

**MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION**

M E M O R A N D U M

TO: Planning Commissioners
FROM: Kristin Drumm, Planner
RE: Supplemental Issues for the April 30, 2007 Public Hearing on the Marin Countywide Plan
DATE: April 30, 2007

This supplement includes clarification to the April 30, 2007 staff report regarding Issues BE-1a and BE-A, and includes New Issue SE-8 for your consideration.

ISSUE BE- 1a: Should the HOD be Modified?

The following revisions (shown in highlights) have been provided for clarification:

Recommendation

Staff recommends that the Planning Commission consider the following modifications to the HOD Policy **CD-2.3** and Program **CD-2.d** summarized as follows and shown below in proposed text:

In addition to Planning Commission recommended changes, staff further recommends that the Policy and program be modified to:

- Clarify that the requirement for community based planning will be conducted in a manner that will **not be a barrier to their development and** will not increase the time and costs associated with developing these sites;
- Eliminate the criteria requiring “*Preliminary feasibility of site to meet affordability requirements.*”
- Modify the affordability requirements to comply with Title 34 requirements

CD-2.3 Establish a *Housing Overlay Designation*. The Housing Overlay Designation is established, as shown on Maps 3-2a and 3-2b. The Housing Overlay is an alternative to, and would fulfill, the County’s inclusionary housing policy. In the instance that the overlay designation was to be combined with a density bonus, the levels of affordability as outlined in this designation must be achieved. Sites also designated for mixed use and identified as suggested HOD sites are subject to the criteria for development as HOD sites and not as mixed use site. The purpose of the Housing Overlay Designation is to encourage construction of units to meet the need for workforce housing, especially for very low- and

low-income households, and for special needs housing, in the City-Centered Corridor close to transit, employment, and / or public services, including reuse of existing shopping centers or other underutilized sites. Up to ~~1,763~~ ~~758~~ ~~683~~ housing units may be approved within the Housing Overlay Designation subject to a discretionary approval process.

The criteria used in establishing the Housing Overlay Designation include:

Designated by the Countywide Plan as Planned Designation (PD) Transit Village Area or Reclamation Area, Multifamily (MF), General Commercial (GC), Neighborhood Commercial (NC), Office Commercial (OC), Recreation Commercial (RC), or Public Facility (PF). Located within:

- The unincorporated portion of the City-Centered Corridor:
- One-half mile of a transit node or route with daily, regularly scheduled service: and
- One mile of a medical facility, library, post office, or commercial center.
- The area to be developed:
 - Does not exceed an average 20 percent slope and is not within the Ridge and Upland Greenbelt;
 - Is not within a Wetlands Conservation Area or Streamside Conservation Area; and
 - Is not a park or public open space area or primarily located within the 100 year flood plain
- ~~Preliminary feasibility of site to meet affordability requirements.~~

The County will engage in discussions with cities and towns within Marin County regarding the possibility of locating residential units otherwise allocated to the Housing Overlay Designation within these cities and towns, subject to the criteria described above.

Based on the above, the potential Housing Overlay Designation suggested sites and unit allocations by traffic impact areas are listed in **Exhibit 5.0-15** and shown in **Exhibit 5.0-16**.

Exhibit 5.0-15

<i>Illustrative of Revised HOD Table</i>		
Traffic Impact Area as determined by Screenlines	HOD Unit Potential for Traffic Impact Areas (including	Suggested Qualifying Sites within Traffic Impact Areas

	Density Bonus Units)	
Screenline 13: U.S. 101 from Tiburon Boulevard to Interstate 580	50	<ul style="list-style-type: none"> ○ Lomita Park (San Rafael) ○ <u>Other qualifying sites</u>
Screenline 22: Sir Francis Drake Boulevard, from Butterfield to State Route 1	10	<ul style="list-style-type: none"> ○ Oak Manor ○ <u>Other qualifying sites</u>
Screenline 7: U.S. 101 from N. San Pedro Road to State Route 37	110	<ul style="list-style-type: none"> ○ Marinwood Shopping Center ○ Marin Woldorf School ○ Other qualifying sites
Screenline 19: Shoreline Highway (State Route 1), from U.S. 101 to Flamingo Road	50	<ul style="list-style-type: none"> ○ Fireside Motel
Screenline 23: Sir Francis Drake Blvd. from College Ave. to Red Hill Ave.; Screenline 12: Sir Francis Drake Boulevard from U.S. 101 to College Ave.	163	<ul style="list-style-type: none"> ○ College of Marin ○ Marin General Hospital ○ Toussin ○ <u>Other qualifying sites</u>
Screenline 8: U.S. 101 from Mission Ave. to North San Pedro Road	25	<ul style="list-style-type: none"> ○ Gallinas Elementary School ○ Other qualifying sites
Screenline 17: U.S. 101 from Shoreline highway (SR 1) to Tiburon Boulevard (SR 131)	100	<ul style="list-style-type: none"> ○ Strawberry Shopping Center ○ Other qualifying sites
Screenline 21: U.S. 101 from San Francisco County Line to Shoreline Highway (SR 1)	75	<ul style="list-style-type: none"> ○ Marin City Shopping Center ○ Other qualifying sites
	Total: 683	Total Potential HOD Units including Density Bonus Units

Proposed Modifications to Program **CD-2.d**:

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 exhibit 5.0-15. The number of HOD units shall be in addition to the base density. ~~residential units form the Housing Bank upon application for a project within the Housing Overlay Designation and subject to the following standards. A increase of up to the specified units per (or fraction thereof) may be granted for HOD sites if: (a) the applicant has developed a Master Plan through a community based planning process in compliance with Chapter 22.44 of the Development Code and DELETE (b)~~

The base land use density (base density) for each HOD site shall be the density and intensity allowed under the existing land use designation applicable to each parcel (not including any mixed use allowed on the site). Housing Overlay units within identified Traffic Screenlines may be allocated to suggested HOD sites listed in Exhibit 5.0-15 if the HOD project meets all of the following standards:

- a) Developer is encouraged to maintain ownership interest in the project.
- b) High-quality building and site design that fits with the surrounding neighborhood and incorporates attractive and usable common/open space areas must be utilized, consistent with design guidelines.
- c) Affordability levels to be based on area median income as determined by the U.S. Department of Housing and Urban Development (HUD) consistent with the County's inclusionary requirements.
- d) ~~At least 60% of the units should be income restricted and occupied by households whose incomes are 80% or less of area median income, adjusted for family size OR at least 50% of the units should be income restricted and occupied by households whose incomes are 60% or less of area median income, adjusted for family size.~~

For rental developments

- a.) At least 49% of the units should be deed restricted and occupied by households whose incomes are 60% or less of area median income, adjusted for family size (\$54,720 for a family of four as of _____, 2007).

For ownership developments:

- a.) at least 60% of the units should be deed restricted and occupied by households whose incomes are 80% or less of area median income adjusted for family size (\$72,960 for a family of four as of _____, 2007).
- b.) OR at least 49% of the units should be deed restricted and occupied by households whose incomes are 60% or less of area median income, adjusted for family size (\$54,720 for a family of four as of _____ 2007)
- e) Affordable ownership and rental units shall be deed restricted in perpetuity or for a period of not less than 55 years to ensure a stock of affordable ownership and rental units.
- f) Housing densities of at least 25 units per acre of the housing area to be developed are encouraged.
- g) Projects that qualify for the designation and meet the affordability requirements may be entitled to development standard adjustments and density bonus concessions, such as parking, floor area ratio, height and fee reductions and other considerations.

- h) The inclusion of workforce housing, especially for very low- and low-income households and for special needs housing, will be strongly encouraged at the time of commercial or other expansion and major remodeling proposals.
- i) Additional “units” of senior housing equivalent to the traffic generated by the permissible amount of development on a parcel may be permitted on an HOD site if: (1) the additional “units” are affordable to below market households; and (2) projected peak-hour traffic impacts of the proposed affordable senior housing are no greater than that for the maximum permissible amount of development on the site based on a traffic study to verify reduced trips and reduced parking.
- j) Parking requirements may be adjusted on a case-by-case basis for senior and affordable housing using criteria established in the URBEMIS model to encourage transit oriented development. Trip reduction credits may be obtained through utilization of the following mitigation measures locating development close to transit, or in a location where the jobs-housing balance will be optimized; commitments from the developer to implement demand management programs including parking pricing; use of tandem parking, off-site parking and parking leases, among other measures to permanently reduce parking need. Reduction of parking requirements are subject to discretionary approval and may require a parking study to verify reduced parking demand.
- k) Potential impacts are mitigated to the maximum extent feasible.
- l) Occupancy or resident preferences for HOD projects should be analyzed for appropriateness in each project, taking into consideration applicable traffic impacts, jobs/housing balance opportunities, and fair housing laws.

Application can be made by a property owner to the County for the designation of a new HOD site which meets all of the criteria identified in Policy **CD-2.3**. In such cases, the review authority may designate an additional HOD site and reallocate units “assigned to” HOD sites within the same Planning Area and traffic zone within the **758 683** total potential Housing Bank units. Funding shall be pursued to prepare Master Plans and related environmental review documents to facilitate mixed use development on HOD sites.

Issue BE-A:

The following revisions (shown in highlights) have been provided for clarification:

Recommendation:

Staff recommends that the Planning Commission accept the following modifications to the mixed use policy:

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

Commercial/mixed use land use categories are established to provide for a mix of retail, office, and industrial uses as well as moderate to high density mixed-use residential development in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban design. The following categories shall be established for commercial land uses. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations. A complete list of permitted and conditional uses and the development standards can be found in the Development Code. Educational, charitable, and philanthropic institutions such as schools, libraries, community centers, museums, hospitals, childcare centers, and places of worship may be permitted in any commercial area. Mixed-use developments that incorporate residential units on commercial properties are encouraged to provide on-site housing for employees and contribute to affordable housing.

The following criteria shall apply to any mixed-use development proposed in an area with substandard traffic congestion levels pursuant to Policy TR-1.e:

1. The maximum floor area for all new commercial and market-rate housing located in a mixed-used development within this designation shall be included in the maximum floor area under the land use designation (residential units affordable to very low and low income households are exempt) **to the extent provided by state law;**
2. New commercial and market-rate housing shall be developed proportionately by floor area with no more than 50% of the total amount of new floor area to be developed for commercial uses;
3. For each new unit of market-rate housing that is developed, one unit of affordable housing shall be provided;
4. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category;
5. Priority shall be given to the retention and continuation of existing neighborhood serving retail uses in any redevelopment of existing commercial sites; and

6. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where applicable.

Furthermore, modify the Neighborhood Commercial/Mixed Use description as follows:

“.....However, residential development at up to ~~30~~20 dwelling units per acre may be permitted....”

New Issue SE-8

Should Additional Earthquake Measures be Provided?

Discussion

According to Impact 4.7-2, land uses and development consistent with the Draft 2005 CWP Update would expose people, new development and redevelopment to substantial adverse seismic effects, including the risk of loss, injury, or death involving strong seismic ground shaking. This would be a significant impact.

EIR Consideration

Mitigation Measure 4.7-2 In order to reduce seismic ground shaking impacts substantially, the County would revise the following policy and programs related to seismic safety, retrofit, and the location of emergency service facilities and create a new program to systematically assess damaged and collapsed buildings after a damaging earthquake. In addition, the County would obtain funding and revise the timeframe of implementation of Program **EH-2.e** (*Retrofit County Buildings*), to the medium-term or sooner.

Mitigation Measure 4.7-2(a) Revise Policy **EH-2.3** (*Ensure Safety of New Structures*) and Programs **EH-2.e** (*Retrofit County Buildings*), **PS-3.f** (*Promote Structural Safety*), and **PS-3.g** (*Locate Emergency Services Facilities Appropriately*) to ensure seismic safety of all new structures, to address the proper location and retrofit of County buildings and essential critical facilities, and to promote structural and nonstructural safety (e.g., proper securing of nonstructural items within buildings).

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 installation of automatic natural gas shut-off valves in buildings. Encourage retrofit of older buildings and securing nonstructural elements of a building to prevent the falling or throwing of objects. ~~Encourage retrofitting seismically vulnerable buildings.~~

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(d) Continue to implement County ordinances to ensure new construction utilize 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.

Recommendation

Accept Mitigation Measure 4.7-2(a) which proposes revisions to Programs PS-3.f *Promote Structural and Nonstructural Safety* and PS-3.g *Locate Emergency Services Facilities Appropriately*, and Mitigation Measure 4.7-2(c) and 4.7-2(d).