural Systems & Agriculture Element to read as follows:

Policy AIR-2.a Require Separation Between Air Pollution Sources and Other Land Uses. *Only allow (a) emission sources or (b) other uses in the vicinity of air pollution or odor sources if the minimum screening distances between sources and receptors established in the BAAQMD CEQA Guidelines can be met, unless detailed project-specific studies demonstrate compatibility with adjacent uses despite separations that do not meet the screening distance requirements.*

Mitigation Measure 4.3-3(c) added a new program to the Natural Systems & Agriculture Element as follows:

Program AIR-2.c Health Risk Analysis for Sensitive Receptors. *Require that projects involving sensitive receptors proposed within 150 feet of freeways shall include an analysis*

of the potential health risks. Mitigation measures which comply with adopted standards of the BAAQMD for control of odor/toxics for sensitive receptors shall be identified in order to reduce these risks to acceptable levels.

NEW/REVISED SEIR MITIGATION MEASURES

The SEIR determined that a new mitigation measure (New Mitigation Measure Air Quality-1), which was adopted and incorporated into the project, was required to ensure that the exposure of future residents to TACs would be a less-than-significant impact. The wording of the mitigation measure was subsequently revised in the Final SEIR Amendment to read as follows:

New Mitigation Measure Air Quality-1 Environmental review for applications for new housing projects that may have potentially significant toxic air contaminant (TAC) exposures, as identified in Exhibits 3.0-4 and 3.0-5 of the Draft SEIR, shall include a detailed analysis of the potential health risks from exposure of future residents to TACs using refined modeling techniques. This analysis shall identify both the level of TAC exposure and measures to reduce unacceptable exposures to a less-than-significant level. Mitigation measures that achieve compliance with the adopted standards of the BAAQMD for residential exposure to TACs shall be incorporated into the design of the project to reduce the risk to an acceptable level. Such measures would include, but are not limited to, site design, use of appropriate filtration in ventilation systems, vegetative barriers, or a combination of the measures.

The SEIR also concluded that a revised mitigation measure (Revised Mitigation Measure Air Quality-2 [Mitigation Measure 4.3-3(c) in the CWP EIR]) was also required to ensure that the exposure of future residents to TACs would be a less-than-significant impact. Revised Mitigation Measure Air Quality-2, also adopted and incorporated into the project, was revised as follows:

Revised Mitigation Measure Air Quality-2 Revise Program AIR-2.c of the *Countywide Plan* as follows:

Program AIR-2.c Health Risk Analysis for Sensitive Receptors. Require that Applications for new projects involving locating sensitive receptors proposed within 150 feet of freeways near roadways and stationary sources identified as posing potentially significant TAC or PM2.5 exposure using BAAQMD CEQA Analysis Tools, shall include an analysis of the potential health risks. Mitigation measures which comply with that achieve compliance with the adopted standards of the BAAQMD for control of exposure of sensitive receptors to odor/toxics for sensitive receptors shall be identified to reduce these risks to acceptable levels.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element would not result in any new or substantially more severe impacts on air quality than those previously evaluated in the 2013 SEIR, it would not require any additional or modified mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe impacts on air quality than those previously evaluated in the 2013 SEIR.

4. Biological Resources

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
4. Biological Resources. Would the Project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Draft SEIR, pgs. 95-96	No	No	No	Yes
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	Draft SEIR, pgs. 96-97	No	No	No	Yes
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Draft SEIR, pg. 98	No	No	No	n/a
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft SEIR, pgs. 98-100	No	No	No	Yes

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
4. Biological Resources. Would the Project:					
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Draft SEIR, pg. 100	No	No	No	n/a
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Draft SEIR, pg. 100	No	No	No	n/a

Discussion

- 4-a) The SEIR updated information on biological resources presented in the CWP EIR to reflect any changed circumstances or new information relevant to the analysis. All of the housing sites were evaluated by biologists to determine whether they support special-status plant or wildlife species, wetlands or other sensitive natural communities, or any “Protected Trees” present as defined under the Native Tree Preservation and Protection Ordinance (Chapter 22.27 of Marin County Code). The evaluations were based both on field reconnaissance surveys and queries run by County GIS staff. Although no detailed, focused surveys were conducted, the SEIR found that where there is a possibility for sensitive resources to be present that could be affected by a proposed development application, Program BIO-2.a would require that a site assessment be performed prior to approval of the project. If the site assessment found that sensitive biological resources could be adversely affected by the proposed development, mitigation would be required to reduce any impacts to less-than-significant levels.

The SEIR determined the data and mapping in the CWP EIR to still be accurate and applicable to the 2007–2014 Housing Element, but found that the status of some special-status species had changed, requiring reconsideration of whether they could be affected at the housing sites. In addition, the classification system used by the former California Department of Fish and Game (CDFG) (now the California Department of Fish and Wildlife [DFW]) to define sensitive natural communities had been further refined since certification of the CWP EIR, also requiring reevaluation of the housing sites.

For each housing site, the SEIR indicated whether any of the following biological resources were known or likely to be present:

- Land within a County-designated Wetland Conservation Area (WCA);
- Land within a County-designated Stream Conservation Area (SCA);
- Special-status species under the State and/or federal Endangered Species Acts or other regulations; or
- Trees protected under the Native Tree Preservation and Protection Ordinance.

The SEIR also identified the primary vegetation type(s) found on each site. Although the SEIR evaluated 52 housing sites, including the 35 sites that were then anticipated for inclusion in the 2015–2023 Housing Element, this summary only considers the sites being considered for inclusion in the proposed Project evaluated in this Environmental Checklist. Among the 15 housing sites under consideration, 11 of them were found to support protected trees, two were found within a WCA and four others were possibly within a WCA, six were within an SCA and two others were possibly within an SCA, four were known to support special-status plant and/or animal species, and six others possibly supported such species. Although the SEIR found that the potential for occurrence of special-status species at some of the sites is extremely remote, the performance of detailed surveys as part of site assessments required by *Countywide Plan* policies would serve to confirm presence or absence.

Based on these evaluations, the SEIR concluded that implementation of the 2007–2014 Housing Element could cause significant impacts to special-status species, but concluded that compliance with CWP policies and programs would ensure that impacts would remain less than significant after mitigation previously required by the CWP EIR. The SEIR cited the following policies in particular as relevant to the protection of special-status species:

- **BIO-1.1** (Protect Wetlands, Habitat for Special-Status Species, Sensitive Natural Communities, and Important Wildlife Nursery Areas and Movement Corridors)
- **BIO-2.1** (Include Resource Preservation in Environmental Review)
- **BIO-2.2** (Limit Development Impacts)
- **BIO-2.a** (Require Site Assessments)
- **BIO-2.c** (Facilitate Agency Review)
- **BIO-2.5** (Restrict Disturbance in Sensitive Habitat During Nesting Season)
- **BIO-2.8** (Coordinate with Trustee Agencies)
- **BIO-2.9** (Promote Early Consultation with Other Agencies)

The SEIR concluded that Implementation of the 2007–2014 Housing Element would not result in any new or substantially more severe impacts on special-status species than those previously evaluated in the CWP EIR. The SEIR analysis remains valid for the proposed 2015–2023 Housing Element, which would not consider any new housing sites that were not previously evaluated in the SEIR. There have been no regulatory changes with the potential

to affect the Project since certification of the SEIR, nor are there any changes in circumstances or new information of substantial importance that would require new analysis or verification.

- 4-b) The SEIR referenced and summarized Impact 4.6-2 (Sensitive Natural Communities) from the CWP EIR, which was identified as a significant unavoidable impact on sensitive natural communities, such as valley oak woodlands, riparian scrub, riparian woodland, freshwater marsh, coastal salt marsh, and other wetlands. Impacts could occur where natural communities are converted to accommodate new development or where they become isolated and fragmented to such an extent that they no longer function as a natural community. *Countywide Plan* policies that would minimize impacts to sensitive natural communities include all of the policies cited above in Checklist Item 4-a, along with the following policies:

- **BIO-1.3** (Protect Woodlands, Forests, and Tree Resources)
- **BIO-3.1** (Protect Wetlands)
- **BIO-3.2** (Require Thorough Mitigation)
- **BIO-4.1** (Restrict Land Use in Stream Conservation Areas)
- **BIO-4.2** (Comply with SCA Regulations)
- **BIO-5.1** (Protect the Baylands Corridor)
- **BIO-5.2** (Limit Development and Access)

The SEIR found that only one of the 15 housing sites being evaluated (Easton Point, Paradise Drive) was known to support a sensitive natural community, which in this case is native grassland. (Only two of the 52 sites evaluated in the SEIR had a known occurrence of sensitive natural communities, both with native grasslands.) However, the discussion noted that this small number was likely due to a lack of detailed site assessments and/or an absence of rigorous monitoring by the California Natural Diversity Data Base (CNDDB), and not due to a paucity of sensitive natural communities. The analysis found that areas classified as SCAs or WCAs most likely support sensitive natural communities. As discussed above in Checklist Item 4-a, two of the housing sites being evaluated were found within a WCA, four others were possibly within a WCA, six were within an SCA, and two others were possibly within an SCA. Thus, many of the housing sites under consideration are expected to support one or more sensitive natural communities. However, the SEIR concluded that this impact was addressed in the CWP EIR and adoption of the 2007–2014 Housing Element would not result in any new or substantially more severe impacts on sensitive natural communities than those previously evaluated in the CWP EIR. The impact would continue to be significant and unavoidable, and implementation of Mitigation Measure 4.6-2 would continue to be required.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site

#11: 650 North San Pedro), which was removed from the inventory. The SEIR analysis remains valid for the proposed 2015–2023 Housing Element, which does not consider any new housing sites that were not previously evaluated in the SEIR. There have been no regulatory changes with potential to affect the Project since certification of the SEIR, nor are there any changes in circumstances or new information of substantial importance that would require new analysis or verification.

- 4-c) The SEIR summarized CWP EIR Impact 4.6-3, which is a less-than-significant impact on wetlands and waters that could result from development and land use activities provided for by the *Countywide Plan*. As discussed above in Checklist Item 4-b), the SEIR found that two of the 15 housing sites being evaluated were found within a Wetland Conservation Area, and four others were possibly within a WCA, based on data mapping prepared as part of the National Wetland Inventory (NWI) and on the field reconnaissance surveys conducted for the SEIR. CWP Policies BIO-3.1 and BIO-3.2 call for protection of wetlands through establishment of a WCA and, where avoidance is not possible, creation of new wetlands at a 2:1 replacement ratio for on-site mitigation and a 3:1 ratio for off-site mitigation. The WCA policies in the *Countywide Plan* require that agency permits be secured before a grading plan is issued by the County, ensuring that the concerns of jurisdictional agencies are fully addressed and appropriate mitigation and monitoring programs are completed before any resource loss occurs. The SEIR concluded that Impact 4.6-3 would still apply to the 2007–2014 Housing Element, and with implementation of Policies BIO-3.1 and BIO-3.2 it would remain less than significant.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. None of the sites have been expanded in area. The proposed new implementing programs call for planning studies that would not have the potential to affect wetlands. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new impacts or substantially more severe impacts to wetlands than were identified in the SEIR.

- 4-d) As summarized in the SEIR, the CWP EIR identified a significant unavoidable impact related to fragmentation of habitat and interference with the movement of native fish and wildlife species (Impact 4.6-4 [Wildlife Habitat and Movement Opportunities]). Typical development removes or disrupts natural habitat to accommodate structures, pavements, and utilities. In addition to the impacts on sensitive biological resources discussed in Checklist Items 4-a through 4-c, above, development adversely affects common wildlife habitats often found in urban and suburban areas. On an individual basis, conversion of these common habitats is generally considered insignificant unless a particular project would obstruct a known movement corridor for terrestrial or aquatic species, such as the last opportunity for wildlife movement through an otherwise urbanized area, or the creation of a drop structure or other physical obstruction along a stream channel that would prevent movement of fish and other aquatic life. However, the CWP EIR determined that the cumulative effect of developing the 5,491 housing units and the 1,236,781 square feet of non-residential uses

projected by the Countywide Plan was considered substantial enough to be considered a significant impact on wildlife habitat and movement opportunities. Because there is no viable way to provide replacement habitat for the natural cover and common wildlife habitat converted to development on a countywide basis, the CWP EIR found the impact to be significant and unavoidable.

The SEIR determined that all of the housing sites identified in the 2007–2014 Housing Element were already designated for residential or other urban uses, so their potential development would not increase the magnitude of Impact 4.6-4. The SEIR found that the 2007–2014 Housing Element would not result in new or substantially more severe significant impacts on wildlife habitat or movement opportunities than were previously evaluated in the CWP EIR, but Impact 4.6-4 would remain a significant unavoidable impact. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because all of the housing sites being considered for the proposed 2015–2023 Housing Element were also included in the housing sites inventory of the 2007–2014 Housing Element, the potential impacts of developing the housing sites under the proposed Project were previously evaluated in the SEIR. None of the proposed new implementing programs in the 2015–2023 Housing Element have the potential to affect wildlife corridors. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new impacts or substantially more severe impacts on the movement of native wildlife species or on migratory wildlife corridors than were identified in the SEIR.

- 4-e) The SEIR did not directly address CWP EIR Impact 4.6-4 (Conflict with Local Policies or Ordinances) but, similar to the CWP EIR, found that potential development and land use activities associated with the 2007–2014 Housing Element would have a less-than-significant impact related to conflicts with local policies or ordinances. The SEIR noted that most of the housing sites (including 11 of the 15 sites considered for the 2015–2023 Housing Element) support “protected trees” subject to the County’s Native Tree Preservation and Protection Ordinance, and future development of these sites would have to comply with the provisions of the Ordinance through avoidance or any required mitigation.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed new implementing programs call for planning studies that would not have the potential to conflict with local policies or ordinances. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new impacts or substantially more severe impacts related to conflicts with policies or ordinances protecting biological resources than were identified in the SEIR.

- 4-f) No conservation plans have been adopted encompassing all or portions of Marin County and, therefore, the SEIR concluded there would be no impact due to a conflict with an

adopted habitat conservation plan. However, it noted that Marin County is participating in the FishNet4C program, which is a county-based, regional salmonid protection and restoration effort intended to meet the requirements of the Federal Endangered Species Act in protecting anadromous salmonids and their habitats. *Countywide Plan* Program BIO-2.e calls for the County to continue to actively participate in the FishNet4C program and work cooperatively with participating agencies to implement recommendations to improve and restore aquatic habitat for listed anadromous fish species and other fishery resources. In June of 2014, the California Court of Appeal invalidated the Fishnet 4C program as a mitigation measure for the CWP EIR within the San Geronimo Valley only. Since none of the housing sites considered in the proposed 2015–2023 Housing Element are located within San Geronimo Valley, this court ruling does not affect the proposed Project.

The conclusion of the SEIR would still be valid for the proposed 2015–2023 Housing Element, which would have no impacts related to conflicts with an adopted habitat conservation plan.

CWP EIR Mitigation Measures

The CWP EIR identified three mitigation measures to reduce identified biological resources impacts. Mitigation Measures 4.6-1, 4.6-2, and 4.6-4 were adopted as a part of the *Countywide Plan* and would continue to apply. (As noted above, the June 2014 Court of Appeal ruling on the Fishnet 4C program as a mitigation measure for the CWP EIR would not apply to the proposed Project.) The SEIR stated that, as applicable to specific project sites, future housing development would be subject to these mitigation measures as well as relevant *Countywide Plan* goals and programs.

Mitigation Measure 4.6-1 became Program BIO-2.e (Participate in FishNet4C Program) to state:

***Program BIO-2(e) Participate in FishNet4C Program.** Continue to actively participate in the FishNet4C program and work cooperatively with participating agencies to implement recommendations to improve and restore aquatic habitat for listed anadromous fish species and other fishery resources.*

Mitigation Measure 4.6-2 required the County to revise the priority of Program BIO-1.b (Develop Habitat Monitoring Programs) to medium priority, and improve the timeframe of its implementation to the medium-term or sooner.

Mitigation Measure 4.6-4 required expansion of the minimum boundaries for the proposed Baylands Corridor on the St. Vincent's / Silveira properties, and required the *Countywide Plan* to ensure implementation of essential programs necessary to identify and protect important wildlife habitat and movement opportunities.

Mitigation Measure 4.6-4(a) required expansion of the boundaries for the proposed Baylands Corridor on the St. Vincent's / Silveira properties to Option 2 on Map 2-5a of the *Countywide Plan* to provide for greater consideration of the remaining sensitive biological features on larger

undeveloped properties including the St. Vincent's / Silveira properties and in the vicinity of Gness Field. The expanded corridor would ensure protection of essential linkages between areas of permanently protected habitat, and allow for future restoration and enhancement of baylands in the corridor, among other benefits.

Mitigation Measure 4.6-4(b) called for the County to obtain additional funding for Program BIO-2.b (Conduct Habitat Connectivity Assessment) and revise the timeframe of its implementation to the medium-term or sooner.

The SEIR reported that Maps 2.5-a and 2.5-b- of the *Countywide Plan* had been revised as necessary to implement Mitigation Measure 4.6-4.

The SEIR determined that no additional mitigation measures for impacts to biological resources would be required for the 2007–2014 Housing Element. Based on the discussion above, the proposed 2015–2023 Housing Element also would not require any new mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or more severe impacts on biological resources than those previously evaluated in the 2013 SEIR.

5. Cultural Resources

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
5. Cultural Resources. Would the Project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Draft SEIR, pg. 112	No	No	No	Yes
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Draft SEIR, pg. 113	No	No	No	n/a
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft SEIR, pg. 113	No	No	No	n/a
d. Disturb any human remains, including those interred outside the formal cemeteries?	Draft SEIR, pg. 113	No	No	No	n/a

Discussion

- 5-a) The SEIR summarized Impact 4.11-1 (Historical Resources) from the CWP EIR, which found that new development and redevelopment consistent with the *Countywide Plan* could disturb historical resources due to demolition, destruction, alteration, or structural relocation. The impact was determined to be significant, but it would be reduced to a less-than-significant level through Mitigation Measure 4.11-1, which calls for expedited funding and implementation of Programs HAR-1.g (Create a County Historical Commission), HAR1.I (Adopt Preservation Guidelines), and HAR-1.m (Require Design Compatibility). The SEIR found that implementation of Countywide Plan policies and programs, such as Policy HAR-1.3 (Avoid Impacts to Historical Resources) and Policy SV-4.1 (Preserve Historic Sites), would reduce the impact on historic resources to a less-than-significant level. It found that Impact 4.11-1 would still apply, but concluded that potential new residential development that could occur pursuant to the adoption and implementation of the 2007–2014 Housing Element would be required to comply with these policies, and would therefore not result in any new or substantially more severe significant impacts than what was identified in the CWP EIR. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Potential impacts to historic resources that could result from implementation of the proposed Project were therefore previously evaluated in the SEIR. The proposed new implementing programs call for planning studies that would not have the potential to adversely affect historic resources. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new impacts or substantially more severe impacts on historic resources than were identified in the SEIR.
- 5-b) The SEIR referenced the prior CWP EIR analysis of impacts to archaeological and paleontological resources, which concluded that implementation of *Countywide Plan* policies and programs intended to preserve and protect these resources would ensure that impacts to the resources would be less than significant. The SEIR cited specific policies pertinent to the 2007–2014 Housing Element, including Policy SV-4.1 (Preserve Historic Sites) and Policy SV-4.2 (Preserve Archaeological Sites), which would preserve historic resources known to be present on the St. Vincent's/Silveira properties. The SEIR concluded that potential new development pursuant to the implementation of the 2007–2014 Housing Element would not result in new or substantially more severe significant impacts on archaeological resources.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory.. The new implementing programs proposed as part of the 2015-2023 Housing Element would involve conducting planning studies, which would not have any potential to adversely affect archaeological resources. Therefore, the proposed 2015–2023 Housing Element would not result in any new impacts or substantially more severe impacts on archaeological resources than were previously evaluated in the SEIR.

- 5-c) As summarized in the SEIR, the County's Community Development Agency has cultural resources sensitivity maps that identify areas of the County with high potential for significant archeological or paleontological resources to be adversely affected by development activities. As established by *Countywide Plan* Policy HAR-1.d (Require Archaeological Surveys for New Development), if a proposed development project is located within an area designated on the maps as a potential resource location, an archeological or paleontological survey is required prior to development of the site. If paleontological resources are found, *Countywide Plan* policies require their preservation and protection. The SEIR cited Policies HAR-1.f (Involve Appropriate Authorities) and Policy HAR-1.3 (Avoid Impacts to Historical Resources) as policies that would protect paleontological resources. It concluded that the less-than-significant impact on paleontological resources identified in the CWP EIR would remain less-than-significant under the 2007–2014 Housing Element. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element housing inventory does not include any new housing sites that were not previously evaluated in the SEIR, and because the proposed new implementing programs would involve conducting planning studies and, therefore, would not have any potential to adversely affect paleontological resources, the analysis in the SEIR does not need to be revised for the proposed 2015–2023 Housing Element, and no new or substantially more severe impacts would occur with implementation of the Project.
- 5-d) As discussed in the SEIR, the CWP EIR identified a less-than-significant impact related to disturbance of human remains during construction activities. The SEIR concluded that the 2007–2014 Housing Element would not create any new or substantially more severe impacts on human remains. It found that every discretionary development project must undergo environmental review and, in the event that human remains were discovered during construction, would require implementation of standard mitigation measures defined in *CEQA Guidelines* Section 15064.5(e). The SEIR conclusion remains valid for the proposed 2015–2023 Housing Element, which would not increase the severity of the impact related to disturbance of human remains.

CWP EIR Mitigation Measures

The CWP EIR identified one mitigation measure to reduce impacts to historical resources to a less-than-significant level. Mitigation Measure 4.11-1 of the CWP EIR was adopted as a part of the Countywide Plan and would continue to apply.

Mitigation Measure 4.11-1 required Marin County to obtain additional funding for programs HAR-1.g (Create a County Historical Commission), HAR1.i (Adopt Preservation Guidelines), and HAR-1.m (Require Design Compatibility) and to revise the time frame of their implementation to the medium-term or sooner.

The SEIR determined that no additional mitigation measures would be required for the 2007–2014 Housing Element. Based on the discussion above, the proposed 2015–2023 Housing Element would not require any new mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or more severe impacts on cultural resources than those previously evaluated in the 2013 SEIR.

6. Geology and Soils

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
6. Geology and Soils. Would the Project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? 	Draft SEIR, pg. 118	No	No	No	Yes
b. Result in substantial soil erosion or the loss of topsoil?	Draft SEIR, pg. 119	No	No	No	Yes
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Draft SEIR, pg. 119	No	No	No	Yes

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
6. Geology and Soils. Would the Project:					
d. Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Draft SEIR, pg. 120	No	No	No	Yes
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Draft SEIR, pg. 120	No	No	No	Yes

Discussion

- 6-a) The SEIR summarized significant unavoidable seismic hazards impacts identified in the CWP EIR, including Impact 4.7-1 (Surface Fault Rupture), Impact 4.7-2 (Seismic Ground Shaking), Impact 4.7-3 (Seismic Related Ground Failure), and Impact 4.7-4 (Landsliding). CWP EIR Mitigation Measures 4.7-1 thru 4.7-4 modified *Countywide Plan* policies and programs that govern new development so as to minimize potential seismic impacts. Policies cited in the SEIR include policies EH-2.1 (Avoid Hazard Areas) and EH-2.3 (Ensure Seismic Safety of New Structures). Programs cited in the SEIR include programs EH-2.a (Require Geotechnical Reports), EH-2.b (Require Construction Observation and Certification), EH-2.c (Prohibit Structures in Active Fault Traces), EH-2.d (Limit Building Sites in Alquist-Priolo Zones), and EH-2.f (Avoid Known Landslides Areas). Although the SEIR determined that three housing sites were located within the Alquist-Priolo Earthquake Fault Zone, none of these sites are included in this evaluation for the inventory of the proposed 2015–2023 Housing Element. While adoption of the 2007–2014 Housing Element did not directly authorize new residential development, the SEIR evaluated the future development that could occur on each of the housing sites after adoption of the Housing Element and following environmental review and approval of specific development applications for the individual sites. Such developments would be subject to the policies and programs referenced above, which would reduce the impacts of minor to moderate geologic events to a less-than-significant level, but impacts resulting from a high magnitude seismic event would remain significant and unavoidable. These impacts were previously evaluated in the CWP EIR, and the SEIR concluded that implementation of the 2007–2014 Housing Element would not result in any new or substantially more severe seismic impacts than had previously been disclosed to the public.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new or substantially more severe impacts related to seismic hazards.

- 6-b) The SEIR discussed two CWP EIR impacts related to erosion and sedimentation, Impact 4.5-2 (Water Quality – Soil Erosion and Downstream Sedimentation Related to Construction) and Impact 4.5-4 (Drainage – On-Site and Downstream Erosion and Sedimentation). Impact 4.5-2 was found to be less than significant, while Impact 4.5-4 was significant, but would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.5-4.

The SEIR found that future construction that could occur pursuant to the 2007–2014 Housing Element would be required to comply with the requirements of Marin County stormwater ordinances, such as Marin County Code Section 23.18.093, which requires preparation and implementation of a stormwater management plan that incorporates best management practices for any grading and construction permits for new development and redevelopment projects. Depending on the extent of any development, a project may also be required to prepare and implement a stormwater pollution prevention plan (SWPPP) that addresses permanent post-construction measures that control erosion and sedimentation (Marin County Code Section 24.04.627). The SEIR found that compliance with these requirements would reduce the adverse effects of soil erosion from construction and grading activities to a less-than-significant level, and concluded that implementation of the 2007–2014 Housing Element would not create a new significant impact or substantially increase the severity of a previously identified significant impact.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Furthermore, the proposed 2015–2023 Housing Element considers 1,537 fewer housing units than were evaluated in the SEIR, which would potentially reduce the amount of area that would be disturbed at some sites, thereby reducing the potential for erosion impacts. No physical development would occur from the proposed new implementing programs. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new or substantially more severe erosion impacts than were evaluated in the SEIR.

- 6-c) The SEIR found that 37 of the housing sites evaluated, including 10 of the sites considered for the proposed 2015–2023 Housing Element, have soils with a high or very high potential for liquefaction. In addition, 27 housing sites, including seven of the sites considered for the proposed 2015–2023 Housing Element, have landslides present. In addition to the CWP EIR impacts cited in Checklist Item 6-a, above, the SEIR identified Impact 4.7-5 (Subsidence and Settlement) as an impact related to unstable soils that would be applicable to the 2007–2014 Housing Element. Implementation of Mitigation Measure 4.7-5 would reduce the impact to a less-than-significant level. The other seismic impacts related to soil stability

listed above in Checklist Item 6-a would remain significant and unavoidable. However, the SEIR concluded that implementation of the 2007–2014 Housing Element would not substantially increase the severity of these impacts or result in new significant impacts. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element considers fewer housing units and would not include any housing sites that weren't previously evaluated in the SEIR, the 2015–2023 Housing Element would also not substantially increase the severity of these impacts or result in new significant impacts.

- 6-d) CWP EIR Impact 4.7-6 (Expansive Soils) addressed impacts from soils expanding and shrinking in response to changes in moisture content, which can result in structural damage. The SEIR reported that 14 of the 52 housing sites evaluated had expansive soils. (The 52 sites included sites considered for the 2015–2023 Housing Element, all of which have now been removed from the inventory for this proposed Housing Element.) Of the 15 housing sites evaluated for the 2015–2023 Housing Element, three of them (St. Vincent's & Silveira, Golden Gate Seminary, and Grady Ranch) were identified as having expansive soils. Impact 4.7-6 was identified as a significant impact, which would be reduced to less than significant with implementation of Mitigation Measure 4.7-6. The SEIR stated that future development of the sites with expansive soils would require compliance with *Countywide Plan* policies and programs, such as programs EH-2.a (Require Geotechnical Reports), EH-2.b (Require Construction Observation and Certification), and EH-1.c (Improve Soils Information). It concluded that compliance with County policies and programs would ensure that Impacts resulting from structures exposed to expansive soils would remain less than significant for the 2007–2014 Housing Element.
- 6-e) The SEIR summarized Impact 4.7-7 (Septic Suitability of Soils) from the CWP EIR, which was identified as a significant impact that would be reduced to less than significant with implementation of Mitigation Measure 4.7-7. The SEIR noted that there are no favorable soils in Marin County for septic systems. Many variables affect the suitability of soils for septic system use, including soil type, topography, soil thickness, percolation rates, and depth to bedrock. While septic systems can be developed with limitations in some portions of the County, other areas are incapable of supporting septic systems. Such limitations can apply to size and location of leach fields, or can involve special site or design features or increased maintenance requirements. Nine of the housing sites evaluated in the SEIR, including one site (Grandi Building) considered for the proposed 2015–2023 Housing Element, would require a septic system or other alternative wastewater disposal system because they are outside of a sanitary district and sewer hookups would not be feasible. Impact 4.7-7 would apply at these sites.

The SEIR referenced numerous *Countywide Plan* policies and programs that would reduce the adverse effects of septic systems on water quality, particularly on sites with unsuitable soils. These included policies PFS-3.1 (Reduce Toxics in Wastewater) and PFS-3.2 (Promote

Alternative Wastewater Systems) and Programs PFS-3.c (Update Septic Standards), PFS-3.d (Enforce Regulations), PFS-3.e (Explore Wastewater Disposal Alternatives), WR-2.c (Research and Implement Safe and Effective Alternative Waste Options), WR-2.d (Continue Alternative Septic/Waste System Monitoring), WR-2.e (Continue Providing High-Priority Inspections), WR-2.f (Continue Alternative Septic System Monitoring), WR-2.h (Establish Additional County Service Areas), and WR-2.i (Establish a Septic Inspection, Monitoring, and Maintenance District). The SEIR determined that compliance with these policies and with implementation of Mitigation Measure 4.7-7, which calls for the County to obtain funding for no-cost inspections of septic systems in high-priority areas, would reduce this impact to a less-than-significant level. The SEIR concluded that the 2007–2014 Housing Element would not increase the severity of this impact or result in new significant impacts.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Impact 4.7-7 and Mitigation Measure 4.7-7 would continue to apply to the proposed Project, but implementation of the 2015–2023 Housing Element would not have any new or substantially more severe impacts due to the need for a septic system or other alternative wastewater disposal system than were previously disclosed in the SEIR.

CWP EIR Mitigation Measures

The CWP EIR identified several mitigation measures to reduce geology and soils impacts. Mitigation Measures 4.7-1(a), 4.7-1(b), 4.7-2, 4.7-3, 4.7-4, 4.7-5, 4.7-6, 4.7-7 and 4.5-4 of the CWP EIR were adopted as a part of the *Countywide Plan* and would continue to apply.

Mitigation Measure 4.7-1(a) revised Policy EH-2.2 (Comply with the Alquist-Priolo Act) and Program EH-2.d (Limit Building Sites in Alquist-Priolo Zones) of the Natural Systems as follows:

Policy EH-2.2 Comply with the Alquist-Priolo Act. Continue to implement and enforce the Alquist-Priolo Earthquake Fault Zoning Act.

Program EH-2.d Limit Building Sites in Alquist-Priolo Zones. Prohibit new building sites in any Alquist-Priolo Earthquake Fault Zone, unless a geotechnical report prepared by a professional geologist establishes that the development will comply with all applicable State and County earthquake standards and regulations.

Mitigation Measure 4.7-1(b) added a new program to the Natural Systems and Agriculture Element as follows:

Program EH-2.i Reliability of Lifelines and Access (Evacuation) Routes. In cooperation with utility system providers, emergency management agencies, and others, assist in the development of strategies to reduce adverse effects of geologic hazards, especially fault surface rupture and landslides to critical public lifelines and access (i.e., evacuation) routes in an emergency.

Mitigation Measure 4.7-1(c) requires continual implementation of County ordinances requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical Reports) for new subdivisions and grading permits to identify the presence of surface fault rupture.

Mitigation Measure 4.7-2(a) revised Policy EH-2.3 (Ensure Safety of New Structures) and Programs EH-2e (Retrofit County Buildings) of the Natural Systems and Agriculture Element, and PS-3.f (Promote Structural Safety), and PS-3.g (Locate Emergency Services Facilities Appropriately) of the Built Environment Element as follows:

Policy EH-2.3 Ensure Seismic Safety of New Structures. Design and construct all new buildings to be earthquake resistant. The minimum level of design necessary would be in accordance with seismic provisions and criteria contained in the most recent version of the State and County Codes. Construction would require effective oversight and enforcement to ensure adherence to the earthquake design criteria.

Program EH-2.e Retrofit County Buildings and Critical Facilities. Identify and remedy any County-owned structures and critical facilities in need of seismic retrofit or other geotechnical / structural improvements, including eliminating any potentially hazardous features, and / or relocating services if necessary.

Program PS-3.f Promote Structural and Nonstructural Safety. Provide and inform the public of the available educational guides promoting structural and nonstructural earthquake safety. Encourage natural gas safety and water heater bracing installation of automatic natural gas shutoff valves in buildings. Encourage retrofit of older buildings and securing nonstructural elements of a building to prevent the falling or throwing of objects.

Program PS-3.g Locate Emergency Services Facilities Appropriately. Locate and design emergency buildings and vital utilities, communication systems, and other public facilities so that they remain operational during and after an emergency or disaster. Encourage that these structures and facilities are designed to be earthquake proof to ensure continuous operation even during extreme seismic ground shaking.

Mitigation Measure 4.7-2(b) added Program EH-2.n To the Natural Systems and Agriculture Element as follows:

Program EH-2.n Post-earthquake Damage Assessment. Undertake immediate damage assessment of essential service buildings and facilities and then other buildings as part of the County's emergency response planning in response to a damaging earthquake.

Mitigation Measure 4.7-2(c) requires funding for the revised Program EH-2.e (Retrofit County Buildings and Critical Facilities) and revises the time frame of its implementation to the medium-term or sooner.

Mitigation Measure 4.7-2(d) requires continual implementation of County ordinances to ensure new construction utilizes California Building Code seismic design requirements, seismic shut-off devices, and anchoring of liquid petroleum gas tanks as well as require geological assessment (e.g., Soils Investigation and Geologic / Geotechnical reports) for grading permits to determine the effects of seismic ground shaking on proposed grading.

Mitigation Measure 4.7-3(a) revised Programs EH-2.a (Require Geotechnical Reports) and EH-2.b (Require Construction Certification) of the Natural Systems and Agriculture Element as follows:

Program EH-2.a Require Geotechnical Reports. Continue to require any applicant for land division, master plan, development approval, or new construction in a geologic hazard area to submit a geotechnical report prepared by a State-certified Engineering Geologist or a Registered Geotechnical Engineer that:

- *Evaluates soil, slope, and other geologic hazard conditions;*
- *Commits to appropriate and comprehensive mitigation measures sufficient to reduce risks to acceptable levels, including post-construction site monitoring, if applicable;*
- *Addresses the impact of the project on adjacent lands, and potential impacts of off-site conditions;*
- *Meets the requirements of other agency regulations with jurisdiction in the hazard area, such as BCDC requirements for the safety of fills consistent with the Bay Plan.*

Program EH-2.b Require Construction Observation and Certification. Require any work or construction oversight undertaken to correct slope instability or mitigate other geologic hazard conditions be supervised and certified by a geotechnical engineer and / or an engineering geologist.

Mitigation Measure 4.7-3(b) added a new program to the Natural Systems and Agriculture Element that reads as follows:

Program EH-2.o Geologic Hazard Areas. Update Geologic Hazard Area maps as updated information becomes available. These maps should be used to determine the need for geologic and geotechnical reports for proposed development or redevelopment.

Mitigation Measure 4.7-3(c) requires continual implementation of County ordinances requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with seismic-related ground failure.

Mitigation Measure 4.7-4(a) reduces adverse effects from the exposure of people and structures to landslides to a less-than-significant level, the County would adopt and implement revised programs (i.e., Programs EH-2.a [Require Geotechnical Reports] and EH-2.b [Require Construction

Observation and Certification]) and the new program (i.e., EH-2.o [Geologic Hazard Areas]) in Mitigation Measure 4.7-3 of Impact 4.7-3 Seismic-Related Ground Failure.

Mitigation Measure 4.7-4(b) requires continued implementation of County ordinances requiring a Stability Report for new construction in specified areas on County slope stability maps, assessment of storm related landslide damage, limits to slope steepness. In addition, continue to implement County ordinances requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with landsliding.

Mitigation Measure 4.7-5(a) reduces adverse effects from the exposure of people and structures to subsidence and settlement to a less-than-significant level, the County would adopt and implement the revised programs (i.e., Programs EH-2.a [Require Geotechnical Reports] and EH-2.b [Require Construction Observation and Certification]) and the new program (i.e., EH-2.o [Geologic Hazard Areas]) in Mitigation Measure 4.7-3 of Impact 4.7-3 Seismic-Related Ground Failure.)

Mitigation Measure 4.7-5(b) revises the timeframe of implementation of Program EH-2.g (Identify Compressible Soil Potential) to the medium-term or sooner.

Mitigation Measure 4.7-5(c) requires continued implementation of County ordinances that provide guidelines for subsidence evaluations of land that are or could be prone to subsidence as well as requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with subsidence and settlement.

Mitigation Measure 4.7-6(a) reduces adverse effects from the exposure of structures to expansive soils to a less-than-significant level by requiring the County adopt and implement the revised programs (i.e., Programs EH-2.a [Require Geotechnical Reports] and EH-2.b [Require Construction Observation and Certification]) and the new program (i.e., EH-2.o [Geologic Hazard Areas]) in Mitigation Measure 4.7-3 of Impact 4.7-3 Seismic-Related Ground Failure.

Mitigation Measure 4.7-6(b) requires continued implementation of County ordinances that provide soil classification guidelines and design considerations for development in areas of expansive soils as well as requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with expansive soils.

Mitigation Measure 4.7-7 reduces adverse effects from septic system use in unsuitable soils to a less-than-significant level, by obtaining funding for Program WR-2.e (Continue Providing High-Priority Inspections) in order to continue no-cost inspections of septic systems in high priority areas.

Mitigation Measure 4.5-4 is described in Environmental Checklist Section 9.

The SEIR determined that no additional mitigation measures would be required for the 2007–2014 Housing Element. Based on the discussion above, the proposed 2015–2023 Housing Element would not require any new mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe geology and soils impacts than those previously evaluated in the 2013 SEIR.

7. Greenhouse Gas Emissions

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
7. Greenhouse Gas Emissions. Would the Project:					
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Draft SEIR, pgs. 137-138	No	No	No	Yes
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft SEIR, pg. 138	No	No	No	Yes

Discussion

- 7-a) Following certification of the CWP EIR, the Bay Area Air Quality Management District (BAAQMD) adopted updated CEQA Air Quality Guidelines in May 2011 that include an operational threshold of significance for plan-level impacts from greenhouse gas (GHG) emissions. (Separate thresholds were adopted for project-specific GHG impacts, including construction impacts. No construction threshold was adopted for plan-level impacts.) The SEIR provided detailed information about the nature of GHGs and how they are generated, the State's current inventory of GHGs, and the federal, State, and local regulatory structure pertaining to GHGs. The SEIR also provided information about a legal challenge by the California Building Industry Association to BAAQMD's 2011 adoption of GHG and air quality thresholds of significance that resulted in the Alameda County Superior Court setting aside the thresholds until BAAQMD conducts CEQA review of the thresholds. However, on August 13, 2013, the First District Court of Appeal ordered the trial court to reverse the judgment and upheld the BAAQMD's CEQA Guidelines. *California*

Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist., Case No. A135335 & A136212 (Court of Appeal, First District, August 13, 2013).³ Furthermore, because the thresholds were developed based on substantial scientific evidence, the County exercised its discretionary authority in applying BAAQMD's thresholds of significance to the analysis in the SEIR, finding that they are supported by substantial evidence, as provided for in Section 15064.7 of the CEQA Guidelines.

The CWP EIR had identified a significant unavoidable impact from an increase in emissions of GHGs that would occur from new land uses and development allowed under the *Countywide Plan*. Although implementation of Mitigation Measures 4.3-6(a) and 4.3-6(b) would reduce the impact, it would remain significant and unavoidable. The SEIR analyzed GHG emissions from construction and operation of all of the housing units in the housing sites inventory included in the 2007–2014 Housing Element in order to determine whether the magnitude of the CWP EIR impact had increased. The analysis used the California Emissions Estimator Model, Version 2011.1.1 (CalEEMod), adjusted to reflect PG&E's projected 2020 carbon dioxide (CO₂) emissions per megawatt of electricity produced, which is 289.85 pounds of CO₂. The results indicated that for the 17 housing sites in the 2007–2014 Housing Element, annual emissions of GHGs would be 7,032.89 metric tons of CO₂ equivalent (CO₂e). Based on the service population, this would be equivalent to 3.2 metric tons of CO₂e per capita per year. Compared to the significance threshold of 4.6 metric tons of CO₂e per capita per year, the SEIR concluded that the impact would not be substantially more severe than previously evaluated in CWP EIR, nor would there be any new significant impacts. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element considers fewer housing units than evaluated in the SEIR, and the same housing sites, minus one, the proposed Project would not result in new or substantially more severe GHG impacts than those evaluated in the SEIR.

- 7-b) The SEIR reported that BAAQMD's thresholds of significance for GHGs were based on GHG emissions projections for the region, which were derived from projections of population growth contained in local land use plans. Because the 2007–2014 Housing Element was consistent with the population and vehicle travel projections used in the *Countywide Plan*, the SEIR concluded that the 2007–2014 Housing Element would not conflict with BAAQMD's emission reduction approach used in its CEQA program. The SEIR also cited *Countywide Plan* policies and programs that would reduce or minimize GHG emissions, including Goal AIR-4 (Minimization of Contributions to Greenhouse Gases) and Programs

³ On November 26, 2013, the California Supreme Court granted review on the issue of whether the toxic air contaminants thresholds are consistent with CEQA; specifically, whether CEQA requires analysis of exposing project residents or users to existing environmental hazards. Briefing was completed on May 27, 2014, but the hearing has not yet been set. The County finds that the science and reasoning contained in the BAAQMD 2011 CEQA Air Quality Guidelines provide the latest state-of-the-art guidance available. For that reason, substantial evidence supports continued use of the BAAQMD 2011 CEQA Air Quality Guidelines.

AIR-4.a (Reduce Greenhouse Gas Emissions Resulting from Energy Use in Buildings), AIR-4.b (Reduce Greenhouse Gas Emissions Resulting from Transportation), AIR-4.c (Reduce Methane Emissions Released from Waste Disposal), AIR-4.d (Reduce Greenhouse Gas Emissions from Agriculture), and AIR-4.e (Reduce County Government Contributions to Greenhouse Gas Emissions). Implementation of these programs would achieve reductions in GHG emissions from energy use in buildings, transportation, waste disposal, agriculture, and from government contributions. The SEIR found this to be a less-than-significant impact.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element considers fewer housing units than evaluated in the SEIR, and the same housing sites, minus one, the proposed Project would not result in new or substantially more severe impacts related to conflicts with plans, policies, or regulations for reducing GHG emissions than those evaluated in the SEIR.

CWP EIR Mitigation Measures

The CWP EIR identified two mitigation measures to reduce identified greenhouse gas impacts.

Mitigation Measure 4.3-6(a) revised Program AIR-4.f (Establish a Climate Change Planning Process, to state:

***Program AIR-4.f Establish a Climate Change Planning Process.** Continue implementation of the approved Marin County Greenhouse Gas Reduction Plan. Integrate this plan into long range and current planning functions and other related agencies. Establish and maintain a process to implement, measure, evaluate, and modify implementing programs, using the Cities for Climate Protection Campaign as a model.*

Mitigation Measure 4.3-6(b) implements proposed State programs to reduce greenhouse gas emissions including the Renewable Portfolio Standards, California Fuel Efficiency (CAFÉ) standards and a carbon cap and trade programs.

The SEIR discussed Mitigation Measures 4.3-6(a) and 4.3-6(b), which were adopted as a part of the *Countywide Plan*, and that future housing projects will need to comply with these measures as appropriate, and concluded that no additional mitigation measures related to greenhouse gas emissions would be necessary for adoption and implementation of the 2007–2014 Housing Element. Mitigation Measures 4.3-6(a) and 4.3-6(b) would continue to apply to the proposed Project.

Because the proposed 2015–2023 Housing Element would not increase or add to the GHG impacts discussed in the SEIR, no additional mitigation would be required for the Project.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe greenhouse gas impacts than those previously evaluated in the 2013 SEIR.

8. Hazards and Hazardous Materials

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
8. Hazards and Hazardous Materials. Would the Project:					
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Draft SEIR, pg. 149	No	No	No	Yes
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Draft SEIR, pg. 149	No	No	No	Yes
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Draft SEIR, pg. 149	No	No	No	Yes
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Draft SEIR, pgs. 149-150	No	No	No	Yes
e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the	Draft SEIR, pg. 150	No	No	No	n/a

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
8. Hazards and Hazardous Materials. Would the Project:					
Project area?					
f. For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working on the Project area?	Draft SEIR, pg. 150	No	No	No	n/a
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Draft SEIR, pgs. 150-151	No	No	No	n/a
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Draft SEIR, pg. 151	No	No	No	n/a

Discussion

- 8-a) The SEIR stated that while implementation of the 2007–2014 Housing Element could lead to future housing development where household hazardous materials are routinely used, transported, and disposed, this would not constitute a significant hazard, because *Countywide Plan* policies and programs are in place to educate the public on proper handling and disposal of household hazardous waste. The SEIR determined that implementation of the 2007–2014 Housing Element would not result in a new significant impact or substantially increase the severity of an impact previously disclosed in the CWP EIR. Similarly, implementation of the 2015–2023 Housing Element would not result in a new significant impact or substantially increase the severity of an impact previously disclosed in the SEIR. Any physical development that could occur on the housing sites considered for the 2015–2023 Housing Element was previously evaluated in the SEIR.
- 8-b) The SEIR discussed Impact 4.10-1 (Release of Hazardous Materials) from the CWP EIR, which addressed hazards resulting from the accidental release of hazardous materials during transport, use, or disposal. Although the potential for residential development to result in the accidental release of hazardous materials to the environment is low, the SEIR concluded that there was some potential for this to occur as a consequence of future housing development that would be authorized by the 2007–2014 Housing Element. The SEIR

determined that, due to existing protective policies and programs, the impact would be less than significant. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Under the proposed 2015–2023 Housing Element, no new housing sites would be considered and the number of residential units considered on the sites would not increase above those previously evaluated in the SEIR. The proposed Project would therefore not result in a new or substantially more severe impact from the accidental release of hazardous materials to the environment.

- 8-c) While the CWP EIR identified a significant unavoidable impact (Impact 4.10-2) from potential emissions of hazardous materials or waste near school sites, the SEIR determined that the 2007–2014 Housing Element did not authorize any new activities that would increase emissions of or the amount of hazardous waste or hazardous materials near any school sites. Accordingly, the SEIR found that approval and implementation of the 2007–2014 Housing Element would not increase the risks of school site exposure to hazardous materials, and therefore would not increase the severity of this significant and unavoidable cumulative impact or result in a new significant impact. Implementation of the proposed 2015–2023 Housing Element would not increase the amount, type, or location of school sites beyond that previously evaluated in the SEIR, nor would it increase land uses that emit hazardous materials or hazardous waste near school sites. The 2015–2023 Housing Element would not substantially increase the severity of the impact from potential emissions of hazardous materials or waste near school sites and would not result in any new impacts not previously addressed in the SEIR.
- 8-d) The SEIR performed regulatory database searches to identify known hazardous waste or hazardous materials release sites that were located in proximity to the housing sites listed in the 2007–2014 Housing Element. The search encompassed the California Department of Toxic Substances Control's (DTSC) EnviroStor Database, the State Water Resources Control Board's (SWRCB) GeoTracker Database, and other Cortese List resources identified by the California Environmental Protection Agency. The 52 housing sites evaluated in the SEIR were not listed in most of the databases searched, with the exception that five of the sites were listed by GeoTracker as having onsite historical releases of hazardous materials. Three of those sites (Marinwood Plaza, Oak Manor, and Old Chevron Station) are evaluated for the housing sites inventory for the proposed 2015–2023 Housing Element. Although each of the five (total) housing sites have been issued a No Further Action letter (NFA) from the SWRCB, issuance of the NFAs assumed continued commercial or industrial uses of the properties, not conversion to residential uses. In addition, at the site of a former dry cleaner on the Marinwood Plaza site remediation of soil and groundwater is still ongoing as of September 2014.

As stated in the SEIR, any application for development on a site on the Cortese List must comply with the notification requirements of the Cortese Act. Future applications for development of individual housing sites would also trigger review by County staff for

compliance with requirements for mitigating environmental hazards, which would involve consultation with and sign-off by outside regulatory agencies, including SWRCB and DTSC. The SEIR concluded that the 2007–2014 Housing Element would not result in a new or substantially more severe impact from proximity to a hazardous materials release site.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. No new sites have been identified, and the number of anticipated housing units has decreased. None of the proposed new implementing programs have the potential to result in physical impacts on the environment. Therefore, implementation of in the proposed 2015–2023 Housing Element would not result in a new or substantially more severe impact from proximity to a hazardous materials release site.

- 8-e) The SEIR disclosed that new housing development considered in the 2007–2014 Housing Element would be developed in proximity to airports in some cases. It cited 13 housing sites that are within 2 miles of the Richardson Bay Heliport, three of which (Golden Gate Seminary, Marin City CDC, and Armstrong Nursery) are considered for the inventory of the proposed 2015–2023 Housing Element. The SEIR also reported that 12 of the 52 housing sites considered were within 2 miles of the San Rafael Airport; these included two sites on the currently proposed inventory: Marinwood Plaza and St. Vincent's/Silveira. New housing developed in proximity to an airport would be required to comply with the applicable airport land use plan. The SEIR concluded that no new or substantially more severe impact from proximity to an airport would result from implementation of the 2007–2014 Housing Element. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, the proposed 2015–2023 Housing Element would not result in a new or substantially more severe impact from proximity to an airport.
- 8-f) The SEIR stated that none of the housing sites included in the 2007–2014 Housing Element were located in proximity to a private airstrip, and there would therefore be no impact from locating housing in proximity to a private airstrip. For the reasons set forth in Checklist Item 8-e, above, the proposed 2015–2023 Housing Element would not result in a new or substantially more severe impact from proximity to a private airstrip.
- 8-g) The SEIR stated that the CWP EIR concluded that the *Countywide Plan* would not impair an adopted emergency response plan or emergency evacuation plan. The SEIR found that there was nothing in the 2007–2014 Housing Element that would change the previous CWP EIR analysis, and concluded that this impact would remain insignificant. The proposed 2015–2023 Housing Element considers construction of fewer housing units and does not consider any new housing sites that were not previously evaluated in the SEIR. Therefore, the proposed 2015–2023 Housing Element would therefore not result in a new or substantially

more severe impact related to interference with an adopted emergency response plan or emergency evacuation plan.

- 8-h) The CWP EIR found that implementation of the *Countywide Plan* would have a less-than-significant impact due to exposure of people or structures to wildland fire hazards (Impact 4.10-10 [Wildland Fire Hazards]). The SEIR determined that housing development considered under the 2007–2014 Housing Element would be consistent with the *Countywide Plan*, and the 2007–2014 Housing Element would therefore not have any new or substantially more severe impacts related to wildland fire hazards than had previously been evaluated in the CWP EIR. The housing sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, the proposed 2015-2023 Housing Element would not result in a new or substantially more severe wildland fire hazard impact.

CWP EIR Mitigation Measures

The CWP EIR identified three mitigation measures to reduce identified hazards and hazardous materials. Mitigation Measures 4.10-1, 4.10-2 and 4.10-3 in the CWP EIR were adopted as a part of the Countywide Plan and would continue to apply.

Mitigation Measure 4.10-1(a) added a new program to the Socioeconomic Element that reads as follows:

Program PS-4.h Hazardous Materials Education. Continue to educate the public about the safe use, transport, and disposal of hazardous materials and encourage (e.g., through incentive programs) the use of less-toxic substances in residential and County operations.

Mitigation Measure 4.10-1(b) added a new program to the Socioeconomic Element that reads as follows:

Program PS-4.i Hazardous Materials Disposal. Promote, educate, and encourage the public and businesses to properly dispose of any hazardous materials or waste at the Marin County's permanent household hazardous waste collection facility.

Mitigation Measure 4.10-2(a) revised Policy EJ-1.1 of the Socioeconomic Element to read as follows:

Policy EJ-1.1 Identify and Target Impacted Areas. Use available measurement data to map locations with known toxins and other health-threatening pollutants.

Mitigation Measure 4.10-2(b) requires revised time frame for implementation of Program PS-4.a (Regulate Development Near Waste Sites), Program EJ-1.g (Deny Pollution-Source Proposals), and Program EJ-1.h (Require Pollution Analysis) to the medium-term or sooner.

Mitigation Measure 4.10-3 is the same as Mitigation Measure 4.10-2(a).

The SEIR determined that no additional mitigation measures related to hazards and hazardous materials would be necessary for adoption and implementation of the 2007–2014 Housing Element. Because the proposed 2015–2023 Housing Element would not result in any new or substantially more severe hazards or hazardous materials impacts than those previously evaluated in the SEIR, no additional mitigation measures would be required for the Project.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe hazards or hazardous materials impacts than those previously evaluated in the 2013 SEIR.

9. Hydrology and Water Quality

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
9. Hydrology and Water Quality. Would the Project:					
a. Violate any water quality standards or waste discharge requirements?	Draft SEIR, pgs. 174-175	No	No	Yes	Yes
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	Draft SEIR, pgs. 175-176	No	No	Yes	Yes
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Draft SEIR, pg. 176	No	No	Yes	Yes
d. Substantially alter the	Draft SEIR, pg. 177	No	No	Yes	Yes

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
9. Hydrology and Water Quality. Would the Project:					
existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?					
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Draft SEIR, pg. 178	No	No	Yes	Yes
f. Otherwise substantially degrade water quality?	Draft SEIR, pg. 178	No	No	Yes	Yes
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Draft SEIR, pg. 177 and pgs. 178-181	No	No	Yes	Yes
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Draft SEIR, pg. 181	No	No	Yes	Yes
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Draft SEIR, pg. 181	No	No	Yes	Yes
j. Inundation by seiche, tsunami, or mudflow?	Draft SEIR, pg. 181	No	No	No	Yes

Discussion

- 9-a) Urban development and the impervious surfaces associated with it (pavements, buildings, etc.) increase the pollutant load of heavy metals and other contaminants in stormwater runoff, which can impair water quality in downstream receiving waters. San Francisco Bay,

the ultimate destination of a large portion of Marin County's stormwater runoff, is listed by the U.S. Environmental Protection Agency (EPA) as an impaired water body. Richardson Bay, Tomales Bay, and Walker Creek are other Marin water bodies included on EPA's 303(d) List of Impaired Water Bodies, compiled in compliance with the federal Clean Water Act. This designation indicates that a water body contains one or more pollutants that exceed protective water quality standards.

Placement of a water body on the 303(d) list initiates development of a Total Maximum Daily Load (TMDL) for each pollutant that exceeds water quality standards. TMDLs are action plans to restore water quality. They examine sources of listed contaminants, identify the mechanisms and pathways by which they affect downstream water bodies, and recommend actions to control contaminant sources and reduce contaminant loading in receiving waters.

The SEIR summarized two regulatory changes since certification of the CWP EIR relevant to potential violations of water quality standards and waste discharge requirements. The first pertains to EPA's 303(d) List of Impaired Water Bodies, which was updated in 2010. (Another update to the list that will not affect the San Francisco Bay Area is currently being reviewed by EPA.) When the CWP EIR was prepared, only one TMDL—for the pesticide diazinon and other pesticides—had been prepared for Marin County waterways. This TMDL, titled *Urban Creeks Pesticide Toxicity*, applies to all urban creeks in the San Francisco Bay Area. Since that time, additional TMDLs have been prepared for mercury in San Francisco Bay, Tomales Bay, and Walker Creek. They have also been prepared for pathogens in Richardson Bay and Tomales Bay, and for polychlorinated biphenyls (PCBs) in San Francisco Bay. Another change since publication of the SEIR is the addition of a Fine Sediment TMDL for the Lagunitas Creek Watershed, which took effect on June 11, 2014.

The second relevant regulatory change was adoption by the San Francisco Bay Regional Water Quality Control Board (RWQCB) of updated National Pollutant Discharge Elimination System (NPDES) requirements for protecting water quality in stormwater runoff from new development sites. In September 2009 the RWQCB adopted the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) (the "Construction General Permit").⁴ The Construction General Permit, which took effect on July 1, 2010, applies to all development projects in the San Francisco Bay Area that would create or modify 10,000 square feet or more of impervious surfaces. Among other requirements, projects subject to the permit must include on-site low-impact development (LID) measures to treat stormwater runoff. These requirements are reinforced by Marin County's own updated stormwater requirements for new and redevelopment projects, promulgated in its Stormwater Pollution Prevention

⁴ State Water Resources Control Board, Division of Water Quality, *National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, Order No. 2009-0009-DWQ, NPDES No. CAS000002, September 2, 2009.

Program (the “MCSTOPPP”), adopted in conformance with its Phase II NPDES permit for municipal separate storm sewer systems (MS4s).⁵

Since publication of the SEIR, there have been further changes to NPDES requirements that affect new development in Marin County. The RWQCB adopted a revised Phase II Small MS4 General Permit that took effect on July 1, 2013 (the “2013 Phase II Permit”).⁶ The 2013 Phase II Permit requires all grading permit projects and certain projects with building, encroachment, and other permits with significant soil disturbance during construction to implement an approved Erosion and Sediment Control Plan. The plan must follow the MCSTOPPP’s Construction Erosion and Sediment Control Plan.

In addition, certain projects that add or replace impervious surface must comply with 2013 Phase II Permit’s post-construction stormwater management requirements. In Marin County, all projects subject to the 2013 Phase II Permit’s Section E.12 requirements must follow the Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual.⁷ Single-family home projects that are not part of a larger plan of development and that add or replace 2,500 square feet or more of impervious surface, and small projects adding/replacing 2,500-4,999 square feet of impervious surface, must follow the instructions in the BASMAA Post Construction Manual Appendix C and must implement an approved Stormwater Control Plan for a Single-Family Home or Small Project. Projects, other than single-family home projects, that add or replace 5,000 square feet of impervious surface must follow the BASMAA Post Construction Manual and must implement an approved Stormwater Control Plan for a Regulated Project (using the template in Appendix D of the manual). These more stringent stormwater quality requirements are now applied to such projects by both the County of Marin and the majority of its member municipalities.

The SEIR determined that implementation of the 2007–2014 Housing Element could result in properties included in the AH Combining District being developed at higher densities than were anticipated in the CWP EIR, which would likely increase the area of impervious surfaces that would be developed. Of the 52 housing sites evaluated in the SEIR, 34 were likely to involve increased density and associated impervious surfaces. Of those 34 sites, seven are considered for the housing sites inventory of the proposed 2015–2023 Housing Element. They are the California Park, Old Chevron Station, Manzanita Mixed-Use, Marin City CDC, Armstrong Nursery, Grady Ranch, and Roosevelt Street sites. However, all but two of the 52 sites are located in existing urban areas, including all of the sites in the currently proposed inventory. Although the SEIR found that the increased density on the two non-urban housing sites (Site #s 44 and 45) could potentially increase the amount of impervious surfaces on the sites by 10 percent, the total area of the sites is 11.2 acres, which is less than

⁵ Marin County Public Works Department, *Marin County Stormwater Pollution Prevention Program, Action Plan 2010: Stormwater Management Plan*, May 2005.

⁶ State Water Resources Control Board, Division of Water Quality, *Water Quality Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (General Permit)*, February 5, 2013.

⁷ Available at www.basmaa.org (currently under Board and Committees, Phase II, Projects and Programs).

0.1 percent of the 14.5-square-mile Olema Creek watershed in which they are located, and the impact was determined to be less than significant. In addition, these sites are not being evaluated for inclusion in the proposed 2015-2023 Housing Element.

Based on RWQCB's *Water Quality Control Plan—San Francisco Bay*, the SEIR reported that degradation of water quality with heavy metals and other contaminants can occur when the degree of urbanization in the watershed exceeds 30 to 40 percent. With the exception of the two non-urban sites referenced above, development of the housing sites would be infill development that does not significantly change the percentage of urbanization within a given watershed. On this basis, the SEIR concluded that implementation of the housing sites listed in the 2007–20014 Housing Element would have a less-than-significant impact on water quality and water quality standards. Moreover, the fortified water quality protection measures and low-impact development design practices mandated for residential and commercial construction by the Phase II NPDES requirements for Marin County and other operators of MS4s would further reduce potential adverse effects on water quality. The SEIR found that the 2007–2014 Housing Element would not substantially increase the severity of the impacts previously identified in the CWP EIR and would not cause any new impacts.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, there is no potential for the proposed 2015–2023 Housing Element to result in a new or substantially more severe impact on water quality, including violations of water quality standards, than was disclosed in the SEIR.

- 9-b) While any impervious surface restricts direct percolation to groundwater, groundwater recharge also varies with local conditions, and the effects from interference with groundwater recharge also vary locally. For example, some sensitive plants depend on seasonal or perennial groundwater, as does stream habitat for Coho salmon and California Central Coast steelhead. Because of this, the SEIR evaluated the potential for the housing sites included in the 2007–2014 Housing Element to adversely affect local groundwater recharge. The analysis determined that four housing sites, none of them being considered for the proposed housing sites inventory, would cumulatively affect 17.6 acres of the Corte Madera Creek watershed. Two other sites, also not in the current evaluation, would affect a total of 15.6 acres in the Miller Creek watershed.

The analysis also determined that 4.6 acres of the Lagunitas Creek and Olema Creek watersheds would potentially be affected by reduced groundwater recharge, but did not identify any specific housing sites that would contribute to these effects. However, Exhibit 3.0-18 of the SEIR lists each of the 15 housing sites considered for the proposed 2015–2023 Housing Element and evaluates the potential for development at each site to have a significant effect on groundwater recharge, among other potential impacts. None of these 15 housing sites is located within the Olema Creek watershed and only one—the Grandi Building site—is located in the Lagunitas Creek watershed. Exhibit 3.0-18 indicates that this

2.5-acre site would not have a potentially significant impact on groundwater recharge. Based on the evaluation presented therein, the SEIR concluded that the 2007–2014 Housing Element would not adversely affect local groundwater recharge due to the introduction of increased impervious surfaces. It found that future development of the Grandi building will require submittal of planned uses for the entire parcel (APN 119-234-01), pursuant to *Countywide Plan* Community Plan Policy CL-4.3.

The SEIR found that development of housing sites included in the 2007–2014 Housing Element would not substantially increase the severity of the significant impact on groundwater recharge that was identified in the CWP EIR. New development on the sites would be required to comply with the regulations in the updated Phase II NPDES permit and MCSTOPPP requirements discussed above in Checklist Item 9-a, which would require on-site collection and/or infiltration of rainfall and stormwater runoff from impervious surfaces on development sites. New development projects would be required to comply with Stream Conservation Area policies that mandate maintaining undeveloped streamside buffers (see Policy BIO-4.2 Comply with SCA Regulations), particularly in less developed watersheds, wherein additional groundwater recharge would occur. New development would also be subject to regulatory oversight by the RWQCB, the US Army Corps of Engineers (Department of Army Fill permits), and California Department of Fish and Game (Section 1600 Lake and Streambed Alteration program).

As discussed in Checklist Item 9-a, above, the Phase II NPDES permit requirements for small MS4s have been updated since preparation of the SEIR. The changes to the Phase II NPDES permit require conformance with the BASMAA Post Construction Manual, which requires preservation of natural areas to the extent feasible and minimization of impervious surfaces, among other requirements. These changes could only have the effect of reducing, not increasing, adverse effects on groundwater recharge. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in a new or substantially more severe impact on groundwater recharge than was previously analyzed in the SEIR.

- 9-c) Erosion and downstream sedimentation was also addressed in Checklist Item 6-b. Construction and grading activities for residential and commercial development can result in erosion and downstream sedimentation that could adversely affect water quality in Marin County waterways. Soil exposed by grading and earthmoving activities is susceptible to entrainment in stormwater runoff, and is a substantial component of nonpoint source pollution. The SEIR found that residential development implemented in accordance with the 2007–2014 Housing Element would result in greater development densities on some of the housing sites than were anticipated in the *Countywide Plan*. This would create more impervious surfaces, which would increase the potential for soil erosion.

The SEIR also stated that nine of the housing sites in the 2007–2014 Housing Element were within or partially within a Stream Conservation Area (SCA), including seven sites evaluated for the inventory for the proposed 2015–2023 Housing Element (California Park,⁸ St. Vincent's/Silveira, Easton Point, Indian Valley, Marin City CDC, Armstrong Nursery, and Grady Ranch). On these sites, ground disturbance during grading and construction could create increased erosion that could increase the sediment load in the adjacent creek or stream, which could adversely affect the sensitive biotic habitats in some County streams. However, the analysis determined that compliance with *Countywide Plan* policies governing creek setbacks in SCAs and required inspection of erosion control measures during construction and following installation would minimize transport of sediment to adjacent streams. The July 2010 amendments to the NPDES Phase II General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ), discussed above in Checklist Item 9-a, contain numerous requirements that would further minimize the potential for adding to stream sedimentation. The SEIR cited the effluent monitoring and reporting for pH and turbidity mandated by the permit at construction sites that disturb one acre of land or more, and noted that numerical limits for effluent turbidity and pH that have been established for certain high risk sites. The revised General Construction Permit also requires preparers of stormwater pollution prevention plans (SWPPPs) to be trained and certified. In addition, construction sites are inspected to monitor compliance with the approved SWPPP.

Under the recently amended NPDES Phase II Permit, Section E.10 requires more stringent construction waste control and erosion and sediment control on projects that disturb less than one acre of soil. To comply with the new Phase II Permit, Marin County and the municipalities in the County require projects to implement more effective Best Management Practices by following MCSTOPPP's Construction Erosion Sediment Control Plan Applicant Package by preparing and submitting a detailed Erosion and Sediment Control Plan.

The SEIR concluded that these provisions and compliance with the water quality policies and programs contained in the *2007 Countywide Plan*, which include Policy BIO-4.2 (Comply with SCA Regulations), Policy BIO- 4.11 (Promote Riparian Protection), Policy WR-2.1 (Reduce Toxic Runoff), and Policy BIO-4.15 (Reduce Wet Weather Impacts), the erosion and sedimentation impacts of the 2007–2014 Housing Element would remain less-than-significant after mitigation. Implementation of the 2007–2014 Housing Element would not substantially increase the severity of the CWP EIR impact related to soil erosion and downstream sedimentation.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. On some sites, the number of units proposed has been reduced, which could potentially result in a smaller

⁸ The California Park and Easton Point sites were identified as possibly being within an SCA.

development footprint and would incrementally reduce the potential for soil erosion on those sites. Furthermore, compliance with the more stringent water quality protection and monitoring measures adopted by the RWQCB and Marin County as part of the NPDES Phase II permit requirements would ensure that these impacts would remain less than significant after mitigation. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in a new or substantially more severe erosion and sedimentation impact than was disclosed in the SEIR.

- 9-d) The SEIR identified two planning-level changes since certification of the CWP EIR that were relevant to the discussion of potential flooding impacts, in addition to the NPDES permit changes discussed in Checklist Item 9-a. First, in 2009 the Federal Emergency Management Agency (FEMA) issued an updated Flood Insurance Study (FIS) and associated Flood Insurance Rate Maps (FIRMs) for Unincorporated Marin County and its incorporated cities and towns that amended the mapping of Special Hazard Flood Areas (SHFAs) for the 100-year flood, based on revised flooding analyses and updated urbanization and channel conditions. Updated FIRMs for portions of the City of Mill Valley and Ross Valley were subsequently published on March 17, 2014. Although these revised maps indicate that the California Park, Old Chevron Station, Manzanita Mixed Use, and Armstrong Nursery sites are located wholly or partially within a designated SHFA, the SEIR had previously disclosed that the sites were within SHFAs, as were two others that are considered for the inventory of the proposed Project: the St. Vincent's/Silveira and Grandi Building sites.

The other planning change discussed in the SEIR was the San Francisco Bay Conservation and Development Commission's (BCDC) October 2011 adoption of an amended *San Francisco Bay Plan*, reflecting its assessment of potential flooding impacts resulting from climate-induced sea level rise. The BCDC assessment includes sub-regional maps of predicted tidal inundation produced by the U.S. Geological Survey (USGS), based on hydrodynamic modeling of two sea level rise scenarios for San Francisco Bay: a 16-inch rise in sea level by 2050 and a 55-inch sea level rise by 2099. The SEIR relied on the 2050 interim assessment to determine the risk of tidal flooding at each of the 52 housing sites evaluated in the SEIR and found that 18 sites were susceptible to tidal inundation under this scenario. This included five housing sites (California Park, Old Chevron Station, Manzanita Mixed Use, Grandi Building, and Armstrong Nursery) that are part of the housing sites inventory considered for the 2015–2023 Housing Element. The SEIR explained that the BCDC assessment accounts for storm surge effects, based on monthly high tide data, but not the effects of storm-induced wave action, nor the combined effects of higher tide levels and coincident watershed flooding. Flooding is further discussed in Checklist Item 9-g.

The SEIR found that implementation of the 2007–2014 Housing Element would result in increases in development density and impervious surface cover on some sites, which would increase the volume and peak flow rates of stormwater runoff. This could exacerbate hillside or channel/floodplain erosion, channel instability, and downstream sedimentation in receiving surface waters. The SEIR noted that all of the housing sites except for those in the Lagunitas and Olema Creek watersheds are located within watersheds that are fully or

almost fully urbanized. In addition, with the exception of three sites that are not included in the currently proposed inventory, all of the bayside sites drain to urban storm drain systems, tidal sloughs, embayments (e.g. lower Gallinas Creek, Richardson Bay), or concrete-lined segments of major creeks, such as Corte Madera Creek. On these infill sites, there would be minimal increases in development density that would not cause a discernible increase in peak flows in the watershed.

The SEIR concluded that with implementation of mitigation measures included in the CWP EIR along with the MCSTOPPP design guidelines for LID and the SCA setback policies, implementation of the 2007–2014 Housing Element would have a less-than-significant impact due to increased peak flow rates. Compliance with the BASMAA Post Construction Manual would further reduce adverse effects. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Reduced densities on some sites could incrementally reduce the amount of impervious surfaces on those sites, which would have a beneficial effect (i.e., reduced) on peak stormwater discharge. Therefore, the SEIR previously analyzed potential drainage impacts that could occur with implementation of the proposed 2015–2023 Housing Element. The Project would not cause any new or substantially more severe impacts than were previously disclosed.

- 9-e) The SEIR found that Implementation of the 2007–2014 Housing Element would increase peak stormwater flow rates from some sites and could exceed the capacities of receiving drainageways and/or downstream storm drain systems, particularly at sites with increased development densities in small sub-watersheds upgradient of major urban channels that are subject to backwater flooding during high-magnitude rainstorms (i.e., >50-year recurrence frequency). It cited five sites in the Corte Madera Creek watershed as being most likely to cause local nuisance flooding; none of those sites are included in the sites being evaluated for the proposed inventory.

The SEIR found that on housing sites located outside of areas of existing clusters of development, the potential impacts on storm drainage systems would be less than significant given compliance with the MCSTOPPP LID design guidelines and with existing Countywide Plan SCA policies such as Policies BIO-4.1 (Restrict Land Use in Stream Conservation Areas), Policy BIO-4.2 (Comply with SCA Regulations), BIO-4.3 (Manage SCAs Effectively), BIO-4.14 (Reduce Road Impacts in SCAs), and BIO-4.18 (Promote the Use of Permeable Surfaces When Hardscapes Are Unavoidable in the SCA and WCA). Compliance with the BASMAA Post Construction Manual would further reduce adverse effects. In the developed, urbanized areas, implementation of LID design guidelines and project-level engineering review of drainage calculations and development plans by Marin County Department of Public Works would be sufficient to mitigate any increases in local site peak flows and runoff volumes. The SEIR concluded that this impact would remain less than significant after mitigation.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element only considers housing sites that were previously evaluated in the SEIR, and development of the sites would not increase the amount of impervious surfaces on the sites, the rate and volume of stormwater runoff from the Project would not increase in comparison with the 2007–2014 Housing Element. Therefore, implementation of the 2015–2023 Housing Element would not result in a new or substantially more severe impact related to stormwater drainage.

- 9-f) Potential impacts on water quality are discussed above in Checklist Item 9-a.
- 9-g) The SEIR found that 19 of the 52 affordable housing sites evaluated were located in whole or in part within a Special Flood Hazard Area (SFHA), as designated on the updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Marin County (see Checklist Item 9-d, above), including six sites evaluated for the currently proposed inventory (California Park, Old Chevron Station, St. Vincent's/Silveira, Manzanita Mixed Use, Grandi Building, and Armstrong Nursery). It explained that most of the sites are outside of actual floodways, but are located in the adjacent flood plains.

The SEIR also discussed potential flooding from sea level rise; this topic is discussed above in Checklist Item 9-d. The SEIR concluded that the potential risk of flooding to low-lying sites from current watershed and/or coincident watershed and tidal flooding, or from future tidal inundation due to sea level rise, constitutes a significant impact. It identified *Countywide Plan* policies and implementing programs intended to address future sea level rise and adapt to climate change, including Policy EH-3.3 (Monitor Environmental Change) and Programs EH-3.k. (Anticipate Sea Level Rise) and EH-3.n (Plan for Sea Level Rise). These implementing programs require Marin County to work with the U.S. Geological Survey, San Francisco Bay Conservation and Development Commission, and other monitoring agencies in mapping areas subject to future inundation from sea level rise, and require development of new construction standards for areas subject to increased flooding.

The SEIR cited CWP EIR Impact 4.5-7 (Exposure of People or Structures to Flood Hazards), which was identified as significant and unavoidable. Although this impact would remain significant and unavoidable with implementation of the 2007–2014 Housing Element, the SEIR identified four new mitigation measures to further reduce the magnitude of the impact (see section on Mitigation Measures, below). The SEIR concluded that implementation of the 2007–2014 Housing Element would not substantially increase the severity of Impact 4.5-7.

Potential development of the housing sites considered for the proposed 2015–2023 Housing Element would not increase impervious surfaces in comparison with the previous Housing Element, and therefore would not have the potential to exacerbate the flooding impact previously discussed in the SEIR.

- 9-h) Potential impacts from locating housing within a Special Hazard Flood Areas (SHFA) are addressed in Checklist Items 9-d and 9-g, above.
- 9-i) The SEIR found that five housing sites, including one (Grandi Building) considered for the currently proposed inventory, are located within mapped inundation zones downstream of Alpine, Peters, and Nicasio Dams in the Lagunitas Creek watershed. Several other sites are located within the inundation zones of Phoenix Dam (in the Corte Madera Creek watershed) or Stafford Dam (in the Novato Creek watershed), but none of those sites are in the currently proposed inventory. Although there are *Countywide Plan* policies and programs addressing potential dam failure impacts, including Policy EH-3.3 (Monitor Environmental Change), and programs EH-3.i (Update Dam Inundation Maps) and EH-3.j (Review and Inspect Dams), the SEIR determined that these existing policies were insufficient to address any potential hazards due to flooding triggered by levee or dam failure, and additional mitigation would be required to reduce this impact to a less-than-significant level. The proposed 2015–2023 Housing Element would not have the potential to substantially increase the severity of the impact discussed in the SEIR or result in a new significant impact.
- 9-j) The SEIR found that although the updated 2009 FEMA FIS for Marin County and its incorporated areas incorporated earlier predictions of tsunami run-up developed by the U.S. Army Corps of Engineers (USACE), an update of the USACE predictions was needed to incorporate the influence of predicted sea level rise. Some of the housing sites included in the 2007–2014 Housing Element would be affected by updated tsunami run-up estimates. Potential tsunami impacts were found to be far more significant than seiche impacts, because prevailing wind and storm patterns on San Francisco Bay do not produce significant seiche effects along the County’s bay shoreline.

The SEIR also found that development of the housing sites in the 2007–2014 Housing Element would not substantially increase the impact from mudslides identified in the CWP EIR. Mudslides, landslides and other geotechnical hazards would be addressed by *Countywide Plan* policies requiring pre-development geotechnical studies and project-level engineering review by the County Department of Public Works. Such policies include Policy EH-2.1 (Avoid Hazard Areas), Policy EH-2.3 (Ensure Seismic Safety of New Structures), and Policy DES-1.1 (Address Design at the Community Level).

The SEIR concluded that implementation of the 2007–2014 Housing Element would not cause any new significant impacts or substantially increase the severity of the seiche, tsunami, and mudslide impacts previously identified in the CWP EIR. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed Project would not cause a new or substantially more severe impact from seiche, tsunami, and mudslide than was previously analyzed in the SEIR.

CWP EIR Mitigation Measures

The CWP EIR identified several mitigation measures to reduce hydrology and water quality impacts. Mitigation Measures 4.5-1, 4.5-3, 4.5-4, 4.5-5, 4.5-6, 4.5-7 and 4.7-8 of the Countywide Plan EIR were adopted as a part of the Countywide Plan and would continue to apply.

Mitigation Measure 4.5-1(a) revised Program WR-2.i to state:

Program WR-2.i Establish a Septic Inspection, Monitoring, and Maintenance District.
Establish a countywide Septic Inspection Monitoring and Maintenance District that would include all or portions of unincorporated areas with septic systems. Modify applicable codes to enable the inspection and monitoring of on-site septic systems in a risk-based, comprehensive, cost effective way. Establishment requires a petition or election to put the district in place.

Mitigation Measure 4.5-1(b) requires Marin County to continue to implement County ordinances addressing nonpoint source pollution, erosion and sediment control, and surface runoff pollution control plans to ensure that project related and cumulative impacts to water quality standards are minimized or avoided through conditions on project approval as required by the ordinances.

Mitigation Measure 4.5-3(a) requires Marin County to revise the timeframe of implementation of Program PFS-2.o (Assess Project Impacts to Surface Water and Groundwater) to the medium-term or sooner.

Mitigation Measure 4.5-3(b) requires Marin County to continue to implement County ordinances that maintain continued groundwater recharge, require surface runoff pollution control plans and best management practices for new developments and redevelopments to ensure that project related and cumulative impacts to groundwater recharge are minimized or avoided through conditions on project approval as required by the ordinances.

Mitigation Measure 4.5-4(a) became policy BIO-4.19 that reads as follows:

Policy BIO-4.19 Maintain Channel Stability. *Applicants for development projects may be required to prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. This assessment should be required where evidence that significant current or impending channel instability is present, such as documented channel bed incision, lateral erosion of banks (e.g. sloughing or landsliding), tree collapse due to streambank undermining and/or soil loss, or severe in-channel sedimentation, as determined by the County.*

Characteristics pertinent to channel stability would include hillslope erosion, bank erosion, excessive bed scour or sediment deposition, bed slope adjustments, lateral channel migration or bifurcation, channel capacity and the condition of riparian vegetation. The hydraulic and / or geomorphic assessment shall include on-site channel or drainageway segments over which the applicant has control or access. In the event that project development would result in or further exacerbate existing channel instabilities, the

applicant could either propose his/her own channel stabilization program, or defer to the mitigations generated during the required environmental review by the County for the project, which could include maintenance of peak flows at pre- and post-project levels, or less. Proposed stabilization measures shall anticipate project-related changes to the drainageway flow regime.

All project improvements should be designed to minimize flood hydrograph peak flow or flood volume increases into drainage courses. To this end, design features such as porous pavement, pavers, maximizing overall permeability, drainage infiltration, disconnected impervious surfaces, swales, bioretention, green roofs, etc., should be integrated into projects as appropriate. For projects subject to discretionary review the applicant may be required, as appropriate, to submit a pre- and post- project hydrology and hydraulic report detailing the amount of new impervious surface area and accompanying surface runoff from all improvement areas including driveways - with a goal of zero increase in runoff (no net increase in peak off-site run-off). The applicant may be required to participate in a peak stormwater runoff management program developed pursuant to new Program (sic) BIO-4.20.

Mitigation Measure 4.5-4(b) requires Marin County to continue to implement NPDES Phase II permit requirements relating to peak flow controls to ensure that project related and cumulative impacts to peak flows are minimized or avoided through conditions on project approval as required by the ordinances.

Mitigation Measure 4.5-4(c) is the same as Mitigation Measures 4.5-1(b) and 4.5-3(b).

Mitigation Measure 4.5-5 is the same as Mitigation Measures 4.5-1(b), 4.5-3(b) and 4.5-4(b).

Mitigation Measure 4.5-6 is the same as Mitigation Measures 4.5-1(b), 4.5-3(b), and 4.5-4(b).

Mitigation Measure 4.5-7(a) is the same as Mitigation Measures 4.5-3(b), 4.5-4(a) and 4.5-4(b).

Mitigation Measure 4.5-7(b) requires County staff to amend the Marin County Development Code to include construction standards for areas threatened by future sea level rise.

Mitigation Measure 4.5-7(c) requires Marin County to continue to implement County ordinances that regulate floodplain development to ensure that project related and cumulative impacts to flooding are minimized or avoided through conditions on project approval as required by the ordinances.

Mitigation Measure 4. 7-8(a) revised Policy EH-2.4 and Programs EH-3.a and EH-3.g as follows:

***Policy EH-2.4 Protect Coastal Areas from Tsunamis.** When inundation maps become available, address tsunami wave run-up and inundation when reviewing proposed development along coastal areas of Marin County.*

Program EH-3.a Regulate Development in Flood and Inundation Areas. Continue to require all improvements in Bayfront, Floodplain, Tidelands, and Coastal High Hazard Zones to be designed to be more resistant to damage from flooding, tsunamis, seiches, and related water-borne debris, and to be located so that buildings and features such as docks, decking, floats, and vessels would be more resistant to damage.

Program EH-3.g Locate Critical Facilities Safely. Amend the Development Code to prohibit placement of public safety structures within tsunami inundation nor flood-prone areas.

NEW SEIR MITIGATION MEASURES

The SEIR identified the following five new mitigation measures, which were adopted and incorporated into the project, to reduce the impacts discussed above:

New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-1 The County shall obtain BCDC's GIS files for Marin County tidal inundation mapping for both the mid-century (2050) and end-of-century (2099) projected sea level rise scenarios and develop GIS layers that can be viewed through the MarinMaps web portal. If the available map data from BCDC and USGS are of insufficient resolution to inform planning efforts, the County shall prepare its own mapping based on the predicted tidal elevations and enhanced topographic data. For applications to build new housing units, the location of the proposed housing site shall be compared to this information to determine the suitability of the site for residential use and the need for design measures or other measures to reduce flooding risks. Implement Mitigation Measure Hydrology, Water Quality and Flooding Hazard-2, if applicable.

New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-2 On housing sites for which refined inundation mapping verifies that the site's location is within a 2050 tidal inundation zone, building pads shall be raised to a level that results in finished floor elevations one foot higher than a combination of the projected inundation elevation plus an estimate of wave runup given the particular weather (i.e., wind patterns and velocities) and hydraulic conditions at each site.

New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-3 The County shall coordinate with the Federal Emergency Management Agency to incorporate current projections of mid-century sea level rise and potential changes to precipitation characteristics associated with climate change into future flood insurance studies and the Flood Insurance Rate Maps for Marin County and Incorporated Area as new information is developed by the USACE and other federal agencies (e.g. NOAA) involved in climate change monitoring and adaptation.

New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-4 The County shall adopt the regional policies addressing adaptation to predicted sea level rise recently adopted by BCDC as part of its San Francisco Bay Plan and coordinate with other Bay Area counties and regional planning agencies in developing appropriate changes to development codes and flood protection strategies.

New Mitigation Measure Hydrology, Water Quality and Flooding Hazard- 5 The County shall adopt and implement a new Countywide Plan policy that addresses new development in mapped dam failure inundation areas that is substantially similar to the following:

Policy EH-(new) Incorporate flood inundation resulting from upstream dam failures when assessing flood hazards for new development and redevelopment projects and implementing associated programs within the County.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element would not result in any new or substantially more severe hydrology and water quality impacts than those previously evaluated in the 2013 SEIR, it would not require any additional or modified mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe hydrology and water quality impacts than those previously evaluated in the 2013 SEIR.

10. Land Use and Planning

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
10. Land Use and Planning. Would the Project:					
a. Physically divide an established community?	Draft SEIR, pg. 195	No	No	No	n/a
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Draft SEIR, pgs. 195-196	No	No	Yes	n/a
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	Draft SEIR, pg. 196	No	No	No	n/a

Discussion

10-a) The CWP EIR found that implementation of the *Countywide Plan* would not have a significant impact with regard to physically dividing an established community. The SEIR determined that although the exact development footprint of housing constructed in accordance with the 2007–2014 Housing Element was unknown at the time, compliance with existing County policies and programs intended to promote compatibility between new and existing development and maintain manageable infrastructure service levels (such as *Countywide Plan* Policy CD-1.1 and Program CD-1.a) would ensure that implementation of the 2007–2014 Housing Element would have a less-than-significant effect on established communities, and would not cause the physical division of an established community. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because no new housing sites or residential units are considered under the proposed 2015–2023 Housing Element than those that were previously analyzed in the SEIR, the SEIR conclusion would remain valid for the proposed Project.

10-b) The SEIR reported that Marin County was then in the process of updating its Local Coastal Program (LCP), which is intended to ensure that the land use authorized by local governments meet the requirements of the 1976 California Coastal Act. The LCP regulates the locations, types, densities, and other aspects of land use development within the Coastal Zone, which generally extends inland 1,000 yards and seaward 3 miles from the mean high tide line of the ocean. The LCP, which addresses the landward portion of the Coastal Zone, contains policies that require protection and expansion of public access to shoreline and recreational opportunities, protection of environmentally sensitive habitats, protection of agricultural lands, and establishment of urban-rural boundaries. It directs new housing and other development into areas with adequate services to avoid urban sprawl. The Board adopted the LCP Amendment on July 30, 2013, and it is now awaiting certification by the California Coastal Commission.

Only one of the housing sites considered in the proposed 2015–2023 Housing Element is located within the Coastal Zone and would be subject to the LCP: the Grandi Building site at 11101 State Route 1. It is located within the planning area of the Point Reyes Station Community Area, and is therefore subject to community-specific policies for that area. This includes new Policy C-PRS-1 (Community Character of Point Reyes Station), which calls for maintaining the existing mix of residential and small-scale commercial and visitor-serving development and small-scale, historic community character in Point Reyes Station. Policy C-PRS-5 (Criteria for New Development in Point Reyes Station) has been modified to specify native and non-invasive plant species similar to native species in the area as permissible plants for landscaping. Other policy changes for the Point Reyes Station Community Area would not apply to development of the Grandi Building site or are very minor in nature and would not introduce new environmental issues not previously addressed in the SEIR.

New development of the Grandi Building site also would be subject to a variety of other LCP policies, particularly those pertaining to the built environment. In general, the new and modified policies would not alter the conclusions of the SEIR. A new provision of LCP Water Resources Policy C-WR-14 (Design Standards for High-Impact Projects) could potentially apply to development of this site. The policy calls for discharge to a sanitary sewer system of particularly polluted runoff that cannot be readily treated by best management practices (BMPs). Compliance with this policy would be environmentally beneficial, and would not cause any new or substantially more severe impacts than those addressed in the SEIR.

The SEIR found that the 2007–2014 Housing Element would support and be consistent with *Countywide Plan* policies intended to encourage a diversity of housing, especially affordable housing. The policies are Policy CD-2.1 (Provide a Mix of Housing), Policy CD-2.10 (Expand Countywide Efforts to Increase Workforce Housing Rather Than Full Commercial Build-Out), Policy CD-2.11 (Promote Diverse Affordable Housing Strategies), Program CD-2.a (Increase the Affordable Housing Supply), and Program CD-2.b (Provide a Variety of Housing Types and Prices). New development would occur in areas already designated in the *Countywide Plan* for residential or commercial development. The SEIR concluded that Housing Element policies and programs are consistent with the *Countywide Plan* and Marin County Development Code, and that implementation of the 2007–2014 Housing Element would not increase the significance of the less-than-significant impact related to conflicts with plans and policies previously identified in the CWP EIR. The current analysis also finds that the proposed 2015–2023 Housing Element would not substantially increase the significance of this impact or result in a new significant impact.

- 9-c) As was the case at the time the SEIR was certified, there is no adopted Habitat or Natural Community Conservation Plan in Marin County.

CWP EIR Mitigation Measures

There were no mitigation measures for land use and planning impacts in either the *CWP EIR* or in the SEIR, and no new mitigation measures are required for the proposed 2015–2023 Housing Element.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe land use and planning impacts than those previously evaluated in the 2013 SEIR.

11. Mineral Resources

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
11. Mineral Resources. Would the Project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Draft SEIR, pg. 198	No	No	No	n/a
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Draft SEIR, pg. 198	No	No	No	n/a

Discussion

- 11-a) The SEIR reported that the CWP EIR found that implementation of the Countywide Plan would have a less-than-significant impact on the availability of known mineral resources that would be of value to the region and residents of the State. It determined that no housing sites designated in the 2007–2014 Housing Element are located within a Mineral Resources Overlay Zone, and concluded that the 2007–2014 Housing Element would not cause a new impact on mineral resources or increase the severity of the impact identified in the CWP EIR. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new or substantially more severe impacts on mineral resources.
- 11-b) The SEIR determined that adoption and implementation of the 2007–2014 Housing Element would have no impact on a mineral resource recovery site. Because all of the potential housing sites considered in the proposed 2015–2023 Housing Element were previously evaluated in the SEIR, the proposed Project would not cause any new or substantially more severe impacts on mineral resources than were previously evaluated in the SEIR.

CWP EIR Mitigation Measures

There were no mitigation measures for impacts on mineral resources in either the *CWP EIR* or in the SEIR, and no new mitigation measures are required for the proposed 2015–2023 Housing Element.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or more severe mineral resources impacts than those previously evaluated in the 2013 SEIR.

12. Noise

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
12. Noise. Would the Project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Draft SEIR, pgs. 205-206	No	No	No	n/a
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Draft SEIR, pgs. 206-207	No	No	No	Yes
c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	Draft SEIR, pgs. 207-208	No	No	No	n/a
d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	Draft SEIR, pg. 208	No	No	No	Yes
e. For a Project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	Draft SEIR, pg. 208	No	No	No	n/a
f. For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	Draft SEIR, pgs. 208-209	No	No	No	n/a

Discussion

- 12-a) The SEIR evaluated the existing noise environment at each of the 52 potential housing sites, identifying the predominant noise sources and quantifying the noise exposure from transportation sources, including freeways and arterial roadways, the Sonoma Marin Area Rail Transit (SMART) corridor, and operations at public and private airports. Noise levels were determined by noise contour maps or, where noise contours were unavailable, by short-term noise measurements. Existing ambient noise levels were compared to Marin County's Noise and Land Use Compatibility Standards for single-family and multi-family residential land uses. The "normally acceptable" noise standards for these two land uses are 60 dBA L_{dn} ⁹ and 65 dBA L_{dn} , respectively. The higher standard for multi-family uses reflects that noise levels are typically mitigated with building design and construction.

The existing ambient noise exposure at most of the 52 housing sites evaluated in the SEIR exceeded the 60-dBA threshold for single-family residential use, while the results were more mixed in comparison with the multi-family threshold. Of the 15 sites considered for the proposed 2015–2023 Housing Element, the threshold for multi-family residential use was exceeded at four sites: Marinwood Plaza, California Park, St. Vincent's/Silveira, and Manzanita Mixed Use. The primary noise source at each location was U.S. Highway 101, with other sources contributing.

Where exterior noise levels exceed 60 dBA L_{dn} in new residential development areas, interior levels may exceed 45 dBA L_{dn} , the limit for interior noise levels for residential use established by State regulations. While this could be a potentially significant impact, interior noise standards can be met with appropriate construction methods, which may include a forced air mechanical ventilation system and/or windows and doors with high Sound Transmission Class (STC) ratings. Both the CWP EIR and the SEIR found that implementation of applicable *Countywide Plan* policies and programs, the impact from exposure of people to noise levels in excess of adopted noise standards would be less than significant. The SEIR indicated that Policy NO-1.1 (Limit Noise from New Development), and Programs NO-1.a (Enforce Allowable Noise Levels), NO-1.b (Comply with Acceptable Noise Levels), NO-1.d (Set Additional Limits for Housing), NO-1.f (Review Projects Near Gness Field), and NO-1.h (Anticipate Additional Rail Noise) would require that the compatibility standards would be met at new residential development sites, and noted that acoustical analyses would be required when appropriate in order to maintain consistency with the *Countywide Plan* noise standards.

While ambient noise levels at some of the housing sites in the currently proposed inventory could have changed somewhat since the noise contour maps were prepared or the 2010 noise measurements were conducted, any such changes would not alter the analysis presented in the SEIR. As noted above, the primary noise source at the four housing sites

⁹ Noise levels are reported in A-weighted decibels (dBA) that reflect the fact that human hearing is less sensitive at low and extremely high frequencies. The day/night average sound level (L_{dn}) is weighted 10 dB higher between the hours of 10:00 p.m. and 7:00 a.m. to account for greater human sensitivity to night noise levels.

where the “acceptable” noise level for multi-family residential use was exceeded was Highway 101. Traffic volumes on a roadway must double to produce an increase in the noise level generated by the traffic that is detectable to human ears, i.e., an increase of 3 dBA. There is no substantial evidence that traffic volumes on U.S. Highway 101 have doubled since the SEIR was certified. It is therefore very unlikely that perceptible changes in ambient noise levels have occurred at any of the proposed housing sites since publication of the SEIR. In any event, the *Countywide Plan* policies and programs listed above would still apply to any new residential development proposed on housing sites considered for the 2015–2023 Housing Element. New housing development would be required to demonstrate compliance with the local and State noise standards. This would therefore remain a less-than-significant impact and no new mitigation would be required.

- 12-b) The SEIR found that vibration generated during construction of housing units by activities such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) could be perceptible, but would be far below thresholds established to prevent structural damage. Construction-related vibration would be intermittent and of short duration, even during the phases that have the highest potential of producing vibration, for example when jackhammers or other high-power tools are in use. The SEIR concluded that established administrative controls, such as restrictions on construction work hours, would ensure that vibration generated during construction would be a less-than-significant impact.

The SEIR also found that future residents at the California Park and St. Vincent’s/Silveira housing sites could be exposed to excessive groundborne vibration levels from trains traveling along the SMART corridor. Although the locations of buildings and their specific sensitivity to vibration were not known, housing located in close proximity to the SMART tracks could be exposed to ground vibration levels exceeding Federal Transit Administration (FTA) guidelines, which the SEIR cited as 0.01 inches per second root mean square (RMS) vibration velocity. The SEIR found that there were no policies or programs in the *Countywide Plan* to reduce vibration impacts from SMART, and determined that a new mitigation measure (New Mitigation Measure Noise-1) was required to ensure that program-level vibration impacts are reduced to a less-than-significant level, which is set forth below, under New/Revised SEIR Mitigation Measures. The SEIR also stated that the County will require individual development projects adjacent to the SMART corridor to undergo project-specific environmental review, and if project-level significant vibration impacts are identified, specific mitigation measures will be required under CEQA. The new mitigation measure requires the County to use the Federal Transit Administration (FTA) vibration impact criteria to evaluate the compatibility of sensitive uses proposed along the SMART corridor using the best available information (e.g., 2005 SMART DEIR) or site-specific measurements and analyses. Developers of sensitive uses will be required to demonstrate that the potential impacts of existing or potential vibration levels have been reduced to levels that are less than or equal to the FTA vibration impact thresholds.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element does not consider any housing sites that were not previously evaluated in the SEIR, and the proposed new implementing programs, which consist of conducting planning studies, do not have the potential to result in physical effects such as vibration impacts. Therefore, implementation of the proposed 2015–2023 Housing Element would not result in any new or substantially more severe vibration impacts than were previously evaluated in the SEIR.

- 12-c) As discussed above in Checklist Item 12-a, traffic volumes on a roadway must double to produce a perceptible increase in the traffic-generated noise level of 3 dBA. The SEIR determined that the increased traffic that could occur as a result of implementing the 2007–2014 Housing Element would occur incrementally over time, but would make up a small percentage of the total traffic along County roadways. The significance thresholds established in the *Countywide Plan* indicate that a project would have a significant noise impact if it would:

- raise the L_{dn} by more than 5 dBA;
- raise the L_{dn} by more than 3 dBA and exceed the Normally Acceptable standard; or
- raise the L_{dn} by more than 3 dBA where the Normally Acceptable standard is already exceeded.

The SEIR concluded that implementation of the 2007–2014 Housing Element would result in increased noise levels of less than 1 dBA L_{dn} , which would not be measurable or perceptible, and would be a less-than-significant impact. Noise resulting from adoption of the 2007–2014 Housing Element would not substantially increase the severity of the previously identified less-than-significant noise impacts from the CWP EIR (Impacts 4.4-1, 4.4-3, and 4.4-4).

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, the noise impacts of the proposed Project were previously analyzed and the Project would not result in any new or substantially more severe noise impacts than were previously evaluated in the SEIR.

- 12-d) The CWP EIR found that construction activities associated with new land uses consistent with the *Countywide Plan* would temporarily elevate noise levels at adjacent noise sensitive land uses. Although the magnitude of the impact would be reduced by implementation of Mitigation Measure 4.4-18, it would remain significant and unavoidable because construction noise would continue to exceed 60 dBA L_{eq} or 80 dBA L_{max} at sensitive receptors. The SEIR concluded that Implementation of the 2007–2014 Housing Element would not result in new or substantially more severe significant impacts. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites

inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element does not consider any new development that was not previously contemplated in the 2007–2014 Housing Element, the proposed Project would not result in any new or substantially more severe temporary noise impacts than were previously evaluated in the SEIR. Implementation of Mitigation Measure 4.4-18 would continue to be required.

- 12-e) The SEIR determined the distances to Marin County's airports (Gross Field, San Rafael Airport, and Richardson Bay Heliport) from each of the 52 housing sites evaluated in the SEIR. Of the 15 housing sites evaluated for the proposed 2015–2023 Housing Element, several are within 2 miles of one of the airports. The Marinwood Plaza and St. Vincent's/Silveira sites are approximately 2 miles north-northwest of San Rafael Airport and the Roosevelt Street site is approximately 2 miles south of this airport. The Old Chevron Station site is about 1 mile west and the Manzanita Mixed Use site is about 1.5 miles west of the Richardson Bay Heliport. To the south of the heliport at the Marin City CDC site (1 mile) and the Armstrong Nursery site (less than 1 mile). None of the 15 sites currently being considered are within 2 miles of Gross Field.

The SEIR determined that CWP EIR Impact 4.4-2 (Increased Noise from Airports and Heliports) would remain less-than-significant with implementation of the 2007–2014 Housing Element. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element does not consider any new development that was not previously contemplated in the 2007–2014 Housing Element, the proposed Project would not result in any new or substantially more severe impacts from exposure to airport noise than were previously evaluated in the SEIR.

- 12-f) Although the San Rafael Airport is a private use airport, the potential impact from exposure to noise from operations at this airport are addressed above in Checklist Item 12-e.

CWP EIR Mitigation Measures

The CWP EIR identified one mitigation measure to reduce temporary construction noise impacts.

Mitigation Measure 4.4-5 revised Program NO-1.i to state,

Program NO-1.i Regulate Noise Sources. Sections 6.70.030(5) and 6.70.040 of the Marin County Code establish allowable hours of operation for construction-related activities. As a condition of permit approval for projects generating significant construction noise impacts during the construction phase, construction management for any project shall develop a construction noise reduction plan and designate a disturbance coordinator at the construction site to implement the provisions of the plan.

Mitigation Measure 4.4-5 of the CWP EIR was adopted as a part of the Countywide Plan, and as appropriate, future housing projects will need to comply with Mitigation Measure 4.4-5.

NEW/REVISED SEIR MITIGATION MEASURES

The SEIR determined that a new mitigation measure (Mitigation Measure Noise-1) was required to reduce significant impacts that would result from the exposure of persons to groundborne vibration generated by SMART operations. This mitigation measure was adopted and incorporated into the project.

New Mitigation Measure Noise-1 The County shall use the Federal Transit Administration (FTA) vibration impact criteria to evaluate the compatibility of sensitive uses proposed along the SMART corridor using the best available information (e.g., 2005 SMART DEIR) or site-specific measurements and analyses (assuming active operations). The FTA thresholds for residences are 80 VdB for frequent events (more than 70 vibration events from the same source per day), 75 VdB for occasional events (30 to 70 vibration events from the same source per day), and 72 VdB for infrequent events (fewer than 30 vibration events from the same source per day).

Developers of sensitive uses shall demonstrate that the potential impacts of existing or potential vibration levels have been reduced to levels that are less than or equal to the FTA vibration impact thresholds. The implementation of this measure would reduce the impact to a less-than-significant level.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe noise and vibration impacts than those previously evaluated in the 2013 SEIR.

13. Population and Housing

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
13. Population and Housing. Would the Project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Draft SEIR, pg. 219	No	No	No	No
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing	Draft SEIR, pgs. 219-220	No	No	No	n/a

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
13. Population and Housing. Would the Project:					
elsewhere?					
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Draft SEIR, pg. 220	No	No	No	n/a

Discussion

- 13-a) The SEIR summarized information from the CWP EIR on population, and reported that total Countywide population in 2012 was 254,790 persons, with 67,737 of them residing in unincorporated areas. ABAG projections for 2030 were 270,900 persons total, with 73,000 in unincorporated areas. In 2012 the unincorporated County had 25,569 housing units, with another 81,864 units in cities and towns, for a total of 111,433 units. Under buildout conditions, the County was projected to have 120,755 housing units (89,132 in cities/towns and 31,623 in unincorporated areas). The CWP EIR found a significant unavoidable impact on population (Impact 4.1-2 [Growth and Concentration of Population]), but Mitigation Measure 4.1-2 would help reduce the magnitude of the impact. The SEIR determined that implementation of the 2007–2014 Housing Element would not substantially increase the severity of this impact.

Population growth under the proposed 2015–2023 Housing Element would not exceed the level of growth previously evaluated in the SEIR, because it considers fewer residential units than were considered in the 2007–2014 Housing Element. Therefore, the proposed Project would not result in any new or substantially more severe population impacts than were previously disclosed in the SEIR.

- 13-b) The SEIR cited Housing Element policies intended to protect existing housing, including Policy 2.4 (Protect Existing Housing), Program 2.t (Assist in Maximizing Use of Rehabilitation Programs), and Program 3.g (Preserve Existing Housing Stock). It acknowledged that there are existing dwellings on several of the sites identified for housing in the 2007–2014 Housing Element, some (not all) of which could be displaced, but implementation of the plan would result in a net gain in housing units. On some of the housing sites, the very low existing residential densities would be increased through redevelopment. The SEIR concluded that the impact from displaced housing would be a less than significant. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element does not consider any housing sites that were

not previously evaluated in the SEIR. Therefore, the proposed Project would not result in any new or substantially more severe impacts on housing than were previously disclosed in the SEIR.

13-c) This impact is addressed above under Checklist Item 13-b.

CWP EIR Mitigation Measures

The CWP EIR identified one mitigation measure to reduce identified population and housing impacts. Mitigation Measure 4.1-2 of the CWP EIR was adopted as a part of the Countywide Plan and would continue to apply.

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

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

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

Program CD-5.a Review and Correlate Countywide Growth and Infrastructure. *Work with the proposed City-County Committee or a similar collaborative venue (to be established pursuant to Policy CD-4.f) to review the countywide growth, planned land use and traffic and service capacity. As warranted by the monitoring information, encourage all jurisdictions to amend their respective general plans and zoning from allowing “theoretical full buildout” of non-residential uses to allowing “realistic buildout” to ensure correlation of planned land uses and traffic capacity and the capacity of all essential public services.*

Program CD-5.k Monitor Growth and Circulation. *At least every five years review the unincorporated County’s growth, planned land use, traffic capacity, funded traffic improvements, traffic mitigation list and traffic fees. Assess growth assumptions and*

modify land use and circulation policies as needed to ensure adequate circulation capacity to serve development.

Program CD-5.l Provide Adequate Infrastructure Capacity. *Plan the circulation system and public infrastructure and services to provide capacity for the unincorporated County's realistic buildout.*

Program CD-5.m Development Review. *Ensure that policy provisions are evaluated and implemented through the development and environmental review processes. If required by statute or case law, the County Review Authority may waive or modify policy requirements determined to have removed all economically viable use of the property.*

The SEIR determined that no additional mitigation measures for population and housing impacts would be required for the 2007–2014 Housing Element. Based on the discussion above, the proposed 2015–2023 Housing Element would not require any new mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe population and housing impacts than those previously evaluated in the 2013 SEIR.

14. Public Services

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
14. Public Services.					
Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any the public services:					
Fire protection?	Draft SEIR, pgs. 227-228	No	No	No	n/a
Police protection?	Draft SEIR, pg. 228	No	No	No	n/a
Schools?	Draft SEIR, pgs. 227-228	No	No	No	n/a
Parks?	Draft SEIR, pgs. 227-228	No	No	No	n/a
Other public facilities?	Draft SEIR, pgs. 228-229	No	No	No	n/a

Discussion

- 14-a) The SEIR summarized findings from the CWP EIR, which determined that although construction of new fire stations or expansion of existing stations was anticipated by the Marin County Fire Department and by some of the other local fire protection districts in

the County, with implementation of applicable *Countywide Plan* policies and programs, construction-related impacts would be less than significant. These policies include BIO-4.1 (Restrict Land Use in Stream Conservation Areas), BIO-4.2 (Comply with Stream Conservation Area (SCA) Regulations), WR-2.1 (Reduce Toxic Runoff), WR-2.2 (Reduce Pathogen, Sediment, and Nutrient Levels), WR-2.3 (Avoid Erosion and Sedimentation), WR-2.4 (Design County Facilities to Minimize Pollutant Input), AIR-1.3 (Require Mitigation of Air Quality Impacts), NO-1.1 (Limit Noise from New Development), and NO-1.3 (Regulate Noise Generating Activities). Implementation of the 2007–2014 Housing Element would not increase the number of housing units above what was projected for *Countywide Plan* buildout, and would therefore not substantially increase demand for fire protection services beyond what was contemplated in the *Countywide Plan*. The SEIR concluded that the less-than-significant impact on fire protection services previously identified in the CWP EIR would remain less than significant.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The 2015–2023 Housing Element also considers fewer total housing units than were anticipated in the 2007–2014 Housing Element. Therefore, the proposed Project would not cause a new or substantially more severe impact on fire protection services than was evaluated in the SEIR.

- 14-b) The SEIR reported that the Marin County Sheriff's Office, responsible for law enforcement in the unincorporated areas of the County, was planning to relocate to a former commercial building located at 1600 Los Gamos Drive, along with the County's 911/Communication Center and Emergency Operations Center. This move was completed following certification of the SEIR, and the 1600 Los Gamos Drive location is now the base of operations for the Sheriff's Office. Other police facility expansions were also anticipated in the SEIR. Similar to the discussion on fire protection services, the SEIR determined that with implementation of the *Countywide Plan* policies listed above in Checklist Item 14-a, construction-related impacts would be less than significant. Because implementation of the 2007–2014 Housing Element would not increase the number of housing units above what was projected for *Countywide Plan* buildout, the SEIR determined that the less-than-significant impact on police protection services previously identified in the CWP EIR would remain less than significant.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element does not consider any housing sites or housing units that were not previously evaluated in the SEIR. Therefore, the proposed Project would not cause a new or substantially more severe impact on police protection services than was evaluated in the SEIR.

- 14-c) As explained in the SEIR, Senate Bill (SB) 50 (Government Code § 65955 *et seq.* and Education Code § 17629 *et seq.*) establishes fees for the impacts of new development on the need for schools, and when a development project pays the SB 50 fees, no other CEQA mitigation for impacts on schools may be required. Thus, although the CWP EIR found that future growth would require new or expanded school facilities in the County, the impact was determined to be less than significant. The *Countywide Plan* policies listed above in Checklist Item 14-a would ensure that construction-related impacts would be less than significant. The SEIR concluded that the impact on schools identified in the CWP EIR would remain less than significant. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because implementation of the 2015–2023 Housing Element considers fewer housing units than contemplated in the 2007–2014 Housing Element and does not consider any housing sites not previously evaluated in the SEIR, the proposed Project would not cause a new or substantially more severe impact on schools than was evaluated in the SEIR.
- 14-d) The CWP EIR found that increased demand for park and recreational services and facilities upon implementation of the *Countywide Plan* would be a less-than-significant impact. The *Countywide Plan* policies listed above in Checklist Item 14-a would ensure that impacts from construction of new park facilities would be less than significant. The SEIR determined that new development considered under the 2007–2014 Housing Element would not increase the severity of this impact. Implementation of the 2015–2023 Housing Element would allow for less population growth than the 2007–2014 Housing Element because it considers fewer housing units. Therefore, the demand for park services and facilities would be less than the demand that was evaluated in the SEIR, and the potential for physical impacts related to construction of new park and recreation facilities would be reduced. Consequently, the proposed 2015–2023 Housing Element would not cause a new or substantially more severe impact on park and recreational services and facilities than was evaluated in the SEIR.
- 14-e) The SEIR found that new housing developed in accordance with the 2007–2014 Housing Element would not increase the demand for use of other public facilities, such as libraries, to the extent where construction of new or expanded facilities would be needed. The impact on other public facilities was determined to be less than significant. As discussed above in Impact 14-d, the proposed 2015–2023 Housing Element considers fewer housing units, and therefore would allow for less population growth than was analyzed in the SEIR. Therefore, the proposed 2015–2023 Housing Element would not cause a new or substantially more severe impact on other public facilities than was evaluated in the SEIR.

CWP EIR Mitigation Measures

No significant impacts on public services were identified in the CWP EIR or the 2013 SEIR; therefore, no mitigation measures were required. Because the proposed 2015–2023 Housing

Element would not cause a significant impact on public services, it would not require any new mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe public services impacts than those previously evaluated in the 2013 SEIR.

15. Recreation

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
15. Recreation.					
a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Draft SEIR, pgs. 236-237	No	No	No	n/a
b. Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Draft SEIR, pg. 237	No	No	No	n/a

Discussion

15-a) The SEIR found that the 2007–2014 Housing Element could result in development of some housing properties at higher densities than were contemplated in the *Countywide Plan*, which could lead to increased demand on existing neighborhood and regional parks. It cited two housing sites, both considered for the currently proposed inventory, where the substantial number of housing units envisioned in the 2007–2014 Housing Element could impact local parks. Development of the St. Vincent’s/Silveira and Grady Ranch sites could create approximately 460 new housing units (including up to 340 affordable units), which would increase demand on the existing 61 acres of local parks in the Las Gallinas planning area in which the sites are located.

The SEIR concluded that the 2007-2014 Housing Element would not lead to substantial physical deterioration of recreational facilities; therefore, this impact would be less than significant with continued implementation of *Countywide Plan* policies. This discussion of

this impact in the SEIR references Policy PK-1.1 (Conduct and Coordinate Park Planning) and programs PK-1.a (Update the Parks Master Plan) and PK-1.b (Assess User Needs). The SEIR noted that subsequent to adoption of the *Countywide Plan*, the County published its Parks and Open Space Strategic Plan in June 2008.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element considers a smaller total number of housing units. Therefore, the impacts of the Project were previously evaluated in the SEIR, and the project would not cause a new or substantially more severe impact on neighborhood and regional parks than was evaluated in the SEIR.

- 15-b) The SEIR found that adoption of the 2007–2014 Housing Element would not allow for more housing units than were anticipated in the *Countywide Plan*, but stated that it could lead to higher residential densities on some sites. However, this would not lead to construction or expansion of any parks or recreational facilities beyond those anticipated in the CWP EIR. There would therefore be no potential for the construction of such facilities to have an adverse physical effect on the environment. The SEIR also concluded that the increased demand for parks or other recreational facilities that could be generated by new housing allowed by the 2007–2014 Housing Element would not exceed the demand anticipated in the CWP EIR. It concluded that implementation of the 2007–2014 Housing Element would not substantially increase the severity of CWP EIR Impact 4.10-13 (Increased Demand for Park and Recreation Services and Facilities), which would remain less than significant.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element does not consider any housing sites that were not previously included in the SEIR evaluation, and it considers fewer total housing units. Therefore, demand for recreational facilities would not exceed the demand anticipated in the SEIR, and the proposed 2015–2023 Housing Element would not substantially increase the severity of the impact on recreational facilities analyzed in the SEIR.

CWP EIR Mitigation Measures

No significant impacts on recreational facilities were identified in the CWP EIR or the 2013 SEIR; therefore, no mitigation measures were required. Because the proposed 2015–2023 Housing Element would not cause a significant impact on recreational facilities, it would not require any new mitigation measures.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe recreation impacts than those previously evaluated in the 2013 SEIR.

16. Transportation/Traffic

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/Resolve Impacts?
16. Transportation/Traffic. Would the Project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?	Draft SEIR, pgs. 248-255	No	No	No	Yes
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	Draft SEIR, pg. 255	No	No	No	Yes
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Draft SEIR, pg. 255	No	No	No	Yes
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Draft SEIR, pg. 255	No	No	No	Yes
e. Result in inadequate emergency access?	Draft SEIR, pg. 255	No	No	No	Yes
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	Draft SEIR, pg. 255	No	No	No	Yes

Discussion

- 16-a) The SEIR reported that since certification of the CWP EIR, Marin County had adopted an improved Countywide traffic model that incorporates Association of Bay Area Governments (ABAG) *Projections 2009* and assumptions from the Metropolitan Transportation Commission's (MTC) *Regional Transportation Plan 2035*. The SEIR updated the CWP EIR traffic analysis utilizing the updated model in order to assess traffic impacts that could result from implementation of the 2007–2014 Housing Element.

The traffic analysis modeled two future scenarios: a 2035 cumulative baseline without the project and a 2035 cumulative baseline with the addition of traffic that would be generated as a result of adopting and implementing the 2007–2014 Housing Element. The analysis focused on the same locations previously evaluated in the CWP EIR: 19 key roadway locations, called screenlines, and eight roadway intersections. The screenlines included ten roadway segments that were “grandfathered” by the *2005 Marin County Congestion Management Program*. Level of service (LOS) was calculated using the Highway Capacity Manual (HCM) for the screenlines and TRAFFIX software (version 8.0) for the intersections. In addition, volume-to-capacity ratios were calculated for the roadway segments and delays were determined for the intersections. Results were compared to the Alternative 4 (Mitigated Alternative) 2030 results from the CWP EIR, using the same thresholds of significance.

Although seven screenline locations would operate unacceptably at LOS E or F in the AM peak hour and ten locations would operate unacceptably in the PM peak hour, the SEIR determined that the conditions would be similar or improved in comparison with the CWP EIR analysis. Although the conditions would represent significant cumulative impacts, these impacts were identified in the CWP EIR and the 2007–2014 Housing Element would not result in new significant or substantially more severe impacts. The SEIR reached the same conclusion for the intersection impacts, where significant cumulative impacts were found at three intersections in the AM peak hour (and in the PM peak hour at one of the intersections), which was fewer intersections than identified with significant impacts in the CWP EIR. It also explained that the analysis was conservative, because it did not account for the fact that affordable housing units have lower trip generation characteristics than are reflected in the Countywide traffic model. Although the mitigation measures identified in the CWP EIR would still be required, no additional mitigation was required.

The SEIR also found that, based on its analysis with an updated traffic model, four impacts identified in the CWP EIR as significant and unavoidable would no longer occur. The impacts at one screenline location and three intersections that would no longer occur were at the following locations:

Impact 4.2-11 South Novato Boulevard from U.S. 101 to Sunset Parkway (Screenline #17)

Impact 4.2-15 Intersection of Second Street and Grand Avenue (Intersection D)
(cumulative conditions)

Impact 4.2-16 Intersection of Third Street and Grand Avenue (Intersection E) (cumulative conditions)

Impact 4.2-17 Intersection of Miller Creek Road and Las Gallinas Avenue (Intersection F)
(cumulative conditions)

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. No sites have been added that were not previously evaluated in the SEIR, and the total number of housing units has been reduced. Therefore, the proposed Project would not cause any new or substantially more severe significant impacts on traffic than those previously evaluated in the SEIR. Implementation of the mitigation measures identified in the CWP EIR would still be required.

- 16-b) The analysis summarized above in Checklist Item 16-a was based in part on Marin County's Congestion Management Program (CMP) which, as noted in the SEIR, was updated in 2011. The SEIR analysis utilized the updated CMP level of service standards for CMP roadways. Based on the analysis summarized in Checklist Item 16-a, the SEIR found that the 2007–2014 Housing Element would not cause a new or substantially more severe significant impact on road segments and intersections, including CMP roadways, than those previously evaluated in the CWP EIR. Similarly, for the reasons set forth above in Checklist Item 16-a, the proposed 2015–2023 Housing Element would not cause a new or substantially more severe significant impact on road segments and intersections, including CMP roadways, than those previously evaluated in the SEIR.
- 16-c) The SEIR determined that implementation of the 2007–2014 Housing Element would not substantially increase air traffic levels or cause a change in location that could create substantial air safety risks. It concluded that the impact on air traffic safety would be less than significant. The proposed Project only considers housing sites previously evaluated in the SEIR, and would therefore not substantially increase the severity of this impact or cause any new impacts on air safety.
- 16-d) The SEIR found that none of the housing sites included in the 2007–2014 Housing Element affects a transportation facility, and all new transportation facilities that would be constructed would comply with all applicable federal, State, and local design and safety requirements. It determined that the traffic hazard impact of the 2007–2014 Housing Element would be less than significant. The proposed Project only considers housing sites previously evaluated in the SEIR, and therefore would not substantially increase the severity of this impact or cause any new impacts on traffic safety.

- 16-e) The CWP EIR did not identify any significant impacts due to inadequate emergency access, and the SEIR made the same determination for the 2007–2014 Housing Element. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The site-specific design of individual projects is not currently known, but future development proposals would be subject to project-specific environmental review that would determine whether any potential constraints on emergency access could result from the proposal and, if so, would identify appropriate design changes to resolve the problem. At the programmatic level of review of the SEIR and this Environmental Checklist, the proposed 2015–2023 Housing Element would not substantially increase the severity or cause a new significant impact related to inadequate emergency access than was previously addressed in the SEIR.
- 16-f) The SEIR reviewed CWP EIR Impact 4.2-26 (Increased Demand for Bicycle and Pedestrian Facilities and Impacts on Safety and Access) and Impact 4.2-27 (Increased Demand for Public Transit Services) and found that residential development that could occur under the 2007–2014 Housing Element would not have any impacts on the demand for bicycle and pedestrian facilities, on bicycle or pedestrian safety and access, or on the demand for public transit services. The SEIR determined that implementation of *Countywide Plan* policies would ensure that the 2007–2014 Housing Element would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. It concluded that the impact on alternative transportation would be less than significant. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element only considers housing sites previously evaluated in the SEIR, and the proposed new implementing programs would entail conducting planning studies that in themselves would have no potential to adversely affect alternative transportation. The proposed Project would therefore not substantially increase the severity of this impact or cause any new impacts on alternative transportation modes.

CWP EIR Mitigation Measures

The SEIR listed the following previously adopted mitigation measures from the CWP EIR that would reduce the severity of significant impacts identified at numerous screenline and intersection locations: Mitigation Measures 4.2-1, 4.2-2, 4.2-4, 4.2-5, 4.2-6, 4.2-8, 4.2-9, 4.2-10, 4.2-11, 4.2-12, 4.2-13, 4.2-14, 4.2-15, 4.2-16, 4.2-17, 4.2-18, 4.2-19, 4.2-20, 4.2-21, 4.2-22, and 4.2-23. Mitigation Measure 4.2-1 calls for developing a new *Countywide Plan* policy and program to reduce growth in vehicle miles traveled (VMT) by single-occupant automobile to not exceed the population growth rate. Mitigation Measure 4.2-2 refers to *Countywide Plan* Goal TR-3, which seeks to expand affordable public transportation service countywide. Mitigation Measures 4.2-4 through 4.2-16 and Mitigation Measures 4.2-20(d) through 4.2-23 require creation of one or more new travel lanes on the affected roadways to expand capacity and

thereby improve level of service. Mitigation Measures 4.2-17 through 4.2-20(c) require signalization of the affected intersections.

However, the impacts would remain significant and unavoidable after implementation of the mitigation measures for the following reasons:

- Mitigation Measure 4.2-1: due to the political and economic difficulties of implementing the full package of programs;
- Mitigation Measure 4.2-2: it would be dependent on implementation of enhanced transit services and other initiatives that are not currently planned or funded;
- Mitigation Measures 4.2-4 through 4.2-14 and 4.2-21(b) through 4.2-2: funding for the mitigation measures is not currently available and, therefore, it was unlikely or uncertain whether the improvement could be completed within the timeframe of the *Countywide Plan*;
- Mitigation Measures 4.2-15, 4.2-16, and 4.2-21: the affected intersections would still operate at unacceptable levels of service even following implementation of the mitigation measures;
- Mitigation Measures 4.2-18 and 4.2-19: fair-share funding provided by new development under the County's Transportation Improvement Fee Ordinance would not be sufficient to fully fund the improvements required by the mitigation measure;
- Mitigation Measure 4.2-20: Impact 4.2-20 identified impacts at three screenline locations and three intersections.

The SEIR did not find any new significant impacts or a substantial increase the magnitude of significant impacts previously identified in the CWP EIR; therefore, no new mitigation measures were required. Similarly, the proposed 2015–2023 Housing Element would not cause any new or substantially more severe traffic and transportation impacts than were previously evaluated in the SEIR, so no new mitigation measures are required or recommended. The previously adopted mitigation measures would continue to apply to the proposed Project.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe traffic and transportation impacts than those previously evaluated in the 2013 SEIR.

17. Utilities and Service Systems

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
17. Utilities and Service Systems. Would the Project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Draft SEIR, pg. 266	No	No	No	n/a
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Draft SEIR, pg. 266	No	No	No	n/a
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Draft SEIR, pgs. 266-267	No	No	No	n/a
d. Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	Draft SEIR, pg. 267	No	No	No	No
e. Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	Draft SEIR, pgs. 266-267	No	No	No	n/a
f. Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	Draft SEIR, pg. 268	No	No	No	n/a
g. Comply with federal, state, and local statutes and regulations related to solid waste?	Draft SEIR, pg. 268	No	No	No	n/a

Discussion

- 17-a) The SEIR briefly summarized the findings of the CWP EIR with respect to wastewater treatment impacts, which found that the 20 sanitary districts in Marin County sending wastewater to eight wastewater treatment plants all had sufficient capacity to accommodate increases in wastewater that would result from implementation of the *Countywide Plan*, with exception of the Bolinas Community Public Utility District (BCPUD), where Impact 4.10-4 (Increased Wastewater Treatment Demand) was determined to be a significant impact. However, none of the housing sites in the 2007–2014 Housing Element or those considered for the proposed 2015–2023 Housing Element are located in the BCPUD. The SEIR obtained updated information on available excess capacity at the other treatment plants in the County and determined that all of the housing sites are located in areas where there is adequate wastewater treatment capacity.

The SEIR acknowledged that on some housing sites, implementation of the 2007–2014 Housing Element could lead to residential development at higher densities than were analyzed in the CWP EIR, which would lead to increased demand for wastewater treatment from those sites. However, because the total number of housing units would not exceed the housing numbers anticipated following buildout of the *Countywide Plan* and analyzed in the CWP EIR, and because this increased demand would be within the treatment capacities of the various districts, the SEIR concluded that the impact of the 2007–2014 Housing Element on wastewater treatment capacity would remain less than significant. The SEIR also found that *Countywide Plan* policies and programs, such as Policy CD-5.2e (Correlate Development and Infrastructure), Policy PFS-1.4 (Reduce Demand on Public Facilities), and programs PFS-1.b (Plan for Service Expansion), PFS-1.d (Reduce Demand on Public Facilities), and PFS-2.d (Support Water Demand Planning) would help reduce wastewater treatment demand.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, there is no potential for the proposed Project to result in greater demand for wastewater treatment than was previously evaluated in the SEIR, and the impact would remain less than significant.

- 17-b) As discussed in Checklist Item 17-a, above, there is adequate existing wastewater treatment capacity to serve new development on housing sites considered in the 2015–2023 Housing Element, so no construction or expansion of wastewater treatment facilities would be required due to the proposed Project.
- 17-c) The SEIR discussed CWP EIR Impact 4.5-6, which determined that buildout under the *Countywide Plan* would require expansion of stormwater drainage systems and could result in secondary impacts to hydrology and water quality. Although this impact was determined to be significant, it would be reduced to less than significant through implementation of Mitigation Measures 4.5-1, 4.5-3(b), and 4.5-4(b). The SEIR identified

two rural housing sites that are not served by existing storm drainage facilities, but the sites are not included in the housing sites inventory of the proposed 2015–2023 Housing Element. The SEIR found that the rest of the residential development that could occur under the 2007–2014 Housing Element would occur as infill development, and would therefore not require either the construction of new storm drainage facilities or expansion of existing storm drainage facilities. The SEIR concluded that the 2007–2014 Housing Element would not cause any new or substantially more severe impacts on stormwater drainage systems.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Because the proposed 2015–2023 Housing Element considers only housing sites that were previously evaluated in the SEIR, and development of the sites would not increase the amount of impervious surfaces on the sites, the rate and volume of stormwater runoff from the Project would not increase in comparison with the 2007–2014 Housing Element. Therefore, implementation of the 2015–2023 Housing Element would not result in a new or substantially more severe impact related to stormwater drainage capacity.

- 17-d) As discussed in the SEIR, the CWP EIR identified four significant unavoidable impacts on water supply: Impact 4.9-1 (Adequacy of Water Supply During a Normal Year), Impact 4.9-2 (Adequacy of Water Supply During a Drought and Multi Drought Years), Impact 4.9-4 (Impacts to Groundwater Supply), and Impact 4.9-5 (Interference with or Degradation of Water Supply). The SEIR stated that the two principal water service providers in the County—the Marin Municipal Water District (MMWD) and the North Marin Water District (NMWD)—have planned for and would continue to provide adequate water supplies within their service areas. The SEIR explained that the Grady Ranch housing site would need to be annexed into the MMWD for water service. The SEIR determined that the 2007–2014 Housing Element would not substantially increase the severity of the significant unavoidable CWP EIR impacts on water supply.

The impact of the proposed 2015–2023 Housing Element on water supplies would be comparable to, although somewhat less than, the impact of the 2007–2014 Housing Element evaluated in the SEIR. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, the proposed Project would not result in a new or substantially more severe impact on water supply than was previously disclosed in the SEIR.

- 17-e) Based on updated wastewater treatment capacities of the main Marin County wastewater treatment agencies, the SEIR found that the agencies continue to have available capacity to accommodate new growth, most of which would occur within the City-Centered Corridor. While it was acknowledged that future expansion of treatment capacity could be constrained by funding limitations, permit restrictions, and environmental requirements,

existing *Countywide Plan* policies and programs would ensure that potential future impacts on wastewater treatment capacity would be mitigated to a less-than-significant level. These include policies PFS-1.4 (Reduce Demand on Public Facilities) and CD-5.2e (Correlate Development and Infrastructure) and programs PFS-1.d (Reduce Demand on Public Facilities) and PFS-2.b (Minimize Demand for Water in New Development). The SEIR also explained that the Marin Municipal Code (i.e., Chapters 18.04, Sewage Disposal Permits; 18.06, Individual Sewage Disposal Systems; and 18.07, Alternative Sewage Disposal Systems) require new development to mitigate its demand on wastewater infrastructure. It concluded that the less-than-significant impact identified in the CWP EIR would remain less than significant.

The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. Therefore, there is no potential for the proposed Project to result in greater demand for wastewater treatment than was previously evaluated in the SEIR, and the impact would remain less than significant.

- 17-f) The SEIR stated that the landfill capacity of Redwood Landfill, which provides waste disposal for the entire County, is sufficient to accommodate the County's waste disposal needs until 2028, which is beyond the planning period of the 2007–2014 Housing Element; it is also beyond the planning period of the proposed 2015–2023 Housing Element. The CWP EIR identified a less-than-significant impact on landfill capacity from buildout of the *Countywide Plan*: Impact 4.10-6 (Increased Solid Waste Disposal Demand). The SEIR noted that future development pursuant to the 2007–2014 Housing Element would be required to comply with federal, State, and local statutes related to solid waste disposal, and concluded that with implementation of the Housing Element the previously identified less-than-significant impact on solid waste disposal capacity would remain less than significant. The sites under consideration for the proposed 2015–2023 Housing Element include the same housing sites inventory as the 2007–2014 Housing Element, except for one site (Site #11: 650 North San Pedro), which was removed from the inventory. The proposed 2015–2023 Housing Element considers fewer total housing units than were evaluated in the SEIR; therefore, the demand for solid waste disposal capacity would be reduced. The proposed Project would not increase the severity of this previously identified impact or result in any new impacts related to solid waste disposal.

- 17-g) This impact was addressed under Checklist Item 17-f, above.

CWP EIR Mitigation Measures

The SEIR listed Mitigation Measures 4.5-6, 4.9-1, and 4.10-4 from the CWP EIR that were adopted as a part of the *Countywide Plan*. Mitigation Measure 4.10-4 only applies to the Bolinas Community Public Utilities District where no new housing sites are proposed and is therefore not listed below. The other mitigation measures would continue to apply.

Mitigation Measure 4.9-1(a) revised Programs PFS-2.c, PFS-2.d, PFS-2.g, PFS-2.h, PFS-2.j, PFS-2.m, PFS-2.o, PFS-2.p, PFS-2.q, WR-2.k, and WR-3.b as follows:

Program PFS-2.c Promote Ahwahnee Principles for Water Supply. Support guidelines for local water providers to enact programs that promote the Ahwahnee Principles for water supply. These should include investigations of new sustainable sources such as groundwater, surface water, recycled water, graywater or desalination facilities that match water quantity and quality to the beneficial uses and the perfection or securing of additional water rights for the water purveyors.

Program PFS-2.d Support Water Demand Planning. Provide Countywide Plan buildout information in the form of letters to water supply purveyors to use in the development of their respective Urban Water Management Plans (UWMPs). Assist the water purveyors in the preparation of these UWMPs by reviewing these documents and providing comments. Initiate discussion with or letters to small water systems, which are not required by the California Water Code to prepare UWMPs because they have fewer than 3,000 connections, urging them to adopt use of the UWMP format for planning. The water shortage contingency plan portion of the UWMP would provide the means to identify shortages on a consistent basis, to define water shortage stages and appropriate response measures, and to develop relevant ordinances, resolutions, or rules to manage water shortages.

Program PFS-2.g Promote Xeriscaping and Native Plants. Amend the Development Code to require site appropriate, drought-tolerant, low water use, native landscaping and ultra-efficient irrigation systems where appropriate for all development applications and re-landscaping projects. For parcels adjacent to publicly managed open space, appropriate landscaping will also be non-invasive and have low flammability, and be prepared in strict conformance with the County's list of appropriate plants. Limit the amount of water intensive landscaping, particularly lawn area allowed, in order to reduce the amount of water needed for irrigation.

Program PFS-2.h Promote Site Appropriate, Low-water Use and Drought Tolerant Native Plants in Public Facilities. Restore and promote the native plants garden at the Civic Center and the development of similar landscaping for all public facilities. Create a Landscaping Master Plan for Public Facilities that specifies appropriate species, methods, and technologies for water-wise landscaping.

Program PFS-2.j Upgrade West Marin Systems. Promote assistance to water service providers to upgrade the water delivery systems in West Marin to reduce the incidence of saltwater intrusion and leakage by reviewing plans and initiating discussion among West Marin water providers of viable programs. The County should promote the upgrade and improvement of water supply development (e.g., wells), water treatment, water delivery and water storage facilities for the purpose of providing supplemental and backup water supplies for peaking and emergency purposes. Upgrade of water systems should be consistent with the Ahwahnee Principles for water supply that

encourage a diverse water portfolio, matching of water supply with intended use, protection of natural systems and water resources, and evaluation of the multiple benefits of a water system upgrade program, among others.

Program PFS-2.m Promote Onsite Rainwater Capture and Retention. *Encourage use of onsite rainwater capture, storage, and infiltration for irrigation and other non-potable uses, and work with Environmental Health Services and water service providers to establish standards for rainwater quality and use. Ensure that catchments do not adversely affect habitat dependent on in-stream flow.*

Program PFS-2.o Assess Project Impacts to Surface Water and Groundwater. *Require documentation that new development projects (including installation of wells) with the potential to degrade or deplete surface water or groundwater resources will not adversely affect a basin or subbasin, including in-stream flows for aquatic habitat.*

Program PFS-2.p Investigate and Consider Appropriate Small-Scale Wastewater Reduction, Treatment Use Technologies. *Work with water agencies to resolve conflicting regulations regarding pre-treated septic drip dispersal systems and appropriate graywater use, to evaluate the potential of small-scale portable graywater converter systems as possible sources for landscaping water, and to modify regulations as necessary to encourage safe graywater use (such as dual systems that employ graywater to support landscaping). (Also see Water Resource policies and programs). Evaluate the potential to use waterless urinals, NSF-approved composting toilets, and other appropriate water saving technologies.*

Program PFS-2.q Adopt Tiered Billing Rates. *Encourage all Marin County water agencies to adopt the California Urban Water Conservation Council's Best Management Practice of tiered billing rates to encourage water conservation. Encourage the establishment of tiers that are based on conserving levels of per capita water use, rather than those based on historical non-conserving levels. Offer comprehensive conservation incentive programs to assist customers to achieve conserving levels of use.*

Program WR-2.k Establish Educational Partnerships to Protect Water Quality. *Initiate discussions with the Regional Water Quality Control Boards, Marin Resource Conservation District, University of California Cooperative Extension, Natural Resources Conservation Service, Marin County Stormwater Pollution Prevention Program, watershed groups, the public, stakeholders and other interested parties to develop and implement public education programs and provide technical assistance to find alternatives and minimize erosion and sedimentation, pathogen and nutrient, and chemical sources of water pollution. This would begin with letters to establish a lead agency to direct the effort. It would include soliciting input from local, State, and federal recreation management agencies to educate boaters and other recreational groups regarding proper management and disposal of human waste.*

Program WR-3.b Support and Integrate Water District Conservation Efforts. *Assist the efforts of the water districts to reduce waste and increase reuse through integrated planning of programs and complementary land use and building regulations. Assess and remove barriers to integrated water planning and mitigate the demand for water in new development. Assess the degree of demand hardening. (Also, see policies and programs under Goals AG-1 in the Agricultural and Food section of this Element, and PFS-2 in the Public Facilities and Services section of the Built Environment Element).*

Mitigation Measure 4.9-1(b) Added the following programs to the Public Facilities and Services section of the Built Environment Element.

Program PFS-2.r Offset New Water Demand. *In water districts where there is insufficient water to serve new development, construction or uses requiring an additional water meter or increased water supply as determined by the district or Marin County, the County shall require new construction or uses development to offset demand so that there is no net increase in demand. One or more of the following measures may be required to achieve no net increase in demand: use of reclaimed water; water catchments and reuse on site; water retention serving multiple sites; retrofits of existing uses in the district to offset increased demand; other such means. These measures should be achieved in partnership with the applicable water district and shall serve as evidence that an adequate, long-term, and sustainable water supply is available to serve the project.*

Program PFS-2.s Require Sustainable Water Supply. *No new development project construction or uses requiring an additional water meter or increased water supply as determined by the appropriate district shall be approved without a specific finding, supported by facts in the administrative record, that an adequate, long-term, and sustainable water supply is available to serve the project. These measures should be achieved in partnership with the applicable water district.*

Mitigation Measure 4.9-1(c) required Marin County to obtain funding for Programs PFS-2.e, PFS-2.k, PFS- 2.n, PFS-2.p, WR-2.k, WR-3.a, and WR-3.b, set the priority of PFS-2.k and WR-2.k to “medium” or higher, and revise the time frame of implementation of PFS-2.f, PFS-2.n, PFS-2.o, and WR-2.k to the medium-term or sooner.

Mitigation Measure 4.5-6 is the same as Mitigation Measures 4.5-1(b), 4.5-3(b), and 4.5-4(b). See Checklist Section 9 (Hydrology, Water Quality and Flooding Hazard).

The SEIR did not find new or substantially more severe impacts on utilities and service systems, so no additional mitigation measures were required. Similarly, adoption and implementation of the proposed 2015–2023 Housing Element would not cause new or substantially more severe utilities and service systems than were previously evaluated in the SEIR, and therefore no additional mitigation measures would be required.

Conclusion

Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe utilities and service systems than those previously evaluated in the 2013 SEIR.

18. Mandatory Findings of Significance

Environmental Issue Area	Where Impact Was Analyzed in the SEIR.	Do Proposed Changes in the Project Involve New Significant Impacts or Substantially More Severe Impacts?	Any Changed Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information of Substantial Importance Requiring New Analysis or Verification?	Do Previously Adopted SEIR Mitigation Measures Address/ Resolve Impacts?
18. Mandatory Findings of Significance.					
a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	SEIR sections 3.4.4 (Biological Resources) and 3.4.5 (Cultural Resources)	No	No	No	Yes
b. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?	SEIR sections 3.4.1 through 3.4.17	No	No	Yes	Yes
c. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	SEIR sections 3.4.1 through 3.4.17	No	No	Yes	Yes

Discussion

18-a) Based on the discussions presented in Checklist Sections 4 and 5 (and in SEIR Sections 3.4.4 and 3.4.5), adoption and implementation of the 2015–2023 Housing Element would not

result in new significant impacts or substantially more severe impacts to biological resources or cultural resources.

- 18-b) The SEIR referenced the discussion of cumulative impacts presented in Chapter 6 of the CWP EIR, which identified significant direct, indirect, and cumulative impacts associated with the *Countywide Plan* in the areas of land use, population and housing, transportation, air quality, noise, hydrology, water quality and flood hazards, biological resources, geology, agriculture, water supply and demand, public services, and visual resources. The SEIR noted that many of these impacts would remain significant even after implementation of mitigation measures identified in the CWP EIR. The SEIR concluded that, under the 2007–2014 Housing Element, the cumulative impacts would remain significant and unavoidable, but would not be substantially more severe than the impacts analyzed in the CWP EIR. The proposed 2015–2023 Housing Element would not substantially increase the severity of any of the impacts, including cumulative impacts, identified in the SEIR, and would not cause any new significant impacts.
- 18-c) The SEIR identified new significant impacts related to air quality; hydrology, water quality and flood hazard; and noise that could occur with implementation of the 2007–2014 Housing Element, all of which could have adverse effects on human beings. These included exposure of new residents to significant concentrations of toxic air contaminants (TACs), locating housing sites within mapped dam inundation areas, and exposure of people to groundborne vibration generated by SMART train operations. The SEIR identified New Mitigation Measures, which were adopted and incorporated into the Countywide Plan on September 24, 2013, and would continue to apply to the 2015–2023 Housing Element, to reduce the impacts of the proposed Project to a less-than-significant level. Based on the analyses presented in Checklist Sections 1 through 17 (and in SEIR Sections 3.4.1 through 3.4.17), the proposed 2015–2023 Housing Element would not substantially increase the severity of any of these impacts and would not cause any new significant impacts that would adversely affect human beings, either directly or indirectly.

CWP EIR Mitigation Measures

Mitigation measures have been identified in the topical sections of the Environmental Checklist that are necessary to reduce impacts that could result from adoption and implementation of the 2015–2023 Housing Element to less-than-significant levels. The majority of the mitigation measures were identified in the *CWP EIR* and were adopted and incorporated into the Countywide Plan. The remainder of the mitigation measures were identified as “new” mitigation measures in the 2013 SEIR and were adopted and incorporated into the Countywide Plan in 2013. No new or substantially more severe impacts have been identified in this Environmental Checklist, and no new mitigation measures are required.

Conclusion

As discussed in this Environmental Checklist, implementation of the proposed 2015–2023 Housing Element has the potential to cause adverse effects on special-status species and sensitive natural

communities, to have a cumulative impact on wildlife movement corridors, and to eliminate important examples of the major periods of California history or prehistory. It has the potential to result in cumulatively considerable impacts and to have substantial adverse effects on human beings. However, Implementation of the 2015–2023 Housing Element would not result in any new or substantially more severe impacts than those previously evaluated in the SEIR, and no new mitigation measures are required.

Summary Findings of Checklist

This environmental checklist review analyzes the proposed Project and compares the potential impacts to the conclusions of the 2013 SEIR. This analysis was completed to determine the requirement for further environmental documentation pursuant to State CEQA Guidelines sections 15162, 15163, and 15164. This analysis has identified no new or substantially more severe impacts of the Project compared to those identified and evaluated in the SEIR.

Previously adopted mitigation measures identified in the SEIR would be applied to the Project, as proposed, to reduce or avoid significant impacts. The topic areas in which SEIR mitigation measures would apply are the following: Aesthetics, Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gases; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Population and Housing; Transportation/Traffic; and Utilities and Service Systems. With the application of these previously-identified mitigation measures, summarized below and reproduced in full in the Environmental Checklist, no new significant impacts or substantial increases in the severity of previously identified impacts requiring revisions to the SEIR would occur. No new mitigation measures are required for the adoption and implementation of the proposed Project.

Aesthetics

Previously adopted CWP EIR Mitigation Measure 4.12-2 expedites the implementation of *Countywide Plan* Implementing Program DES-1.a (Add Design Components to Community Plans). CWP EIR Mitigation Measure 4.12-4 requires new development and projects that would make significant parking lot improvements or add new lighting to prepare a lighting plan for design review and approval by County staff and adds a new implementing program to develop and add lighting design guidelines to the Development Code. Previously adopted Mitigation Measure 3.6.2b would reduce potential impacts from new sources of nighttime lighting. These mitigation measures would continue to apply to the proposed 2015–2023 Housing Element. No new mitigation measures were added by the SEIR.

Air Quality

The CWP EIR identified several mitigation measures to reduce identified air quality impacts. Mitigation Measure 4.3-1 (which is the same as Mitigation Measure 4.2-1) became *Countywide Plan* Policy TR-1.8 and Program TR-1.s, which are intended to reduce vehicle miles (VMT) traveled by single-occupant automobiles and establish a program to monitor progress on VMT reduction. Mitigation Measure 4.3-2 adds a new *Countywide Plan* program requiring new office

developments with more than 50 parking spaces to offer a Parking “Cash-Out” Program and expedites implementation of other programs. Mitigation Measure 4.3-3(a) revised policy AIR-2.1 of the Natural Systems & Agriculture Element and Mitigation Measure 4.3-3(b) revised Program AIR-2.a, while Mitigation Measure 4.3-3(c) added a new program to the Natural Systems & Agriculture Element requiring projects involving sensitive receptors proposed within 150 feet of freeways to conduct a health risk assessment. The SEIR added a new mitigation measure (New Mitigation Measure Air Quality-1), which was adopted and incorporated into the project to ensure that the exposure of future residents to toxic air contaminants (TACs) would be a less-than-significant impact. All of these mitigation measures were adopted as a part of the *Countywide Plan* and would continue to apply to the proposed 2015–2023 Housing Element.

Biological Resources

CWP EIR Mitigation Measure 4.6-1 became Program BIO-2.e (Participate in FishNet4C Program), calling for participation in the FishNet4C Program and cooperation with participating agencies to implement aquatic habitat improvements. Mitigation Measure 4.6-2 increased the priority of Program BIO-1.b (Develop Habitat Monitoring Programs). Mitigation Measure 4.6-4 required expansion of the boundaries for the proposed Baylands Corridor on the St. Vincent’s / Silveira properties, and required the *Countywide Plan* to implement programs necessary to identify and protect important wildlife habitat, while Mitigation Measures 4.6-4(a) and 4.6-4(b) provided more detailed direction for implementation of Mitigation Measure 4.6-4. These mitigation measures would continue to apply to the proposed 2015–2023 Housing Element. No new mitigation measures were added by the SEIR.

Cultural Resources

The CWP EIR identified one mitigation measure to reduce impacts to historical resources to a less-than-significant level. Mitigation Measure 4.11-1 required Marin County to obtain additional funding for programs HAR-1.g (Create a County Historical Commission), HAR1.I (Adopt Preservation Guidelines), and HAR-1.m (Require Design Compatibility) and to expedite their implementation. This mitigation measure was adopted as a part of the *Countywide Plan* and would continue to apply to the proposed 2015–2023 Housing Element. No new mitigation measures were added by the SEIR.

Geology and Soils

The CWP EIR identified several mitigation measures to reduce geology and soils impacts. Mitigation Measure 4.7-1(a) revised Policy EH-2.2 (Comply with the Alquist-Priolo Act) and Program EH-2.d (Limit Building Sites in Alquist-Priolo Zones) of the Natural Systems and Agriculture Element of the *Countywide Plan*. Mitigation Measure 4.7-1(b) added a new Program EH-2.I (Reliability of Lifelines and Access (Evacuation) Routes) to the Natural Systems and Agriculture Element. Mitigation Measure 4.7-1(c) requires continual implementation of County ordinances requiring geological assessments for new subdivisions and grading permits to identify the presence of surface fault rupture. Mitigation Measure 4.7-2(a) revised Policy EH-2.3 (Ensure Safety of New Structures) and Programs EH-2e (Retrofit County Buildings) of the Natural Systems

and Agriculture Element, and PS-3.f (Promote Structural Safety), and PS-3.g (Locate Emergency Services Facilities Appropriately) of the Built Environment Element. Mitigation Measure 4.7-2(b) added new Program EH-2.n (Post-earthquake Damage Assessment) to the Natural Systems and Agriculture Element. Mitigation Measure 4.7-2(c) requires funding for the revised Program EH-2.e (Retrofit County Buildings and Critical Facilities) and expedites its implementation. Mitigation Measure 4.7-2(d) requires continual implementation of County ordinances to ensure new construction utilizes California Building Code seismic design requirements and complies with other seismic safety requirements. Mitigation Measure 4.7-3(a) revised Programs EH-2.a (Require Geotechnical Reports) and EH-2.b (Require Construction Certification) of the Natural Systems and Agriculture Element. Mitigation Measure 4.7-3(b) added new Program EH-2.o (Geologic Hazard Areas) to the Natural Systems and Agriculture Element. Mitigation Measure 4.7-3(c) requires continual implementation of County ordinances requiring geological assessments for new subdivisions and grading permits to identify hazards associated with seismic-related ground failure.

Mitigation Measure 4.7-4(a) requires the County to adopt and implement *Countywide Plan* programs revised as part of Mitigation Measure 4.7-3. Mitigation Measure 4.7-4(b) requires continued implementation of County ordinances requiring a Stability Report for new construction in specified areas on County slope stability maps. Mitigation Measure 4.7-5(a) requires the County adopt and implement the revised programs identified in Mitigation Measure 4.7-3. Mitigation Measure 4.7-5(b) expedites implementation of Program EH-2.g (Identify Compressible Soil Potential). Mitigation Measure 4.7-5(c) requires continued implementation of County ordinances requiring geological assessments for new subdivisions and grading permits to identify hazards associated with subsidence and settlement. Mitigation Measure 4.7-6(a) requires the County to adopt and implement the revised programs identified in Mitigation Measure 4.7-3. Mitigation Measure 4.7-6(b) requires continued implementation of County ordinances requiring geological assessments for new subdivisions and grading permits to identify hazards associated with expansive soils. Mitigation Measure 4.7-7 obtains funding for Program WR-2.e (Continue Providing High-Priority Inspections) in order to continue no-cost inspections of septic systems in high priority areas. Mitigation Measure 4.5-4 is described in Environmental Checklist Section 9.

These mitigation measures would continue to apply to the proposed 2015–2023 Housing Element. No new mitigation measures were added by the SEIR.

Greenhouse Gases

The CWP EIR identified two mitigation measures to reduce identified greenhouse gas impacts. Mitigation Measure 4.3-6(a) revised Program AIR-4.f (Establish a Climate Change Planning Process) while Mitigation Measure 4.3-6(b) implements proposed State programs to reduce greenhouse gas emissions, including the Renewable Portfolio Standards, California Fuel Efficiency (CAFÉ) standards, and a carbon cap-and-trade program. These mitigation measures would continue to apply to the proposed 2015–2023 Housing Element, as appropriate. No new mitigation measures were added by the SEIR.

Hazards and Hazardous Materials

The CWP EIR identified three mitigation measures to reduce identified hazards and hazardous materials. Mitigation Measure 4.10-1(a) added new Program PS-4.h (Hazardous Materials Education) to the Socioeconomic Element of the *Countywide Plan*. Mitigation Measure 4.10-1(b) added new Program PS-4.i (Hazardous Materials Disposal) to the Socioeconomic Element. Mitigation Measure 4.10-2(a) revised Policy EJ-1.1 (Identify and Target Impacted Areas) of the Socioeconomic Element. Mitigation Measure 4.10-2(b) requires expedited implementation of Program PS-4.a (Regulate Development Near Waste Sites), Program EJ-1.g (Deny Pollution-Source Proposals), and Program EJ-1.h (Require Pollution Analysis). Mitigation Measure 4.10-3 is the same as Mitigation Measure 4.10-2(a). These mitigation measures would continue to apply to the proposed 2015–2023 Housing Element, as appropriate. No new mitigation measures were added by the SEIR.

Hydrology and Water Quality

The CWP EIR identified several mitigation measures to reduce hydrology and water quality impacts. Mitigation Measures 4.5-1, 4.5-3, 4.5-4, 4.5-5, 4.5-6, 4.5-7 and 4.7-8 of the Countywide Plan EIR were adopted as a part of the *Countywide Plan* and would continue to apply. Mitigation Measure 4.5-1(a) revised Program WR-2.i (Establish a Septic Inspection, Monitoring, and Maintenance District). Mitigation Measure 4.5-1(b) requires the County to continue to implement County ordinances addressing nonpoint source pollution, erosion and sediment control, and surface runoff pollution from proposed development projects. Mitigation Measure 4.5-3(a) expedites implementation of Program PFS-2.o (Assess Project Impacts to Surface Water and Groundwater). Mitigation Measure 4.5-3(b) requires the County to continue to implement County ordinances that maintain continued groundwater recharge and require surface runoff pollution control plans and best management practices for new developments and redevelopments. Mitigation Measure 4.5-4(a) became *Countywide Plan* policy BIO-4.19 (Maintain Channel Stability). Mitigation Measure 4.5-4(b) requires Marin County to continue to implement NPDES Phase II permit requirements relating to peak flow controls. Mitigation Measure 4.5-4(c) is the same as Mitigation Measures 4.5-1(b) and 4.5-3(b). Mitigation Measure 4.5-5 is the same as Mitigation Measures 4.5-1(b), 4.5-3(b) and 4.5-4(b). Mitigation Measure 4.5-6 is the same as Mitigation Measures 4.5-1(b), 4.5-3(b), and 4.5-4(b). Mitigation Measure 4.5-7(a) is the same as Mitigation Measures 4.5-3(b), 4.5-4(a) and 4.5-4(b).

Mitigation Measure 4.5-7(b) requires County staff to amend the Marin County Development Code to include construction standards for areas threatened by future sea level rise. Mitigation Measure 4.5-7(c) requires the County to continue to implement County ordinances that regulate floodplain development to ensure that project related and cumulative impacts to flooding are minimized or avoided. Mitigation Measure 4.7-8(a) revised Policy EH-2.4 (Protect Coastal Areas from Tsunamis) and Programs EH-3.a (Regulate Development in Flood and Inundation Areas) and EH-3.g (Locate Critical Facilities Safely).

The SEIR also identified five new mitigation measures, which were adopted and incorporated into the project. New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-1 requires

the County to obtain or develop tidal inundation maps for both the mid-century (2050) and end-of-century (2099) projected sea level rise scenarios, and require new development located in hazard areas to mitigate flooding risks. New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-2 requires housing on sites within a 2050 tidal inundation zone to be developed on building pads elevated above the inundation elevation. New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-3 requires the County to coordinate with the Federal Emergency Management Agency to incorporate current projections of mid-century sea level rise into future flood insurance studies and the Flood Insurance Rate Maps for Marin County. New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-4 requires the County to adopt the regional policies addressing adaptation to predicted sea level rise recently adopted by the San Francisco Bay Conservation and Development Commission as part of its San Francisco Bay Plan. New Mitigation Measure Hydrology, Water Quality and Flooding Hazard- 5 requires the County to adopt and implement a new *Countywide Plan* policy that addresses new development in mapped dam failure inundation areas.

These mitigation measures would continue to apply to the proposed 2015–2023 Housing Element, as appropriate.

Land Use and Planning

There were no mitigation measures for land use and planning impacts in either the *CWP EIR* or in the SEIR, and no new mitigation measures are required for the proposed 2015–2023 Housing Element.

Mineral Resources

There were no mitigation measures for mineral resources impacts in either the *CWP EIR* or in the SEIR, and no new mitigation measures are required for the proposed 2015–2023 Housing Element.

Noise

The CWP EIR identified one mitigation measure to reduce temporary construction noise impacts. Mitigation Measure 4.4-5 revised Program NO-1.i Regulate Noise Sources. The SEIR determined that a new mitigation measure (Mitigation Measure Noise-1) was required to reduce significant impacts that would result from the exposure of persons to groundborne vibration generated by SMART operations. New Mitigation Measure Noise-1 The County shall use the Federal Transit Administration (FTA) vibration impact criteria to evaluate the compatibility of sensitive uses proposed along the SMART corridor. These mitigation measures were adopted as part of the *Countywide Plan* and would continue to apply to the proposed 2015–2023 Housing Element, as appropriate.

Population and Housing

The CWP EIR identified one mitigation measure to reduce identified population and housing impacts. Mitigation Measure 4.1-2 added Policy CD-5.2 (Correlate Development and Infrastructure) and Programs CD-5.a (Review and Correlate Countywide Growth and

Infrastructure), CD-5.k (Monitor Growth and Circulation), CD-5.l (Provide Adequate Infrastructure Capacity), and CD-5.m (Development Review) to the Community Development Section of the Built Environment Element of the *Countywide Plan*. These mitigation measures were adopted as part of the *Countywide Plan* and would continue to apply to the proposed 2015–2023 Housing Element, as appropriate. The SEIR did not identify any additional mitigation measures for population and housing impacts.

Public Services

No significant impacts on public services were identified in the CWP EIR or the 2013 SEIR; therefore, no mitigation measures were required. No new mitigation measures are required for the proposed 2015–2023 Housing Element.

Recreation

No significant impacts on recreational facilities were identified in the CWP EIR or the 2013 SEIR; therefore, no mitigation measures were required. No new mitigation measures are required for the proposed 2015–2023 Housing Element.

Transportation/Traffic

The SEIR identified numerous previously adopted mitigation measures from the CWP EIR that would reduce the severity of significant impacts identified at numerous screenline and intersection locations: Mitigation Measures 4.2-1, 4.2-2, 4.2-4, 4.2-5, 4.2-6, 4.2-8, 4.2-9, 4.2-10, 4.2-11, 4.2-12, 4.2-13, 4.2-14, 4.2-15, 4.2-16, 4.2-17, 4.2-18, 4.2-19, 4.2-20, 4.2-21, 4.2-22, and 4.2-23. Mitigation Measure 4.2-1 calls for developing a new *Countywide Plan* policy and program to reduce growth in vehicle miles traveled (VMT) by single-occupant automobile to not exceed the population growth rate. Mitigation Measure 4.2-2 refers to *Countywide Plan* Goal TR-3, which seeks to expand affordable public transportation service countywide. Mitigation Measures 4.2-4 through 4.2-16 and Mitigation Measures 4.2-20(d) through 4.2-23 require creation of one or more new travel lanes on the affected roadways to expand capacity and thereby improve level of service. Mitigation Measures 4.2-17 through 4.2-20(c) require signalization of the affected intersections. However, all of the impacts would remain significant and unavoidable after implementation of the mitigation measures for varying reasons listed in Checklist Item 16.

Utilities and Service Systems

The SEIR listed two mitigation measures from the CWP EIR for utilities and service systems impacts that were applicable to the 2007–2014 Housing Element: Mitigation Measures 4.5-6 and 4.9-1. Mitigation Measure Mitigation Measure 4.9-1(a) revised *Countywide Plan* Programs PFS-2.c (Promote Ahwahnee Principles for Water Supply), PFS-2.d (Support Water Demand Planning), PFS-2.g (Promote Xeriscaping and Native Plants), PFS-2.h (Promote Site Appropriate, Low-water Use and Drought Tolerant Native Plants in Public Facilities), PFS-2.j (Upgrade West Marin Systems), PFS-2.m (Promote Onsite Rainwater Capture and Retention), PFS-2.o (Assess Project Impacts to Surface Water and Groundwater), PFS-2.p (Investigate and Consider

Appropriate Small-Scale Wastewater Reduction, Treatment Use Technologies), PFS-2.q (Adopt Tiered Billing Rates), WR-2.k (Establish Educational Partnerships to Protect Water Quality), and WR-3.b (Support and Integrate Water District Conservation Efforts).

Mitigation Measure 4.9-1(b) added Programs PFS-2.r (Offset New Water Demand) and PFS-2.s (Require Sustainable Water Supply) to the Public Facilities and Services section of the Built Environment Element of the *Countywide Plan*. Mitigation Measure 4.5-6 is the same as Mitigation Measures 4.5-1(b), 4.5-3(b), and 4.5-4(b).

These mitigation measures were adopted as part of the *Countywide Plan* and would continue to apply to the proposed 2015–2023 Housing Element, as appropriate. The SEIR did not identify any additional mitigation measures for utilities and service systems impacts.

Summary of Applicable CWP EIR Mitigation Measures

None of the adopted mitigation measures from the 2013 SEIR or the CWP EIR have been modified, and no new mitigation measures are required for the proposed Project.

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September 9, 2014

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

Re: Marin County Housing Element Update

Dear Chair and Members of the Planning Commission;

I represent Community Venture Partners, Inc., (CVP), and am also writing on behalf of Joan Bennett, Rick Harris, and Justin Kai in regard to the 2015-2023 Marin County General Plan Housing Element amendment. This letter is a follow up letter to my letter of August 20, 2014 and responds to comments made by County staff at the August 28 Planning Commission hearing and by Supervisor Katie Rice regarding their interpretation of state housing and planning and development law.

CVP is concerned about the Planning Commission and Board of Supervisors' unfortunate reliance on inaccurate interpretations and implementation of state housing, transportation and environmental law. Staff and other County officials have not complied with or have misinterpreted state law provisions regarding:

- Public participation in the housing element development process;
- County liability for not adopting a housing element by January 31, 2015;
- Waiver of County development review authority for housing element and bonus density units;
- Reduction of local input and public review of housing element and bonus density units.

CVP urges Marin County to not proceed in their current plan to rush housing element certification based on misinformed views of state laws as set out below.

1. The County continues to ignore Housing Element public participation requirements

Regarding municipal housing element adoption, Government Code Section 65583(c)(7) states that; "[t]he local government shall make a diligent effort to achieve public participation..." The County's noncompliance with this requirement was made further apparent by its introduction of an enormous buffer on August 28 and then approving the buffer only two weeks later – barely giving the public a week to respond to a vital decision that will cover eight years. Then, at the Planning Commission hearing on August 28, Commissioner Holland claimed that it is "too late" to amend housing element site designations or units numbers, and that doing so was engaging in a "numbers game." This was said, despite the fact that there are 6-9 months left in the process and Mr. Holland and other Commissioners

voted only 2 weeks previously to drastically and unnecessarily increase housing element designations. If Mr. Holland believes that the public simply has no role at this point in the County deliberations on the Housing Element - six to nine months before adoption - then Mr. Holland and the Commission itself, in agreeing with this assessment, appear unconcerned with state law requirements for a "diligent effort to achieve public participation." Indeed, such a statement shows a lack of respect for the very concept of public participation.

Similarly, County Planner Leelee Thomas contended to the Planning Commission that tinkering with the site list/unit counts for the state density bonus law could raise "red flags" at HCD. (July 28, 2014 Planning Commission Hearing Video, Minute 3:38.) First, buffers of such a high number are not requested nor expected by staff at the Housing and Community Development Agency (HCD). The only red flag would be such a high buffer number being proposed in the first place, thus possibly causing HCD to question how credible the actual site designation list is.

The County should assert its own community needs and not those of HCD officials. The housing element is adopted by the County, not by HCD and is part of the Marin Countywide Plan. Government Code Section 65581(c). HCD has a role in certifying the housing element but it is up to the County to prepare a housing element that complies with state planning and zoning law and meets the needs of its residents. Thus, County staff should be assertively advocating on behalf of County residents. Negotiating is part of any Housing Element certification process and County staff is paid very well to conduct these negotiations.

In her recent newsletter, Supervisor Rice urged residents to be sanguine about the huge new buffers, claiming that the Board can make changes after HCD's review. This is a curious view of how the public can – or cannot – participate in formation of the housing element. Ms. Rice's body, the Board of Supervisors, established a time-constrained work schedule that makes any meaningful review by the public – or even the Board - after HCD certification impossible.

Supervisor Rice and Commissioner Holland's view that it is too late to "tinker" or more accurately, reduce the enormous buffer in response to public opposition, and "engage in a numbers game" reflects a staff view that the Housing and Community Development opinions are paramount to those of taxpaying citizens of Marin.

2. County liability for not adopting a housing element by January 31, 2015 has been repeatedly overstated

In her August 29 newsletter, Supervisor Rice claimed "January 31, 2015, is the first deadline for adoption of the 2014-2023 Housing Element. Meeting this deadline would allow the County to stay on an eight year cycle for Housing Element update, representing a considerable saving per the County's resource allocation, and ensuring access to regional transportation funding." As I showed almost a month ago in my letter to the Planning Commission, that date is an artificial deadline; Government Code Section 65588(e)(4) gives the County until May 31, 2015 to adopt its Housing Element before being forced to move to a four year cycle.

There is another faulty argument that the January 31 date creates liability for the County. That claim, like many other made to rationalize a truncated public role, is based on a partial truth. The claim is that

the County would lose the rebuttable presumption of validity for its housing element if the County did not adopt its housing element by the statutory due date of January 31, 2015. This is true. The second part of the claim, that someone or an organization could file an action against the County for failing to have a legally adequate housing element is a strawman. While this provision has some teeth, it is not in the context of a delay in housing element adoption. First, no judge would ding the County for being late when the statute gave the County a grace period. Such a case would almost certainly be dismissed.

Second, such a lawsuit would never be filed because there would be no requisite cause of action or damages until a developer's proposal was rejected. (Government Code § 65883.) Such a fear of a lawsuit assumes that between Jan 31 and May 31 that the County would disapprove a low income housing application regarding something in the housing element and the developer would appeal. It would be impossible for practical purposes for an application to be submitted, deemed complete and appeals addressed before May 15. The lawsuit would end up being moot.

3. The County continues to make erroneous interpretations regarding the *mandatory* nature of development approvals of Housing Element and density bonus units

During the hearing, Commissioners Holland and Dickerson asked some important questions of staff regarding the relationship of density bonus and housing element law. Their questions addressed the reality that the county is not considering the impact of the state density bonus in its housing element submittal. In order to dismiss these concerns, County staff and officials have misinterpreted the state density bonus law, failing to take into account that with the state density bonus will in some instances now exceed the densities allowed in the Countywide Plan.

Supervisor Rice made several comments in her newsletter of August 2014 regarding her view of housing element law and effect, which mirrored County Planner LeeLee Thomas's views. Unsurprisingly, neither Ms. Thomas nor Ms. Rice supported their claims with any citations to state housing element or density bonus law. But surprisingly, Ms. Thomas and Ms. Rice appeared to have an important lack of understanding of the very basis of housing element and density bonus law; both laws are designed to provide incentives by significantly reducing local control over development.

Ms. Thomas said during the August 28th hearing that the County is not too concerned with density bonus because there are exceptions to this law that provide municipalities with the ability to regulate such density bonus projects. Ms. Rice claims in her newsletter that "proposals for development of any parcel (whether or not included in the Housing Element), are required to conform to local code, community plans, general plan policy, design guidelines, etc. and must go through the planning, design, environmental review, and permitting and public review processes required by the County." Both statements are misleading, because – as shown below - reducing local control is the only real incentive and thus, the main tool of housing element and density bonus law.

Housing Element Law provides "builders' remedies" that prohibit County regulation of development. For instance, Government Code Section 65863(b) restricts municipalities ability to downzone parcels that have been included in an HCD certified Housing Element. Government Code Section 65583 – adopted in SB 375 - provides another builder's remedy whereby a County that does not comply with rezoning is subject to liability and attorney's fees.

Density Bonus Law's requirements to waive local control are mandatory. The operative word in density bonus law is the municipality shall" provide the density bonus. The term "shall" is used sixty three times in the main government code section regarding density bonus. Government Code § 65915. (Only a very few "shall"s relate to the developers responsibilities.) This ability to *force* the locality to modify or even *waive* its normal development standards is the very reason these laws were passed and are the most compelling reason for the developer to structure a project to qualify for the density bonus. Indeed, developer's attorneys advertise that the density bonus statute can be used to achieve reductions in development standards or the granting of concessions or incentives from jurisdictions that otherwise would not be inclined to grant those items.

http://www.kmtg.com/sites/default/files/publications/density_bonus_law_2012.pdf

For instance, Government Code Section 65915(e) states that "[i]n no case may a city, county, or city and county apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." (Emphasis added.) Thus, a developer who meets the either law's requirements for affordable or senior units is arguably entitled to the density bonus and other assistance as of right, regardless of what the locality wants subject to limited health and safety exceptions. (Ibid.) What this means is that proposals are *not* required to conform to all local municipal codes or general plan guidelines.

Also, Ms. Thomas's contention that no one uses density bonus law is as strange as it is inaccurate. Ms. Thomas provides no statistically meaningful support for this claim despite thousands of such units being developed in California. Of course it is possible that Ms. Thomas is basing her opinion on her experience during the last 7 years – during California's worst housing recession in history.

Density bonus Law set asides apply to both affordable housing and senior housing. Ms. Rice and another County supervisor have recently expressed surprise that density bonus can be applied to senior housing at all income levels. This view goes to the heart of the many County officials' lack of understanding of how housing element and density bonus law operates. In fact, it is exactly the opposite of how the Supervisors believe it works. Density bonus is in fact, triggered by low income or senior housing proposals by developers. (Gov't Code Section 65915(b)(1)(a-c).) Thus, the 502 buffer units that the County is proposing could trigger an additional 176 density bonus units. Both the 502 and the 176 are arguably exempt from almost any local regulatory control or public comment and participation. Adding 502 extra units is not "tinkering" with the County's housing element allocation, it is needlessly ballooning it to 678 units.

4. Housing Element and density bonus law eliminate much of the public's right to review projects

Supervisor Rice contends in her newsletter that "identification of vacant or underdeveloped parcels with zoning in place that could accommodate additional new housing does not trigger development. It is up to the property owner to decide whether or not to develop their property." This is a strange argument – no one is contending that property owners must develop their own land, which is hardly ever the case for high density housing development. But more importantly Ms. Rice seems to characterize the housing element process as just a bureaucratic number counting exercise. This view is simply wrong and

ignores that housing element rights provided to developers are purposely designed incentives – incentives that provide monetary value partly *because they reduce local control and citizen input* as shown above.

Further, CEQA contains several infill exceptions and recently the state legislature has streamlined CEQA requirements for traffic and parking impacts in certain areas (located in high quality transit corridors – i.e. within one half mile of Highway 101). Developers have successfully used these exemptions to provide for complete exemptions for large projects with density bonus. *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329 held that modifications required by the density bonus law – which increased the project impacts - did not disqualify the project from claiming the exemption.

Recently, several jurisdictions, such as the Cities of Larkspur and Corte Madera have attempted to use CEQA exemption procedures to reduce their need to review infill or transportation adjacent projects contemplated in a general plan amendment. For instance, the City of Corte Madera, in approving the infamous Wincup development, relied on CEQA's "tiering" provisions (e.g. Pub. Res. Code §21083.3) to avoid public involvement at the project stage, resulting in a project that infuriated most of Marin County.¹

Conclusion

Finally Supervisor Rice claims that "Marin is a county that respects community values, community character and thoughtful planning that supports our many unique and varied communities." If this is true, why does Ms. Rice advocate unnecessarily ceding County values, character and thoughtful planning?

Again, CVP urges the County to direct staff to "restart" the public participation process as set out in HCD guidelines, reduce the amount of buffer units to a reasonable number that does not unnecessarily cede County authority, and to consider the social, economic environmental costs of its proposal for such large scale development.

Sincerely,



Edward Yates

Cc: Supervisor Katie Rice, Brian Crawford

¹ Also, SB1537 (which reduces the default density in parts of Marin County) does not apply to sites within one half mile from transportation corridors, which is where most of the Housing Element sites are. Thus, the default density will be 30 units per acre and these developments are potentially exempt from certain CEQA public participation requirements. (E.g. Pub. Res. Code §§ Sections 21155, 21155.2, 21155.3.)

October 6, 2014

Mr. Brian Crawford, Director
Community Development Agency
County of Marin
3501 Civic Center Drive, Room 309
San Rafael, CA 94903



By e-mail

SUBJECT: Impact of State Density Bonus on Draft Housing Element (2015-2023)

Dear Mr. Crawford:

We are directing this letter to you and CDA staff rather than to the Planning Commission so that our comments can be considered in the staff report for the next public hearing on the Draft Housing Element (2015-2023). Specifically, MCL wishes to express concern about the CEQA implications of adding a State density bonus of up to 35 percent to the number of housing units specified in the Draft Element.

For most of the listed sites, the discrepancy between the number of units designated in the Housing Element plus potential State density bonus, and the number of units assumed in the 2007 Countywide Plan, is relatively minor. The discrepancy is notable, however, for the St. Vincent/Silveira properties, in which instance the maximum of 221 units specified by policy in the 2007 Countywide Plan could increase to 298. The difference between 82 units for Marinwood Plaza plus potential State density bonus (110), and units analyzed in the 2007 Countywide Plan EIR (50 - 100), is substantial enough to raise questions. Our primary concern is with the St. Vincent/Silveira site, however, due to the environmental and cultural sensitivities of that site.

On August 25, 2014, Planning Commissioners recalled that the St. Vincent/Silveira property was added to the list of sites to provide a substantial buffer beyond the RHNA requirement of 185 units and because it is not unreasonable to expect a plan for development of St. Vincent's/Silveira properties sometime in the next eight years covered by the new Housing Element. Therefore, the St. Vincent/Silveira site is designated for 100 lower income, 50 moderate, and 71 market-rate units, for a total of 221 units. Adding a State density bonus, however, would increase that number to 298 units – a significant number that was not anticipated in the Plan nor was analyzed in either the 2007 CWP EIR or the 2013 Marin County Housing Element Supplement to the 2007 EIR, which was designed to cover the impacts of two housing cycles through 2023.

Commissioners considered two proposals for dealing with the discrepancy at St. Vincent's/Silveira: first, by removing the entire site from the Draft Housing Element; or second, by recalculating the maximum number of allowed units by backing out an assumed 35 percent bonus, leaving a lower base number of units. Both proposals were rejected by majority vote.

PHONE: 415.485.6257
FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org

ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

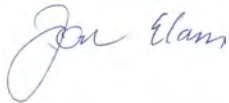


The Commission majority then recommended approval of all sites previously discussed, for a total of 502 units, leaving open the possibility of a hypothetical scenario in which applications for the State's density bonus are in fact granted. One Commissioner suggested informally that this scenario is unlikely to happen at the St. Vincent/Silveira site, given the site's political history. Another suggested that the Commission's recommendation simply "kicks the can down the road."

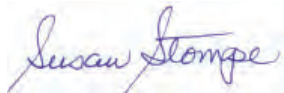
MCL does not have a position on either of the two alternatives that were proposed by the Commission, even though we believe that the buffer is excessive. What remains unresolved is the fact that neither of the two EIR documents that purport to cover the impacts of the Draft Housing Element included the State's density bonus in their analysis and therefore will be vulnerable to challenge on approval of the Element. We believe that this issue should be made clear at the next hearing, before the Draft Element goes forward for Board of Supervisors' approval.

Thank you for the opportunity to comment. If you have questions, please contact Nona Dennis, member of the MCL Land Use Committee, 415-485-6257.

Sincerely yours,



Jon Elam, President



Susan Stompe, Chair, Land Use Committee

cc: Leelee Thomas

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

October 10, 2014

Dear Members of the Marin Planning Commission,

I am a member of the community at San Francisco Theological Seminary and ask you to support the Marinwood Village Project. The lack of affordable housing in Marin directly affects members of our community, such as staff who work here and students post-graduation who want to engage in ministry in this area.

I can state from first-hand experience that the housing opportunities in Marin County for low and middle income people are dismal. Last year, at this time, I was living in a converted chicken coop and paying \$1500 per month in addition to water, garbage and PG&E. I could no longer afford this rent and embarked on a search for affordable housing that lasted months. At last, I was able to enter into a shared housing situation which I can sustain.

If you look at craigslist.org, you will see that one bedroom apartments are now renting for \$1800 to \$3000 in Marin. We have a situation here in which landlords are asking outrageous rents because they can. This may be their right, but is it morally right? Well, that is not up to us. However, the planning commission can do their part to help regular people have access affordable housing. If we don't do something about this crisis situation, the day will soon be here when there is no one to work at the grocery stores, restaurants, the library, the gas stations and our schools.

Please take action regarding the housing crisis in Marin. I thank you for your time.

Sincerely,



Susan Lawlor O'Rourke
susan_lawlor@me.com

OCT 15 2014 PM 2:55 Planning

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

October 9, 2014

Dear Members of the Marin Planning Commission,

I ask you to support the Marinwood Village Project. The lack of affordable housing in Marin directly affects members of San Francisco Theological Seminary, such as staff who work here and students post-graduation who want to engage in ministry in this area. I learned recently that 60% of the people who work in Marin can't afford to live here, and so they commute from other counties. This creates more commuters, which negatively affects the environment and traffic flow.

Thank you for your action regarding the housing crisis in Marin.

Sincerely,

Clarence L. Johnson, Senior Minister - Pastor
Mills Grove Christian Church (Disciples of Christ)
5410 Fleming Avenue
Oakland, California 94619

OCT 15 2014 PM 2:55 Planning

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

October 9, 2014

Dear Members of the Marin Planning Commission,

I am a member of the community at San Francisco Theological Seminary and this week we have been thinking about the housing crisis in Marin and honoring a housing Sabbath with communities that are part of Marin Interfaith Council. I ask you to support the Marinwood Village Project. The lack of affordable housing in Marin directly affects members of our community, such as staff who work here and students post-graduation who want to engage in ministry in this area. I learned recently that 60% of the people who work in Marin can't afford to live here, and so they commute from other counties. This creates more commuters, which negatively affects the environment and traffic flow.

Thank you for your action regarding the housing crisis in Marin.

Frankly any adersion to this is classism, plain & simple. There are plenty of local movie theatres, but there are not enough homes for those who work here. Those who work in Marin ought to be able to live here.

Sincerely,

Brooklyn Smith (803) 416-0952
33 Richmond Rd #101
San Anselmo, CA
94960

OCT 15 2014 PM 2:56 Planning

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

October 9, 2014

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I ask you to support the Marinwood Village Project. The lack of affordable housing in Marin directly affects members of San Francisco Theological Seminary, such as staff who work here and students post-graduation who want to engage in ministry in this area. I learned recently that 60% of the people who work in Marin can't afford to live here, and so they commute from other counties. This creates more commuters, which negatively affects the environment and traffic flow.

Thank you for your action regarding the housing crisis in Marin.

Sincerely,

A handwritten signature in black ink, appearing to read "José Menéndez". The signature is fluid and cursive, with a large, stylized "J" at the beginning and a long, sweeping tail at the end.

OCT 15 2014 PM 2:56 Planning

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

October 9, 2014

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Thank you for your action regarding the housing crisis in Marin.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Willard".

OCT 15 2014 PM 2:56 Planning

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San Rafael, CA 94903

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Thank you for your action regarding the housing crisis in Marin.

Sincerely,

Rev. Daniel Christian
SFTS

OCT 15 2014 PM 2:56 Planning

Marin Planning Commission
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San Rafael, CA 94903

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Thank you for your action regarding the housing crisis in Marin.

Sincerely,



ROGELIO MARTINEZ

IT WILL BE GREAT TO SEE YOUR ACTION ON THIS MATTER

OCT 15 2014 PM 2:57 Planning

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

October 9, 2014

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Thank you for your action regarding the housing crisis in Marin.

*I am a resident of Terra
Linda and I support
affordable housing !!!*

Sincerely,

*Scott Clark
731 Del Gaudio Rd
San Rafael*

OCT 15 2014 PM 2:57 Planning

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

October 9, 2014

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Thank you for your action regarding the housing crisis in Marin.

In my community, Eugene, Oregon, we have taken steps endorsed by the City Council, and now through statutory requirements, that provides this kind of housing. It has enriched our city and made it a more liveable place.

Sincerely,

*Rev. Dr. David C. Haggner, PhD,
Chaplain*

OCT 15 2014 PM 2:57 Planning

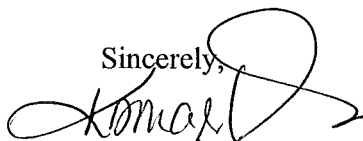
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Thank you for your action regarding the housing crisis in Marin.

Sincerely,

KRISTIN DABLEO-MARTER
SPTS

OCT 15 2014 PM 2:57 Planning

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


October 9, 2014

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Thank you for your action regarding the housing crisis in Marin.

Sincerely,


SFTS MOIV SENIOR

OCT 15 2014 PM 2:57 Planning

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

October 9, 2014

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Thank you for your action regarding the housing crisis in Marin.

I urge your prayerful consideration
of the most compassionate ~~options~~ response
you may find to open our town
to new housing options.

Can't we grow responsibly and share
generously in the face of unmet need?

Sincerely,

Bill Jacobs

OCT 15 2014 PM 2:57 Planning

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

October 9, 2014

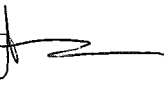
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Thank you for your action regarding the housing crisis in Marin.

Please show that Marin County is a
place of welcome and justice.

Sincerely,

The Rev Sally G. Willis - Wat 

OCT 15 2014 PM 2:57 Planning

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

October 9, 2014

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Thank you for your action regarding the housing crisis in Marin.

I am a third year M.Div. student and have been actively involved in the main housing crisis. This affects many of my colleagues and friends, not just those society deems unwelcome. Hospitality is a key tenant in my faith, and all deserve a place to call home! Thanks again for your work on the main Housing Element!

Sincerely,

Yona East

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

October 9, 2014

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Thank you for your action regarding the housing crisis in Marin.

Sincerely,

Farah Christy-Buck
21 Belle Ave #2
San Anselmo

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

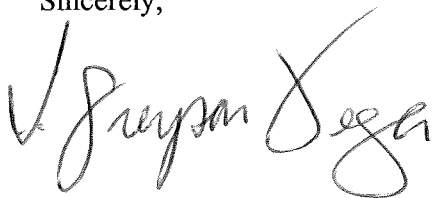
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Thank you for your action regarding the housing crisis in Marin.

Sincerely,

A handwritten signature in black ink, appearing to read "Jayson Jeger". The signature is written in a cursive style with a large, sweeping initial "J".

OCT 15 2014 PM 2:57 Planning

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Thank you for your action regarding the housing crisis in Marin.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth Schubert".



Ragghianti|Freitas LLP

Attorneys at Law

Riley F. Hurd III
rhurd@rflawllp.com

1101 5th Avenue, Suite 100
San Rafael, CA 94901
telephone 415.453.9433
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October 17, 2014

Via E-Mail Only

Marin County Planning Commission
County of Marin
3501 Civic Center Drive, Room #308
San Rafael, CA 94903

Re: Request for suburban rezoning of GGBTS property

Dear Members of the Planning Commission:

Our office continues to represent the Seminary Neighborhood Association in connection with land issues on and around the GGBTS Property. The purpose of this letter is to request that the Commission initiate a change to the zoning code and Housing Element such that the density of the Affordable Housing (AH) Combining District overlay on the site is reduced from 30 units/acre to 20 units/acre in accordance with state law.

Background

As part of the 2007-2014 Housing Element cycle, the County created and applied an AH-overlay designation to a "floating" two acres on the GGBTS site. This new overlay permitted a maximum density of 30 units/acre of low income housing. This density was selected because, at the time, this was the "default density" required for automatic acceptance by HCD that the units were likely to be developed. While the County could have legally used lower densities and proactively shown a likelihood to develop, the decision was instead made to simply apply the default density.

On September 30, 2014, Governor Brown signed AB 1537 into law. This bill, authored by Assemblyman Marc Levine, changes Marin County's default density from 30 units/acre to 20 units/acre, as of January 1, 2015. While still a dense ratio, this density better reflects Marin's suburban environment. It was for this reason that the Board of Supervisors fully supported Assemblyman Levine's efforts.



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Marin County Planning Commission

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Requested Change

It is no longer a legal requirement that the AH overlay on the GGBTS site allow for the incredibly inappropriate density of 30 units per acre in order to be automatically counted by HCD. Accordingly, we hereby request that the Commission, at a minimum, reduce the density to 20 units/acre in accordance with the recent change in the law. We have previously requested multiple times that the Commission remove the AH overlay altogether from the GGBTS site. The recent impetus for these requests was the fact that County was inexplicably planning for double the state-mandated amount of high density, low income, housing, even in the face of vociferous opposition from the very people the Commission represents. However, if the Commission remains unwilling to remove the AH overlay, it should, at a minimum, reduce it to reflect the new Marin County standard. **Importantly, such a change would have no impact, on the County's 2015-2023 Draft Housing Element.** Figure IV-6 of the 2015-2023 Draft (Available Land Inventory Summary) assigns 20 units of low income housing to the GGBTS site. Therefore, reducing the AH density on the site from 30 to 20 units/acre would still allow 40 low income units, a buffer of 20 units beyond those being counted in the current cycle. (This also suggests that only one acre of AH overlay is needed, not two.)

In regards to updating the GGBTS site, the following edits should be made to effectuate the requested change:

1. Section 22.14.090(A) of the Zoning Code should change the number of units/acre from 30 to 20.
2. The 2015-2023 Draft Housing Element should be edited as followed:
 - a. Figure III-9 (Affordable Housing Combining District Sites) should change the number of units from 30 to 20.
 - b. Page IV-19, "Seminary Drive" should be changed from 60 to 40 units.
 - c. Appendix F, Page F-4, should be changed from 60 to 40 units.

Conclusion

The members of the Planning Commission, as well as the members of the Board of Supervisors, have repeatedly stated that if Assemblyman Levine was successful in reducing Marin's default density, that the Zoning Code and Housing Element would be updated accordingly. While we would much prefer the elimination of the AH overlay in



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its entirety, we now ask the Commission to stand by these statements and make the changes requested herein.

Thank you for your attention to this important matter.

Very Truly Yours,

Riley F. Hurd III

CC: Seminary Neighborhood Association
Scott Hochstrasser
Supervisor Kathrin Sears
Brian Crawford
Leelee Thomas



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October 20, 2014

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

Re: 2015 to 2023 DRAFT Marin County Housing Element Policies and Programs

Dear Marin County Planning Commission,

We have the following comments and recommendations regarding the 2015 to 2023 DRAFT Marin County Housing Element Policies and Programs:

I. POLICIES AND PROGRAMS THAT PROMOTE STREAMLINED PERMIT REVIEW AND MINISTERIAL REVIEW

A number of the Housing Element policies and programs promote streamlined permit review and ministerial review. These include:

- **Policy 1.3 Promote Development Certainty and Minimize Discretionary Review for Affordable and Special Needs Housing Through Amendments to the Development Code;**
- **Program 1.e Study Ministerial Review for Affordable Housing;**
- **Program 1.o Simplify Review of Residential Development Projects in Planned Districts – “Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects”; and**
- **Program 2.p. Expedite Permit Processing of Affordable and Special Needs Housing Projects.**

We support establishing specific criteria in order to minimize the level of code interpretation required by decision makers. We also support expediting the permit review process of a minor repair or minor remodel (E.g. Replacement of a door or deck). However, we are opposed to any streamlining or expediting of the permit review process or any ministerial review process when a major remodel, new additional square footage, or a new development is proposed. Streamlining permit review and ministerial review would hinder thorough and accurate review, constrain public input on planning decisions and reduce transparency.

Regarding ministerial review of development projects subject to a Master Plan, many factors may change in the years following the establishment of a Master Plan, such that site specific criteria set by a Master Plan may no longer be appropriate once a subsequent project applies for a permit. For instance, it is now known that sea level rise will come sooner and higher than previously known at the time that the Marin Countywide Plan was adopted. Therefore, development projects that are subsequent to

Master Plans should be thoroughly reviewed and publicly vetted and not allowed permits through ministerial review.

Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety. For best planning decisions, ample input from the public should be encouraged, rather than denied.

RECOMMENDATIONS:

- Establish specific criteria of affordable housing, special needs housing projects, and residential development projects in planned districts in order to minimize the level of code interpretation required by decision makers.
- Eliminate Housing Element programs and provisions that allow streamlined permit processing or ministerial review for major remodels, new additional square footage, or new developments of affordable housing, special needs housing projects, and residential development projects in planned districts.

II. PROGRAM 1.k - ADJUST HEIGHT LIMITS FOR MULTI-FAMILY RESIDENTIAL BUILDINGS

“Consider amending the Development Code to increase the allowable height for multi-family residential development. Consider allowing increases to height limits depending on certain side yard setbacks.”

A. Current Height Limits in Unincorporated Marin

The height limits of Multi-family residential buildings, as stated in the Marin County Development Code, are currently limited to 25 feet in the Coastal Zone and 30 or 35 feet in the interior, except on protected ridgelines, where they are 18 feet. Some community plans restrict height limits further. For instance, the Tamalpais Area Community Plan limits height to 15 feet on the East Side of Shoreline Hwy. Unincorporated Marin's Development Code may allow single-family residences to reach a height of 45 feet, when they meet minimum 15-foot side yard setbacks. However, this height is rare. Please see the below excerpt from the Housing Element.

Excerpt from the 2015 to 2023 Marin County Housing Element, Page III-15:

“Height Limits:

Conventional Zoning Districts: 25 feet in the Coastal Zone and 35 feet in the interior. Single-family residences may reach a height of 45 feet when they meet minimum 15 - foot side yard setbacks.

Planned Zoning Districts: 25 feet in the Coastal Zone and 30 feet in the interior, except on protected ridgelines, where they are 18 feet.”

B. Intent of Program 1.k - Adjust Height Limits for Multi-family Residential Buildings

Excerpts, quoted below, from the 2015 to 2023 Housing Element demonstrate the intent of **Program 1.k - Adjust Height Limits for Multi-family Residential Buildings.**

Excerpt from the 2015 to 2023 Marin County Housing Element Page III-16:

“To ensure that the County’s development standards do not have the prohibitive effects on the development potential or cost of affordable multi-family development, a number of programs in this housing element remove possible barriers: ...”

- “**1.k Adjust Height Limits for Multi-family Residential Buildings** would allow increased height limits for multi-family development.”

Excerpts from 2015 to 2023 Marin County Housing Element, Page III – 15:

“Height limits in conventional districts may be exceeded through variance approval (22.20.060.F.1) and height standards are flexible. The fact that multi-family residences cannot reach **45 feet** when they meet certain side yard setbacks constrains their design. Subsequent code amendments may allow multi-family development to reach similar height limits as single-family residences that meet 15-foot side yard setbacks. (See program **1.k Adjust Height limits for Multi-family Residential Buildings**). The County’s Multi-family Residential Design Guidelines adopted in 2013 provide further guidance for height and design of multi-family development.”

“The lower density permitted in many zoning districts may pose a constraint to multi-family housing. Programs in this element are intended to address this, (See programs *1.c Establish an Affordable Housing Combining District*, *1.j Simplify Review of Residential Development Projects in Planned Districts*, and **1.k Adjust Height Limits for Multi-family Residential Buildings**).”

Therefore, **Program 1.k Adjust Height Limits for Multi-family Residential Buildings** is intended to:

- 1) Allow Multi-family Residential Buildings to reach 45 feet; and
- 2) Allow an increase in density for Multi-family residential buildings.

C. Consequences of Program 1.k Adjust Height Limits for Multi-family Residential Buildings

Raising heights of Multi-family residential buildings by 10 to 20 feet (and 30 feet in some incidences) across hundreds of acres of Multi-family zoning and Commercial/Mixed-Use zoning, where Multi-family residential buildings are allowed, could lead to a drastic change in the architectural landscape of Marin County and other serious consequences. Smaller height increases of Multi-family residential buildings could also have significant adverse consequences.

Benefits of Height Restrictions

Existing height restrictions were created to protect neighbors’ views, sunlight, and privacy. Height limits help set and retain the character of a neighborhood. Height limits constrain the floor-area-ratio (FAR) and the density of a development and the corresponding population growth. Thereby, height limits help reduce a development’s potential adverse impacts on the environment, public health and safety, traffic congestion, infrastructure, utilities (E.g. water supply) and public services. More specifically, height limits help to reduce the potential adverse impacts of development and human impacts on adjacent/nearby natural habitats and wildlife and corresponding transition zones.

Height Limits Constrain FAR, Density, and Subsequent Population Growth

Height limits constrain the effects of a development's floor-area ratio (FAR) and density. Without such height constraint, it is easier for a development to reach the maximum allowable FAR and density. Such maximums are made even greater with the below listed incentives for affordable housing projects.

The incentives for affordable housing listed in Chapter 22.24 of the Marin County Development Code include:

- Allowing the density of affordable housing projects to be established by the maximum Marin Countywide Plan density range, which in the Residential, Multiple Planned (RMP) district is 45 units per acre, subject to limitations in the Countywide Plan;
- Density Bonuses, which can increase density up to 35%; and
- Allowing commercial/mixed-use land use designations to exceed the floor-area ratio (FAR) for income-restricted units that are affordable to very low, low, or moderate-income persons, subject to limitations in the Countywide Plan.

Greater height limits coupled with incentives that increase density and FAR is a recipe for much bulkier buildings. The development standards of 45 feet high (potential new height limit) and 45 units per acre (maximum density of the RMP district) are similar to the highly criticized development standards of the Tamal Vista Apartments at the prior WinCup site, which is 48 feet high with a density of 45 units per acre.

Increased density and FAR and the subsequent rise in population would increase the risk of adverse impacts on the environment, public health and safety, traffic congestion, infrastructure, utilities (E.g. water supply) and public services. Moreover, greater height and building size are incompatible with the suburban, semi-rural and rural character of Marin County neighborhoods.

Height Limits Help Reduce the Impact of Development and Human Impacts on Adjacent/Nearby Natural Habitats and Wildlife and Corresponding Transition Zones

Multi-family residential buildings located next to/nearby natural habitats and the subsequent human activity affecting the natural habitat are often detrimental to the size of the habitat, the species living within the habitat, and the corresponding transition zones. The greater the height and size of the multi-family residential building and the greater the number of people residing in the building – the greater the potential adverse impacts on the adjacent/nearby habitat and species and corresponding transition zones.

Examples of development and human adverse impacts include:

- Introduction of invasives / exotics;
- Reduced biodiversity due to changed shadow patterns and loss of habitat;
- Increased avian mortality due to reflective and solid materials being at a higher elevation in their flight path, resulting in a potential “take”, as defined by the Endangered Species Act, of listed species (**Please see below for more detail.);
- Hindered migratory bird flight paths;
- Higher severity and frequency of fires;
- Companion animals (pets) acting as predators and competitors;

- Trails;
- Reduced permeable surfaces and increased run off;
- Loss of ground water infiltration;
- Loss of year round stream flows for listed sensitive species;
- Loss of watershed/hydrologic integrity, including loss of sediment deposition, geomorphic evolution, and buffers to sea level rise;
- Increased flooding;
- Pollution (light, air, and water pollution) - The likelihood of a “take”, as defined by the Endangered Species Act, of listed species from light pollution, resulting from increased building heights, would be a certainty. (**Please see below for more detail.);
- Erosion; and
- Loss of foraging habitats.

****More Detailed Discussion of Adverse Environmental Impacts on Habitat, Species, and Transition Zones from Development and Human Activity:**

Increased Avian Mortality

According to the Golden Gate Audubon Society, “Approximately 100 million to 1 billion birds die in North America as a result of collisions each year. (American Bird Conservancy, 2010)”... “It appears that windows are the biggest source of avian mortality resulting from collisions. Birds collide with window glass because they often cannot detect the glass either because the glass is too transparent or reflective of the sky and clouds. Birds are often also attracted to light sources and plants inside buildings and collide with windows as they approach the attractants.”¹

“When combined with other impacts, such as habitat loss, unnaturally high predation from feral cats and other predators, collision risks contribute to the overall decline of many bird populations in North America.”² (US Fish & Wildlife Service, 2005)

“The killing of migratory birds is a violation of the Migratory Bird Treaty Act and constitutes a significant and ongoing threat to night-migrating bird species.”³ (US Fish & Wildlife, 2002)

Environmental Light Pollution

“Ecologists have long studied the critical role of natural light in regulating species interactions, but, with limited exceptions, have not investigated the consequences of artificial night lighting. In the past century, the extent and intensity of artificial night lighting has increased such that it has substantial effects on the biology and ecology of species in the wild. We distinguish “astronomical light pollution”, which obscures the view

¹ Golden Gate Audubon Society. *Birds and Collisions*. Retrieved September 19, 2014 from <http://goldengateaudubon.org/conservation/make-the-city-safe-for-wildlife/birds-and-collisions/>

² Golden Gate Audubon Society. *Birds and Collisions*. Retrieved September 19, 2014 from <http://goldengateaudubon.org/conservation/make-the-city-safe-for-wildlife/birds-and-collisions/>

³ Golden Gate Audubon Society. *Birds and Collisions*. Retrieved September 19, 2014 from <http://goldengateaudubon.org/conservation/make-the-city-safe-for-wildlife/birds-and-collisions/>

of the night sky, from “ecological light pollution”, which alters natural light regimes in terrestrial and aquatic ecosystems. Some of the catastrophic consequences of light for certain taxonomic groups are well known, such as the deaths of migratory birds around tall lighted structures, and those of hatchling sea turtles disoriented by lights on their natal beaches,” and excessive predation of endangered salmonids and other aquatic, avian and terrestrial species from nighttime exposure. “The more subtle influences of artificial night lighting on the behavior and community ecology of species are less well recognized, and constitute a new focus for research in ecology and a pressing conservation challenge.”⁴

Environmental light pollution includes chronic or periodically increased illumination, unexpected changes in illumination, and direct glare. Animals can experience increased orientation or disorientation from additional illumination and are attracted to or repulsed by glare, which affects foraging, reproduction, communication, and other critical behaviors, making them more vulnerable to predation. Moreover, artificial light disrupts interspecific interactions evolved in natural patterns of light and dark, with serious implications for community ecology.

Conclusion

Therefore, increasing height limits of multi-family residential buildings could adversely impact views, sunlight, privacy, and neighborhood character.

Moreover, increasing height limits could augment a development’s potential FAR and density and subsequent population growth, and thereby increase the risk of adverse impacts on the environment, public health and safety, traffic congestion, infrastructure, utilities (E.g. water supply) and public services.

Lastly, increasing height limits of multi-family residential buildings would increase the risk of environmental adverse impacts on the size of nearby habitats, species living within the habitat, and corresponding transition zones.

Rather than adjusting and increasing height limits, the existing height limits for multi-family residential buildings should be maintained and enforced.

RECOMMENDATION:

- Eliminate Program 1.k and do NOT adjust height limits for multi-family residential buildings; and
- Do NOT amend the Development Code to increase the allowable height for multi-family residential development.

⁴ Longcore, Travis and Rich, Catherine. (2004). Ecological Light Pollution. *The Ecological Society of America*. Retrieved on September 19, 2014 from <http://www.urbanwildlands.org/Resources/LongcoreRich2004.pdf>

III. NEW PROGRAM 1.c – STUDY RESIDENTIAL DENSITY EQUIVALENTS

“Evaluate options for calculating density through adjusted density equivalents based on bedrooms count or square footage rather than total number of units. Such an amendment to the Development Code would encourage development of smaller units, which corresponds to the demographic trend of increasing numbers of small households.

a. Conduct an analysis to determine the feasibility of a density equivalent program.”

Calculating studios and one-bedroom units as fractions of units would essentially up-zone parcels zoned for multifamily units by allowing more units per acre than currently allowed. This would increase the potential intensity of development and population growth. Increased development intensity and population would increase the risk of adverse impacts on the **environment, public health and safety, traffic congestion, infrastructure, utilities (water supply) and public services. Greater densification and intensity of development would also not be congruous with the character of Marin County’s suburban, semi-rural, and rural neighborhoods.

**For more details regarding the potential adverse impacts of increased development and population on the environment, please review the list of “Examples of development and human adverse impacts” on Page 4 of this document.

Moreover, multigenerational living is a trend that is increasing. It has historically provided the social safety net and cultural survival model of low-income families, including senior support systems. Therefore, future housing for families should not focus on creating small units but rather should give precedence to larger units that allow multigenerational living to thrive.

RECOMMENDATION:

Eliminate the **Program 1.c “Study Residential Density Equivalents”** from the Housing Element programs.

IV. POLICIES AND PROGRAMS THAT REDUCE PARKING REQUIREMENTS

A number of Housing Element programs reduce parking requirements. These include:

- **Program 1.f Undertake Adjustments to Second Unit Development Standards - c. Development standards to allow flexibility of second unit parking requirements;**
- **Program 1.g Review and Update Parking Standards -**
“Analyze the parking needs of infill, transit- oriented, mixed-use, special needs, group homes, convalescent homes, multi-family, senior, and affordable housing developments. In order to facilitate these housing types and to reduce vehicle dependence, amend Marin County Code Title 24 to reduce parking standards wherever appropriate. Possible amendments could include but are not limited to:
 - **Reduction of onsite vehicular ratios for multi-family housing;**
 - **Allowance of tandem parking and other flexible solutions, such as parking lifts;**

- Allowance of off-site parking, such as on-street parking and use of public parking, to satisfy a portion of the parking needs for new housing units, particularly affordable units; and
- Establishment of parking standards for mixed-use developments such as shared parking”;
- **1.h Codify Affordable Housing Incentives Identified in the Community Development Element – b. Adjust parking requirements for senior and affordable housing using criteria established in the URBEMIS model to encourage transit-oriented development.**

Rather than reduce parking standards, parking standards should be maintained and enforced.

Although North and South commuter bus routes that lead to and from the San Francisco financial district are frequently utilized, Marin County’s public transit, in general, is severely lacking and inconvenient. As a result, most residents need the use of cars on a daily basis and the use of easy access parking spaces. A reduction in parking spaces does not stop residents from using cars. It simply forces residents to park on the street or in a nearby parking area that is meant for other purposes.

Many streets throughout Marin are narrow with little or no room for off-street parking. In times of emergency ingress and egress, this is a safety issue. There have been instances when emergency vehicles have not had room to pass by parked cars on narrow streets.

There is often a shortage of parking spaces at Marin County park and ride locations. Retail stores need ample parking to ensure patronage. Public parking is needed for the public and should not be relied on for regular private usage.

RECOMMENDATION:

- Do not reduce but rather maintain on-site vehicular ratios for multi-family housing.
- Do not allow off site parking, such as on-street parking and the use of public parking, to satisfy the parking needs for new housing units.

Eliminate **Program 1.f – c.** and **Program 1.g** and **Program 1.h – b.**

Sincerely,

/s/ Michele Barni

Michele Barni
Chair, Sierra Club Marin Group

cc: Marin County Board of Supervisors (BOS@marincounty.org)



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October 22, 2014

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

Re: 2015 to 2023 DRAFT Marin County Housing Element, CWP CAPs, and the State Density Bonus Law

Dear Marin County Planning Commission,

We have the following comments and recommendations regarding the 2015 to 2023 DRAFT Marin County Housing Element:

I. THE EFFECT OF THE STATE DENSITY BONUS LAW ON THE 2007 MARIN COUNTYWIDE PLAN CAPS AND HOUSING ELEMENT SITES & PROGRAMS

The State Density Bonus law in relationship to the Marin Countywide Plan's CAPs and Housing Element Sites and Programs has strong implications for the following sites, which have CAPs and are also included in the Housing Element Site Inventory and/or are impacted by Program 1.q – "Clarify Applicability of State Density Bonus":

- St. Vincent's/ Silveira (CAP)
- Marinwood Plaza – 100 Marinwood Ave. (Housing Overlay Designation CAP)
- California Park – Woodland Ave. at Auburn St. (HOD CAP)
- Oak Manor – 2400 Sir Francis Drake Blvd. (HOD CAP)

The following information will demonstrate:

- A. How powerful the State Density Bonus Law is in superseding County laws and in significantly increasing housing density;
- B. How easy it is for a developer to qualify for a State Density Bonus;
- C. The importance of the Marin Countywide Plan CAPs;
- D. The Marin Countywide Plan CAPs are inconsistent with the State Density Bonus Law; and
- E. The best solutions for maintaining the integrity of the Marin Countywide Plan CAPs.

A. How Powerful the State Density Bonus Law is in Superseding County laws and in Significantly Increasing Housing Density:

According to Attorney Rachael Koss; "California's density bonus law allows developers whose housing development proposals meet certain thresholds of affordability to receive density bonuses, incentives and development waivers from the local agency... The density bonus law provides that requests for a density bonus and incentives must be granted 'when an applicant for a housing development seeks and agrees to construct a housing development' that meets one or more of the statute's thresholds. Although an

agency may eventually deny a request for an incentive if certain limited findings are made, **the law does not identify any findings that would allow an agency to deny a density bonus request.**

The density bonus law states that a density bonus of 35 percent may be awarded to affordable housing developers. Courts have allowed density bonuses above 35 percent. In *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, the **court allowed a 40 percent density bonus**. The plaintiffs objected to the density bonus, stating that the density bonus law provided a cap on density bonuses of 35 percent. The court disagreed. The court found that the 35 percent density increase was meant to ensure that local governments provided *at least* that amount when a developer chose to provide a certain number of affordable housing units. The court also found that the statute clearly did not place any caps on the allowable density bonus. The court held that the 35 percent density increase reflected 'the maximum density increase that would be statutorily imposed upon municipalities,' not the maximum permissible.

Here, it is unquestionable that affordable housing developers would seek density bonuses from the County when density bonuses are mandated upon request (if certain thresholds are met)."¹

B. How Easy It Is For A Developer To Qualify For A Density Bonus:

According to the law firm Hanson Bridgett, in the recent case of *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, 217 Cal. App. 4th 1160 (2013), the Court of Appeals overturned a portion of Napa's local density bonus ordinance. The ruling held that cities and counties must count *"Inclusionary Housing Units"* towards satisfying density bonus standards set forth in State law.² County Planner Leelee Thomas described this lawsuit at the August 25th Planning Commission public hearing.

"Inclusionary Housing Units", under state law, are a percentage of units in market rate rentals or condos that are required to be "affordable," as defined by cities and counties.

Marin County's Inclusionary Regulation requires 20% of the total number of dwelling units to be developed as affordable housing. As illustrated by Table 3-5a (below), counting Inclusionary Units towards Density Bonus standards makes it very simple for a development proposal to qualify for a Density Bonus.

¹ Koss, Rachael. (February 2013). *Comment Letter re: the 2007 to 2014 DRAFT Marin County Housing Element's DRAFT Supplemental EIR*.

² Gladston, Brett. (September 11, 2013). *Recent Court of Appeals Case May Give San Francisco Developers More Apartment Units Per Lot If Otherwise A Development is Not Feasible*. Retrieved September 19, 2014, from <http://www.hansonbridgett.com/Publications/articles/2013-09-land-use-more-envelope-per-lot.aspx>

**TABLE 3-5a
DENSITY BONUS CALCULATION**

Income Category	% Affordable Units*	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units*	% Affordable Units Required for Maximum 35% Bonus*
Very low income	5%	20%	2.5%	11%
Low income	10%	20%	1.5%	20%
Moderate income (for-sale common interest development only)	10%	5%	1%	40%
Senior citizen housing development	--	20%	--	--

C. The Importance of the 2007 Marin Countywide Plan CAPs:

A very important control in the 2007 Marin Countywide Plan (CWP) on buildout, and corresponding adverse environmental impacts, is dwelling unit CAPs in particular areas. According to the CWP, these CAPs are inclusive of any applicable density bonus units.

The Countywide Plan CAP in the Tamalpais Area Community Plan area demonstrates how important the CWP CAPs are. Due to multiple environmental constraints and hazards in the area (E.g. Traffic Congestion – LOS “F”; frequent flooding (100 year floodplain); sea level rise; high seismic activity; high liquefaction, subsidence & mud displacement; unsafe toxic air contaminants, etc.), the CWP restricts the development of dwelling units in Commercial/Mixed Use Land Use Designations of the Tamalpais Area Community Plan area to no more than 100 additional dwelling units over the number of dwelling units existing in 2007. Without this CAP, the number of dwelling units in these Commercial/Mixed Use Designations could rise up to approximately 1200 more units. The reduction of the potential buildout by approximately 1100 less dwelling units significantly lowered the risk of adverse impacts resulting from development.

The St. Vincent’s / Silveira Site has a CAP of no more than 221 units, including Density Bonus Units. In addition, all the parcels included in the Housing Overlay Designation (HOD) have an overall CAP of 658 units, including Density Bonus Units. Moreover, clusters of sites within the same Traffic Impact Area of the HOD have individual CAPs (see Figure 3-3 on page 4), each including Density Bonus Units. (Although the NEW 2015 to 2023 Housing Element Program 1.q –“Clarify Applicability of State Density Bonus” would change this.)

D. The Marin Countywide Plan CAPs are Inconsistent with the State Density Bonus Law:

Brian Crawford has mentioned a number of times that the Marin Countywide Plan CAPs are not consistent with the State Density Bonus law and that, if a developer sued the County for State Density Bonus units that exceed a CAP, then the developer would probably prevail. Moreover, at the August 25th Planning Commission hearing, Brian

stated that HCD expects State Density Bonus units to be allowed over and above the number of units designated to a site in the Housing Element Site Inventory.

E. Best Solutions For Maintaining the Integrity of the Marin Countywide Plan CAPs:

Figure 3-3 HOD Unit Allocations by Traffic Impact Areas

Traffic Impact Areas as Determined by Screenlines and HOD Site Criteria (See Map 3-2c)	HOD Unit Potential for Traffic Impact Areas (Including Density Bonus Units)	Suggested Qualifying Sites Within Traffic Impact Areas
Screenline 7:	Up to 110	<ul style="list-style-type: none"> ◆ Marinwood Shopping Center (50 to 100 units) ◆ Idylberry School (up to 10 units) ◆ Other qualifying sites
Screenline 8:	Up to 25	<ul style="list-style-type: none"> ◆ Gallinas Elementary School ◆ Other qualifying sites
Screenline 23:	Up to 88	<ul style="list-style-type: none"> ◆ College of Marin (up to 25 units – limited to student or workforce employees of the College) ◆ Marin General Hospital (up to 50 total units if associated with reconstruction or reuse, of which up to 25 units must be designated senior housing and up to 25 units designated for affordable, workforce employees, or special needs housing) ◆ Toussin (up to 13 units) ◆ Other qualifying sites
Screenline 22:	Up to 10	<ul style="list-style-type: none"> ◆ Oak Manor ◆ Other qualifying sites
Screenline 13:	Up to 50	<ul style="list-style-type: none"> ◆ California Park (San Rafael) ◆ Other qualifying sites
Screenline 17:	Up to 100	<ul style="list-style-type: none"> ◆ Strawberry Shopping Center ◆ Other qualifying sites
Screenline 19:	Up to 50	<ul style="list-style-type: none"> ◆ Fireside Motel
Screenline 21:	Up to 150	<ul style="list-style-type: none"> ◆ Marin City Shopping Center ◆ Other qualifying sites
	Up to 583	Units on named HOD sites
	Total: Up to 658	Total Potential HOD Units including Density Bonus Units

1. NEW Housing Element Program 1.q - Clarify Applicability of State Density Bonus:

“Evaluate policies in the Countywide Plan and Development code for housing opportunity sites to ensure consistency with Government Code 65915-65918 (the State Density Bonus law).”

According to the Staff Report prepared for the July 28th Planning Commission hearing, during the review of the 2007-2014 Marin County Housing Element, the State Department of Housing and Community Development (HCD) Staff questioned whether Countywide Plan (CWP) and Development Code Policies related to State Density Bonus Law and housing opportunity sites are consistent with Government Code 65915-65918.

Housing Element Program 1.q was added to the 2007 to 2014 Housing Element to address this concern and is scheduled for implementation with the adoption of the 2015 to 2023 Housing Element.

Background

As originally written in 2007, the Marin Countywide Plan restricts the total number of units allowed on all the Housing Overlay Designation (HOD) sites via a total CAP of 658 units and restricts the number of units allowed in each Traffic Impact Area within the HOD designation with other smaller CAPs. Both the total HOD CAP and each of the Traffic Impact Area CAPs are inclusive of any Density Bonus units. (Please see Figure 3-3 on page 4.)

New Program

The NEW Housing Element Program 1.q – “Clarify Applicability of State Density Bonus” changes this so that the number of dwelling units in specific Traffic Impact Areas could exceed the CAP with Density Bonus units, provided the total HOD CAP of 658 units is not exceeded. The program specifically states; “Specific sites could allow more units than the number of units recommended in the Countywide Plan if a density bonus is applied. However, once the cap of 658 units is reached the HOD would no longer be applicable.”

Consequences of Program 1.q

This new program allows greater density at most of the HOD sites. Beside other potential adverse environmental impacts, this would potentially increase traffic congestion in the Traffic Impact Areas that receive the excess Density Bonus Units. No Environmental Impact Report has evaluated the potential additional environmental impacts that could occur due to implementation of this program.

RECOMMENDATION:

In order to maintain the integrity of the Housing Overlay Designation (HOD) CAPs and still allow application of the State Density Bonus, the number of units allowed at each of the sites with HOD CAPs should be lowered so that, even with the addition of State Density Bonus units, the original CAPs would not be exceeded. In so doing, Program 1.q would be unnecessary and should be eliminated.

2. St Vincent’s / Silveira

During the Countywide Plan public hearings the environmental community was very concerned about development at St. Vincent’s / Silveira and advocated to limit development at the site. This stance is reflected in the “Community Marin 2013” Report, written by Marin County’s major environmental organizations.

The “Community Marin 2013” Report consists of policy recommendations from Marin Audubon Society, Marin Baylands Advocates, Marin Conservation League, Sierra Club-Marin Group, Salmon Protection and Watershed Network, and San Geronimo Valley Planning Group. The purpose of the report is to provide an environmentally responsible foundation for land use planning.

Excerpt from the Community Marin 2013 Report: St. Vincent's / Silveira

"Protection and preservation of the 1,110-acre St. Vincent's/Silveira site has been and continues to be a high priority for the environmental community. The 2007 Countywide Plan included the area in the Baylands Corridor, as recommended by Community Marin. The purpose of this designation is to protect the scenic, historical, agricultural, and natural resource values and to minimize public safety problems such as flooding, seismic hazards, and traffic generation."... "The desired outcome for St. Vincent's / Silveira continues to be acquisition for resource protection, restoration of Miller Creek, protection of wildlife habitat, agricultural preservation, and protection of public health and safety, rather than development."³

Per the Community Marin 2013 Report, development is not the preferred use of the St. Vincent's/Silveira site. However, if housing is permitted at the site, then it should not exceed the CWP's 221 unit CAP.

Unfortunately, it is likely that a State Density Bonus would be applied to the St. Vincent's /Silveira site and the CWP's CAP of 221 units would be exceeded. If a 35% Density Bonus were granted, then the number of allowable dwelling units at the site could rise up to 298 units. This is unacceptable.

RECOMMENDATIONS:

1. Preferred Recommendation: In order to avoid the restrictions placed on the St. Vincent's/Silveira Site by being identified in the Housing Element's Site Inventory, which includes locking in the density at 221 units plus applicable density bonus units (a potential of 298 units), we recommend eliminating the St. Vincent's/Silveira Site from the Housing Element's Inventory. Due to an excess of sites identified in the Housing Element's Site Inventory, the County would still accommodate its Regional Housing Needs Allocation of 185 units with a suitable buffer. In addition, the County would still have authority to consider project proposals at the site, yet, beneficially, would have more flexibility in planning decisions regarding those proposed projects; OR
2. Per Commissioner Dickenson's and Commissioner Biehle's suggestion, in order to maintain the integrity of the St. Vincent's/Silveira CAP and still allow application of the State Density Bonus, the CAP should be lowered so that, even with the addition of State Density Bonus units, the original CAP would not be exceeded. For example, if the St. Vincent's / Silveira CAP were lowered to 164 units, then, even with a 35% Density Bonus (57 dwelling units), the total allowable units at the site would not exceed 221 dwelling units (equal to the original CAP).

Sincerely,
/s/ Michele Barni

Michele Barni
Chair, Sierra Club Marin Group

cc: Marin County Board of Supervisors

³ Marin Audubon Society, Marin Baylands Advocates, Marin Conservation League, Marin Group-Sierra Club, Salmon Protection & Watershed Network, & Environmental Action Committee. (2013). *Community Marin 2013*. 39.