



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
ALEX HINDS, DIRECTOR

November 6, 2007

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

**SUBJECT:** Public Hearing on whether to certify the Final Environmental Impact Report (Final EIR) and adopt the Final Draft Marin Countywide Plan (CWP)

Dear Board Members:

**RECOMMENDATIONS**

1. Conduct the public hearing
2. Close the public hearing
3. Approve the attached resolutions to certify the Final EIR and adopt the Final Draft Countywide Plan (dated November 6, 2007)

**BACKGROUND**

In 2000 the Board of Supervisors approved work and public participation programs to update the Countywide Plan (CWP) with initial working group meetings starting in early 2001. Although the existing 1994 Countywide Plan has generally withstood the test of time, the 2007 CWP has now been updated to reflect extensive input from the public (including 4 CWP working groups). There have been over 100 meetings open to the public regarding the draft CWP Update.

Today is the fifth and final Board of Supervisors hearing scheduled for consideration of this update to the Countywide Plan. The purpose of today's public hearing is for the Board of Supervisors to conduct a public hearing and take action on whether to certify the Final Environmental Impact Report (Final EIR) and adopt the 2007 Marin CWP. Toward this end, staff recommends that public testimony and deliberations should avoid a lengthy replay of previously discussed and tentatively resolved topics - and instead focus on whether the Board should certify the Final EIR and adopt the proposed Countywide Plan.

## **DISCUSSION**

### **A. Environmental Review**

Environmental review was conducted in compliance with the California Environmental Quality Act (CEQA) as required for consideration of the Draft 2005 CWP Update. An Initial Study, completed by Marin County in February 2004 and revised in July 2005, confirmed the need for a full scope EIR, covering all the topical impact areas under CEQA. In January 2004, the County independently selected and contracted with the environmental consultant firm, Nichols Berman Environmental Planning, to prepare the EIR.

Marin County prepared and on June 4, 2007 circulated the *Marin Countywide Plan Update Final Environmental Impact Report*. A Notice of Availability of the Final EIR for review and notice of the public hearing of the Planning Commission to consider the Final EIR was published and began a 14 day review and comment period on the Final EIR ending on June 18, 2007. On June 11, 2007 the Marin County Planning Commission held a public hearing to consider the Final EIR.

In accordance with Marin County EIR guidelines, written responses to comments received at the June 11, 2007 Planning Commission meeting and during the 14 day Final EIR review period have been prepared. These responses address issues raised regarding the Final EIR Response to Comments. These written comments and responses present amplifications, clarifications and/or additional information which in some cases result in minor and insignificant modifications to the EIR. They do not, however, raise new or more severe impacts or new mitigations or alternatives not considered in the EIR and do not require recirculation for further review and comment in accordance with *State CEQA Guidelines* Section 15088.5. The written responses together with the comments are incorporated as a minor amendment to the Final EIR. (Final EIR Amendment, July 2007)

The EIR found that the project resulted in unavoidable significant effects on the environment. Because Alternative 4 (Mitigated Alternative) meets the project's basic objectives and is the environmentally superior alternative, the Planning Commission recommended that the Board of Supervisors adopt the Mitigated Alternative with certain modifications. Therefore, the Mitigated Alternative with modifications recommended by the Planning Commission has been brought forward for approval instead of the proposed project. The Planning Commission's and Board of Supervisor's modifications to the Mitigated Alternative are shown in Exhibit 8.0-13 in the FEIR and in the amendments to the FEIR (i.e., Amendment I, July 2007 and Amendment II, November 2007).

### **B. Environmental Impact Report Summary**

The Final EIR considered the projected development related to the *Draft 2005 CWP Update* and alternatives and assessed the effects of implementing the project alone and combined with other cumulative development expected in the vicinity.

### Identified Impacts:

Land uses and development consistent with the *2007 Marin CWP Update* would result in significant impacts that can be reduced to less than significant through mitigation, as well as 42 significant unavoidable impacts. The majority of these significant unavoidable impacts are associated with transportation and water supply issues. The EIR identifies mitigation measures for each impact. In some instances, the proposed mitigations would not be sufficient to reduce the impact to a less-than-significant level. In other cases, the mitigation measures are able to reduce impacts to a less than significant level.

### Plan Consistency:

The plan consistency analysis in the Draft EIR did not find any plan inconsistencies with the 2007 CWP Update that would result in adverse physical CEQA impacts. Nevertheless, future updates to associated plans and implementing regulations will require careful consideration to ensure continued conformance.

### Alternatives:

The Draft EIR examines four alternatives to the *Countywide Plan Update*. A complete description of the alternatives is contained in **Chapter 5.0 Alternatives** of the Draft EIR. Each alternative proposes varying development levels for specific project sites.

- *Alternative 1 (No Project / No Action Alternative)* – This alternative assumes that no updated Countywide Plan is adopted for Marin County and future development would continue to be guided by the *1994 CWP* and zoning. This alternative reflects growth under the *1994 CWP* policies.
- *Alternative 2* – This alternative is based on the Economic Vitality scenario considered as a part of the County’s Countywide Plan visioning process, which also includes substantially increased housing opportunities.
- *Alternative 3* – This alternative is based on the Environmental Preservation scenario considered as a part of the County’s Countywide Plan visioning process.
- *Alternative 4 - (Mitigated Alternative)* proposes mitigations in addition to those identified in the Draft EIR to reduce identified significant impacts of the *Draft 2005 CWP Update*, including significant impacts to water supply and traffic. Among other things, *Alternative 4* includes efforts to increase workforce housing rather than full commercial build-out. In addition, *Alternative 4* includes refinements to the Housing Overlay Designation and construction of the Marin-Sonoma Narrows (MSN) road improvement. *Alternative 4* also includes possible development of up to 501 housing units on the St. Vincent’s and the Silveira properties and adoption of the boundary for Option 2 for the Baylands Corridor. This alternative formed the base of the Planning Commission recommendation to the Board of Supervisors.

### **C. Countywide Plan Overview**

The CWP Update proposes a comprehensive update of the *1994 Marin Countywide Plan (1994 CWP)*. The CWP Update encompasses the unincorporated territory of Marin County. Marin's total land and water area is approximately 606 square miles, of which about 87 percent (527 square miles) is unincorporated. The CWP Update's regulatory authority encompasses only the unincorporated territory of Marin County.

The purposes of the CWP Update are to set policy guidelines for future conservation and development in the county and to address changed conditions since adoption of the *1994 CWP*. The CWP Update establishes an overall framework and set of goals for countywide development in the unincorporated area of Marin County.

Initial working group meetings on the update of the Countywide Plan began in early 2001 resulting in a Trends, Issues and Strategies Report. Preparation of the Countywide Plan also involved developing a series of technical background reports. These included:

- 2005 Congestion Management Program
- Agriculture
- Air Quality
- Archeology
- Biology
- Community Facilities
- Energy
- Flooding
- Geology
- Hydrology and Water Quality
- Noise
- Marin County Targeted Industries Study Final Report and Supplement
- Parks and Recreation
- Trails
- Transportation
- Watershed Management Plan

While these reports provided a basis for drafting the Countywide Plan itself, they are not part of the Plan.

Similarly, the Plan at times makes reference to various other documents produced and/or adopted by Marin County. These documents are also not a part of the Plan.

The overarching theme presented in the *CWP Update* is planning sustainable communities. To address this theme, the *1994 CWP* has been substantially reformatted into three main elements: the Natural Systems and Agriculture Element, the Built Environment Element, and the Socioeconomic Element. The seven mandatory General Plan elements required by the State Planning and Zoning Laws (Conservation, Open Space, Land Use, Circulation, Housing, Noise, and Safety) and the five optional

elements in the 1994 CWP (Agriculture, Community Facilities, Parks and Recreation, Trails, and Economic), have been updated and incorporated into the three main reformatted elements of the Final *Draft CWP Update*. The recent update of the Housing Element <sup>1</sup> of the CWP was adopted prior to the *Countywide Plan Update* and remains unchanged.

A Public Review Draft of the Marin Countywide Plan was released in February 2004, which was followed by twenty-three public hearings in order to finalize the project description to be evaluated in the environmental impact report. A Revised Public Review Draft of the Countywide Plan was completed in August 2005 which incorporated input from several hundred letters, previous public hearings, and extensive legal review. Changes were shown in strike-thru and underline format in the Plan. A revised copy of the Plan without the *track changes* was subsequently prepared.

The Planning Commission Recommended Draft (dated July 23, 2007) incorporated all of the Planning Commission's recommendations (technical and substantive), as well as accepted mitigation measures from the Final EIR and technical edits. On July 23, 2007, the Planning Commission adopted a resolution recommending the Board of Supervisors adopt the Draft Marin Countywide Plan Update and certify the Final Environmental Impact Report.

Following the Commission's final recommendation, and initial direction from the Board of Supervisors on September 11, 12, and 26, and October 16, 2007, the Plan has been reviewed by a technical editor. These limited, technical edits ensure consistent application of grammar and style throughout the document - and have been incorporated into the Final Draft Plan for final consideration by your Board of Supervisors.

#### **D. Countywide Plan Issues**

At the October 16<sup>th</sup> public hearing your Board provided direction to add or revise the Countywide Plan as indicated in Attachment 4, Direction From the October 16, 2007 Public Hearing. Several of these and related issues are summarized as follows:

1. Baylands Corridor, Streamside Conservation Areas, and Wetlands

The Final Draft CWP comprehensively addresses issues pertaining to historic baylands and associated habitats, riparian areas and wetlands. Currently, staff and consultants are continuing an active dialogue with SPAWN to increase mutual collaboration with a variety of stakeholders concerned about stream conservation and fish habitat. In addition, revisions to the Final Draft CWP from the October 16<sup>th</sup> meeting include:

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<sup>1</sup> The Housing Element was certified by the State Department of Housing and Community Development on July 24, 2003 and is not the subject of this CWP update.

- A clarification was made that the policies, programs and implementation measures of the Baylands Corridor only apply within unincorporated Marin County
- The San Rafael Airport property was removed from the Baylands Corridor
- A future mapping analysis will identify lands that could be added to or removed from the Baylands Corridor and will consider small parcels that provide or could be restored to provide habitat, or provide protection from sea level rise
- Parcels added to the Baylands Corridor in the future will be subject to regulations in effect at that time

## 2. Agriculture

Agricultural issues were also carefully considered during the initial working group process and preparation and public review of the CWP Update. The following revisions were included in the direction provided by your Board on October 16:

- Text was added clarifying that most customary agricultural uses and related facilities are currently permitted without the need for master plans, use permits, or other local zoning entitlements
- Text was added encouraging contractual protection of agricultural land between willing owners
- Flexibility was added towards consolidating agricultural zoning districts in the Inland Rural Corridor - provided the zoning district was effective and supported continued agricultural activities
- Clarification was provided that residential home size limits will be dealt with in community or specific plans and the design review process. However, since most agricultural areas are outside of these plan boundaries, agricultural home sizes are being addressed in the Countywide Plan. A limit of 7,000 square feet for a single family agricultural residence was added – which is similar to the residential home size limits currently applied in two other areas of the County.
- As with residential design projects in conventionally zoned districts throughout unincorporated Marin County, agricultural residential development in excess of 4000 square feet will be subject to design review
- Text was added clarifying the voluntary sale or dedication of trail easements. Recently proposed trails not associated with a statewide or regional trail systems were deleted, and several technical edits recommended by the Parks and Open Space Department were added.
- In response to direction from your Board to address ongoing concerns regarding locating trails on agricultural lands, additional modifications to the Marin Countywide Trails Plan Maps have been made as follows: **Map 2-19a** - remove proposed trail from Dillon Beach south to Highway 1; **Map**

**2-19b and 2-19d** – remove proposed trails not associated with statewide or regional trail systems; **Map 2-19d and 2-19e** - remove the proposed trail from the driveway of the Mease/Salah property.

- In response to the letter from Gerald and Cleo Gause dated October 16, 2007 requesting removal of the proposed trail on Map 2-19d, further review has determined this trail was originally proposed in the 1994 Countywide Plan and, therefore, should not be removed.

### 3. Housing

Additional community development strategies were added in order to increase the stock of infill, affordable housing and reduce greenhouse gas emissions, traffic congestion and the need for commuting into Marin from distant locations. The policies and programs in the Final Draft Countywide Plan, build upon (but do not revise) our existing state certified Housing Element, and will continue Marin County's history of providing leadership and innovation in affordable housing. Marin County also brought all the Marin cities and towns together to develop the award winning Housing Element Workbook, which assisted local jurisdictions to adopt best practices encouraging the development of affordable housing. Furthermore, Marin County has successfully completed 90% of the 50 programs in our current State certified Housing Element.

Marin County's success rate compares favorably with the Bay Area as a whole - during the 1999-2006 Regional Housing Needs Allocation (RHNA) period, Bay Area jurisdictions issued permits for only 47% of their allocations for units affordable to lower income households. In contrast, in the 1999 - 2006 Housing Element cycle Marin County met and exceeded its fair share of the Regional Housing Needs Allocation and zoned for and approved 100% of the allocated 521 units, 320 of which were affordable to low and very-low income households. Marin County zoned for 122% of the required very-low income units, 208% of the low-income units and 114% of the moderate income units. Although cities and counties are not responsible for actually building housing units, in unincorporated Marin, 77% of the affordable units have been developed and all received funding from the County Housing Trust fund.

Two main policies in the Countywide Plan, the Housing Overlay Designation and the expanded Mixed-use land use designation, together allow for 1,694 new units of housing, of which approximately 4-500 would be affordable to lower and moderate income households. To promote smart growth principles, development opportunities are concentrated in urbanized areas close to public transit and services.

In response to public comment, the Board directed staff to further refine and strengthen housing related policies in the Countywide Plan. Changes include the following:

- Maximum allowable density was increased on in-fill sites near transit that are named HOD sites.

- The mixed-use designation was revised to allow increased densities for housing affordable to low and very low-income households on sites along transit corridors, close to employment opportunities and services.
- To provide incentives for housing affordable to moderate-income households, increased densities are allowed in the mixed-use designation in areas not severely impacted by traffic.
- A program was added to identify sites appropriate for affordable housing in Community Plans.
- Allow greater flexibility for development options on the St. Vincent and Silveira lands which encourage cluster development, green building techniques, and reduced vehicle trips through the use of shuttles, car-share programs, and transit links.

Although an increase in vehicle miles traveled is occurring throughout the San Francisco Bay Area and State of California, Countywide Plan policies and programs seek to reduce greenhouse gas emissions and reduce Marin's ecological footprint through many policies promoting a reduction in vehicle miles traveled. The inclusion of affordable housing on in-fill sites is critical to this CWP strategy. For example, lower income households which may generate almost 50% fewer vehicle trips per day than high-income households will be allowed by the Plan at increased densities in areas with existing traffic congestion, while moderate-income housing will also be permitted at increased densities but only in areas which meet prescribed traffic congestion criteria. In addition, commercial development potential has been reduced and new requirements are in place which will require residential development on mixed-use sites close to transit, employment, and services.

#### 4. Land uses on the St. Vincent and the Silveira properties

Land use densities for the St. Vincent's and Silveira properties tentatively approved by the Board of Supervisor's (with the concurrence of representatives of the St. Vincent's property) on October 16, 2007 can be traced to the initial staff recommendations and Planning Commission hearings on the Draft CWP conducted in 2004. The February 2004 Public Review Draft of the CWP established the designation of Agriculture and Conservation 2 at a density of one dwelling unit per 10 acres, thereby allowing a base density of 120 market rate units. Up to 100 additional deed-restricted affordable housing units were also recommended if restricted in perpetuity to very low and low income residents and persons with special needs.

Based on initial direction from the Planning Commission and Board of Supervisors and in response to comments received from several hundred letters from the public, a Revised Public Review Draft of the Plan was completed in August 2005. Four development options pertaining to the St. Vincent's and Silveira properties were presented ranging from 221 to 350 to 500 residential units. In addition, the proposed Planned Designation—Agriculture and Environmental Resource Area was

recommended, which recognizes the agricultural and environmental features on the two properties and provides for their reuse and development along with a variety of low intensity and institutional uses. New nonagricultural development was proposed to be clustered on up to five percent additional land area for each property, or as determined through a site specific analysis.

Map 3-34 (St. Vincent's and Silveria Environmental Features) was included to illustrate environmental resources and constraints, such as Ridge and Upland Greenbelt, Baylands Corridor, Stream Conservation Areas, View Corridors, Urban-Wildland Interface Zone, liquefaction susceptibility, and areas of 100 year Flood Zone. Map 3-34 was not in existence when the initial recommendations were made by staff to the Planning Commission in 2004 for 121 market rate housing units and up to 100 affordable units clustered on an additional 5 % of the land - and were not relied upon at that time or subsequently.

At the October 16, 2007 hearing the Board directed staff to remove Map 3-34 since it may not reflect the most up-to-date information regarding some environmental hazards. The Board also approved language allowing up to a total of 221 dwelling units on the St. Vincent's and Silveria sites with modifications clarifying that a senior care community could be allowed - provided the development continued to be appropriately clustered and the traffic impacts did not exceed that of 221 residences.

#### 5. Climate Change and Sea Level Rise

The 2007 Marin CWP provides policies and programs in several sections of the Plan pertaining to reducing greenhouse gas emissions, planning for, monitoring and adapting to climate change. As such, the Marin CWP Update is believed to be one of the first local general plans in the state and nation to have substantively addressed climate change issues. For example, the inclusion of a new Baylands Corridor addresses a number of climate change related issues including the preservation and restoration of applicable historic baylands in light of projected sea level rise and storm activities. Other more recent revisions to the Plan signify that Marin should continue to provide leadership in this regard and consider the impacts of climate change on:

- The future mapping of floodplains, other hazards, and disaster response planning
- the economy
- education
- park resources

Finally, at the October 16, 2007 hearing, technical editing for consistency, appearance and grammar - along with clarifications to the text and implementation charts - were also authorized for inclusion in the Final Draft CWP. As previously noted, in light of the extra time required to adopt the Countywide Plan, corresponding adjustments have been incorporated into the program implementation short, medium, and long term timeframes.

## CONCLUSION

The *Draft Countywide Plan Update* and EIR have undergone rigorous preparation and processing in full compliance with State General Plan Guidelines and applicable regulations, the State CEQA Guidelines and applicable regulations, and County Environmental Review Procedures. Substantial opportunity for public participation in the process and review has been provided which meets and exceeds the requirements for adoption of general plans, and CEQA and County Environmental Review Procedures.

Respectfully submitted,

Alex Hinds  
Director

### Attachments

1. Draft Resolution Certifying the FEIR
2. Draft Resolution Adopting the CWP including CEQA Findings and Mitigation Monitoring Program
3. Amendment II to the FEIR
4. Direction from the October 16, 2007, Board of Supervisors Public Hearing
5. Final Draft Marin Countywide Plan, dated November 6, 2007 (please note that upon adoption "Final Draft" will be removed from the title)