

FINAL ENVIRONMENTAL IMPACT REPORT FOR HOUSING AND SAFETY ELEMENTS UPDATE PROJECT

BOARD OF SUPERVISORS HEARING

January 24, 2023



Introductions

- Marin County Community Development Agency
 - Rachel Reid, Environmental Coordinator
 - Leelee Thomas, Deputy Director of Housing & Federal Grants Division
 - Leslie Lacko, Senior Planner
- MIG (CEQA Consultant)
 - Barbara Beard, CEQA Project Manager
 - Ray Pendro, Senior Analyst
 - Phil Gleason, Senior Analyst
 - Zack Matley (W-Trans, transportation subconsultant)



Purpose of Hearing

Review CEQA Process

Provide Project Overview

Review Draft EIR Findings

Review Final EIR - Responses to Comments

Present Staff Recommendation

Board Action



Housing & Safety Elements Update Project

Housing Element
Update

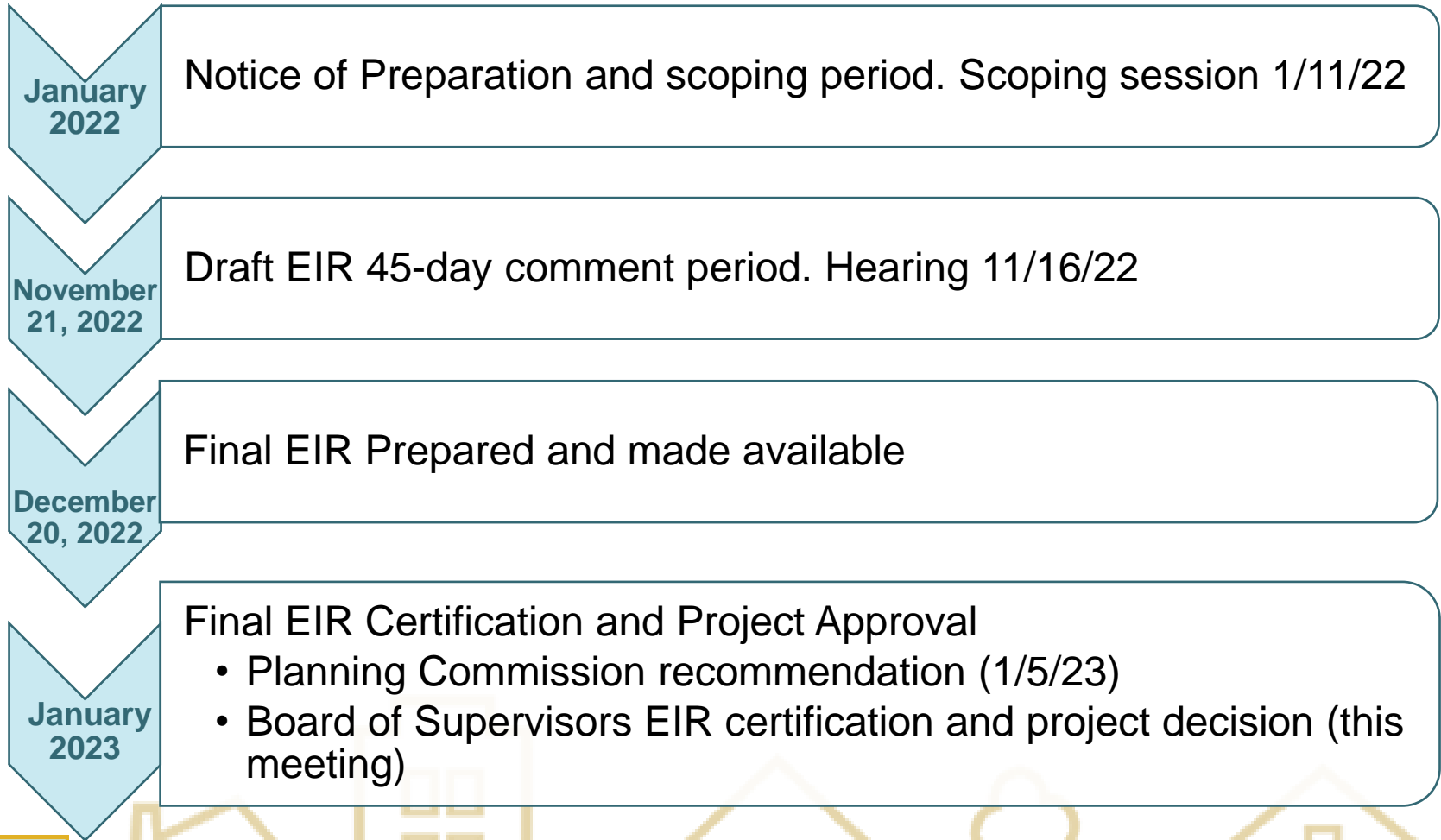
Safety Element
Update

Amendments to
other CWP
Elements for
consistency

Amendments to
Development Code
for effective
implementation



Review of EIR Process



Actions Based on EIR

- EIR provides the environmental review required for the County to approve the Project
- To approve the Project, the Board of Supervisors will need to:

Certify that the Final EIR complies with CEQA

Make Findings

Adopt a Mitigation Monitoring and Reporting Program

Adopt a Statement of Overriding Considerations

Program EIR Analysis

- Program EIR evaluates environmental impacts of the collective, overall development potential of the proposed Project.
- EIR presents program level analysis and mitigation consistent with level of detail of the proposed Project.
- Discusses impacts and mitigations in sufficient detail to allow a reasoned decision about the Project.
- EIR does not evaluate future site-specific impacts of any individual development project.



Future Projects

- **Discretionary projects** would require site-specific applications subject to County's development review/approval process, including demonstrated consistency with CWP policies and County Development Code requirements, review under CEQA, and compliance with other environmental requirements (State, Federal);
- **Non-discretionary (ministerial) projects** would require site-specific applications subject to County's development review/approval process, including demonstrated consistency with County Development Code requirements and with relevant Federal and State regulatory requirements;
- **Publicly sponsored projects** must be consistent with CWP policies, County Development Code requirements, comply with CEQA, and Federal and State requirements.



CEQA Evaluation of Future Projects

- Evaluate Housing/Safety Element project applications to determine if project is ministerial (by-right) or discretionary. Ministerial projects are not subject to CEQA.
- Examine discretionary projects for consistency with Program EIR to determine appropriate level of environmental review required under CEQA.
- If all impacts are anticipated by Program EIR and adopted mitigation measures address the impacts, no further CEQA review may be required.
- If impacts of project are not fully analyzed in Program EIR, additional CEQA review of project will be required.



Project Description – Housing Element

Table 3-1 and 3-2: Regional Housing Needs Allocation (RHNA) for Marin County Unincorporated Areas, 2023-2031 2023-2031 Housing Element Proposed Project Sites and Associated Development Potential				
	Lower Income	Moderate Income	Above Moderate Income	Total
	Potential Unit Development			
(A) Proposed Project Sites	1,840	515	1,305	3,660
(B) Development Units (ADUs)	154	77	25	256
Total Proposed Project Sites [(A)+(B)]	1,994	592	1,330	3,916
Density Bonus (35% of A)				1,281
Project Site Inventory				5,197
	Housing Units			
RHNA Goals	1,734*	512	1,323	3,569

*1,100 units Very-Low Income, 634 units Low Income

Source: ABAG, Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023-2031 (viewed at RHNA Source: https://abag.ca.gov/sites/default/files/documents/2022-04/Final_RHNA_Methodology_Report_2023-2031_March2022_Update.pdf), adopted December 2021, Updated March 2022, p. 26.





Figure 3.5A Project Sites

Project Description – Safety Element

- Safety Element is section 2.6 – Environmental Hazards of the Natural Systems and Agricultural Element of the CWP.
- Currently, the 2007 Safety Element addresses geologic seismicity, flooding, and wildfire hazards.
- Safety Element Update addresses climate change adaptation and resilience according to SB 379 and Government Code §65304(g).



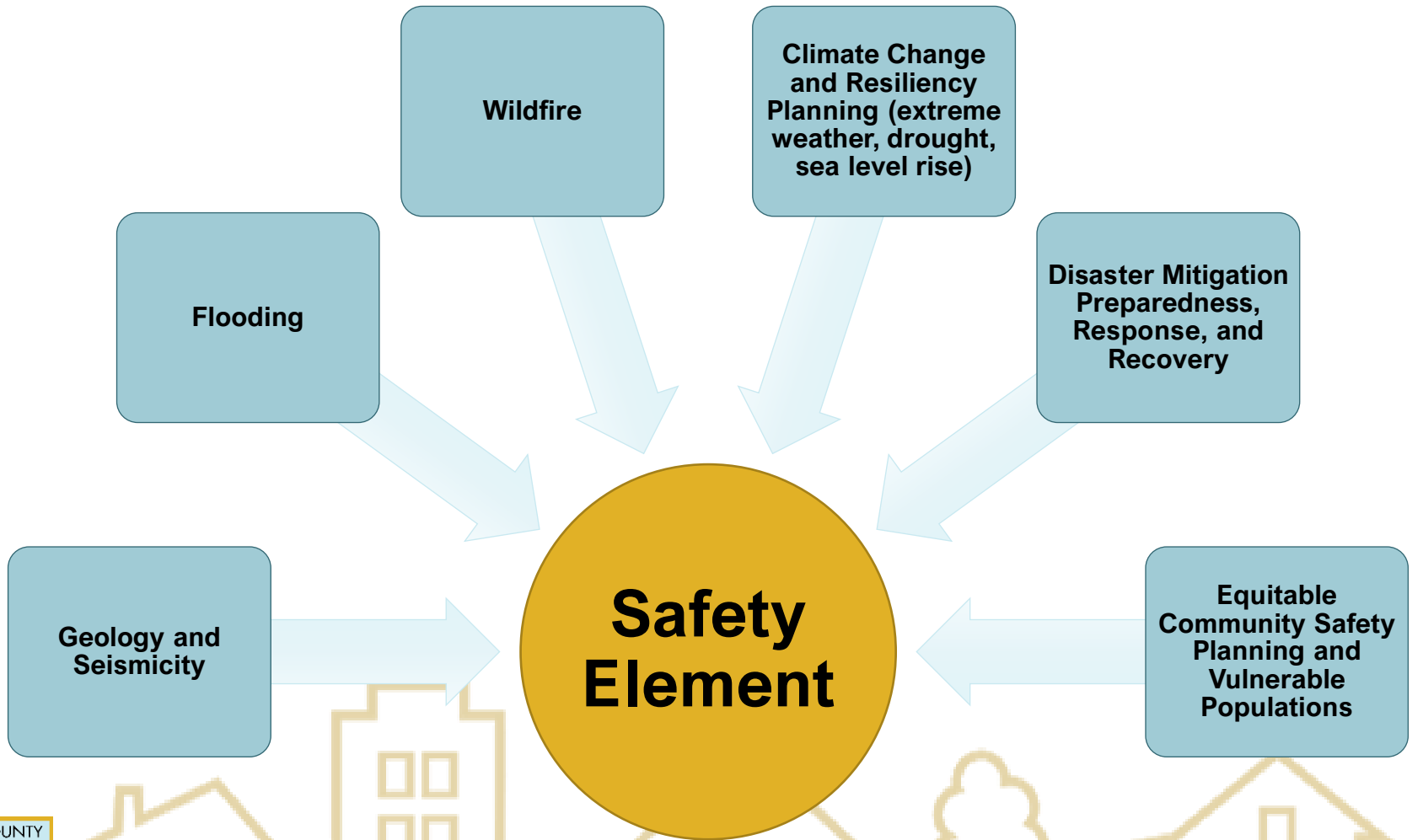
Project Description – Safety Element

The update includes:

1. Vulnerability Assessment - identifies risks of climate change
2. Identification of goals, policies, and implementation programs to address:
 - Adaptation and resiliency planning
 - Wildfire risk
 - Flood risk
 - Planning for emergency evacuation



Project Description – Safety Element



Project Description – Additional Actions

The EIR also evaluates changes to the CWP and Zoning Code as necessary to Implement “Programs” identified in the Housing and Safety Elements, including:

Changes to land use and zoning map designations to accommodate the development intensity needed to satisfy the RHNA

Changes to policies and programs to remove barriers to residential development

Zoning text amendments to ensure procedures and standards are in place to support development needed to satisfy the RHNA

Amend the Development Code consistent with the goals, policies, and programs of the Project

Amend the Development Code to ensure new development is built to the highest safety standards consistent with the Safety Element



EIR Findings

- Identified 18 project impacts as significant or potentially significant, including 14 project impacts that were also determined to be cumulative impacts.
- Many impacts found less than significant because future projects would be developed and permitted according to Federal and State regulations, Countywide Plan, Marin County Development Code, and all adopted policies and regulations.
- Significant Impacts Reduced to Less Than Significant by Mitigation: Biological Resources & Historic Resources.



EIR Findings

Project and Cumulative Impacts: Significant unavoidable impacts and “*cumulatively considerable contributions to significant cumulative impacts*” in the following areas (even with mitigation):

Aesthetics: Scenic vistas and visual character

Air Quality: Conflict with the local air quality plan and increase in criteria pollutants

GHG: Conflicts with applicable plan and increase in emissions

Historic Resources: Destruction/degradation of historic resources

Noise: Traffic noise levels

Transportation: VMT above regional per capita thresholds

Utilities: Water and Wastewater

Project Alternatives

EIR evaluates three alternatives:

Alternative 1

No Project – Existing Countywide Plan & HE (required by CEQA)

Alternative 2

Reduced VMT Alternative

Alternative 3

Reduced Utility Impact Alternative
(Water & Wastewater)

Final EIR Consists of 2 Volumes

- The Draft EIR volume, and
- The Final EIR volume, which consists of:

Comments received on Draft EIR

List of persons, organizations, and public agencies commenting on the Draft EIR

Responses to significant environmental points raised by the comments

Revisions to Draft EIR text and supplemental information

Final EIR – Supplemental Information

- Provides supplemental information relevant to the environmental analysis that clarifies and amplifies the information provided in the Draft EIR.
- The new information is not considered significant new information pursuant to CEQA Guidelines Section 15088.5(a) and does not require recirculation of the Draft EIR.



Final EIR – Topical Responses

Topical Responses to frequently made comments:

- Use of Program EIR
- Final Housing Site List
- Comments on the Merits of the Project
- Sites Common to Alternative 2 & Alternative 3 (“Blended Alternative”)
- Wildfire Evacuation
- Water Supply
- Cumulative Impacts



EIR Major Conclusions

- Project would result in 15 significant unavoidable impacts. EIR identified mitigation measures for each impact, if mitigation was available. Most impacts remain significant and unavoidable even with mitigation.
- Board must adopt a Housing Element that meets the RHNA to comply with State law. Decision-makers must adopt a Statement of Overriding Considerations, determining that the benefits outweigh the significant unavoidable impacts of the Project.



Conclusions from EIR Process

- Final EIR has undergone rigorous preparation and processing in compliance with State and local requirements;
- Final EIR is adequate and complete for certification;
- Final EIR provides sufficient information to make a decision on the environmental effects and take action on the project.



Staff Recommendation

- Conduct public hearing on the adequacy of the Final EIR;
- Move to approve the Draft Resolution certifying the Final EIR as adequate and complete in compliance with CEQA, the State CEQA Guidelines and County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the Project; and
- Move to adopt Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring & Reporting Program.

