

FINAL ENVIRONMENTAL IMPACT REPORT FOR HOUSING AND SAFETY ELEMENTS UPDATE PROJECT

PLANNING COMMISSION HEARING

January 5, 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

Planning Commission Action



Housing & Safety Elements Update Project

Housing Element
Update

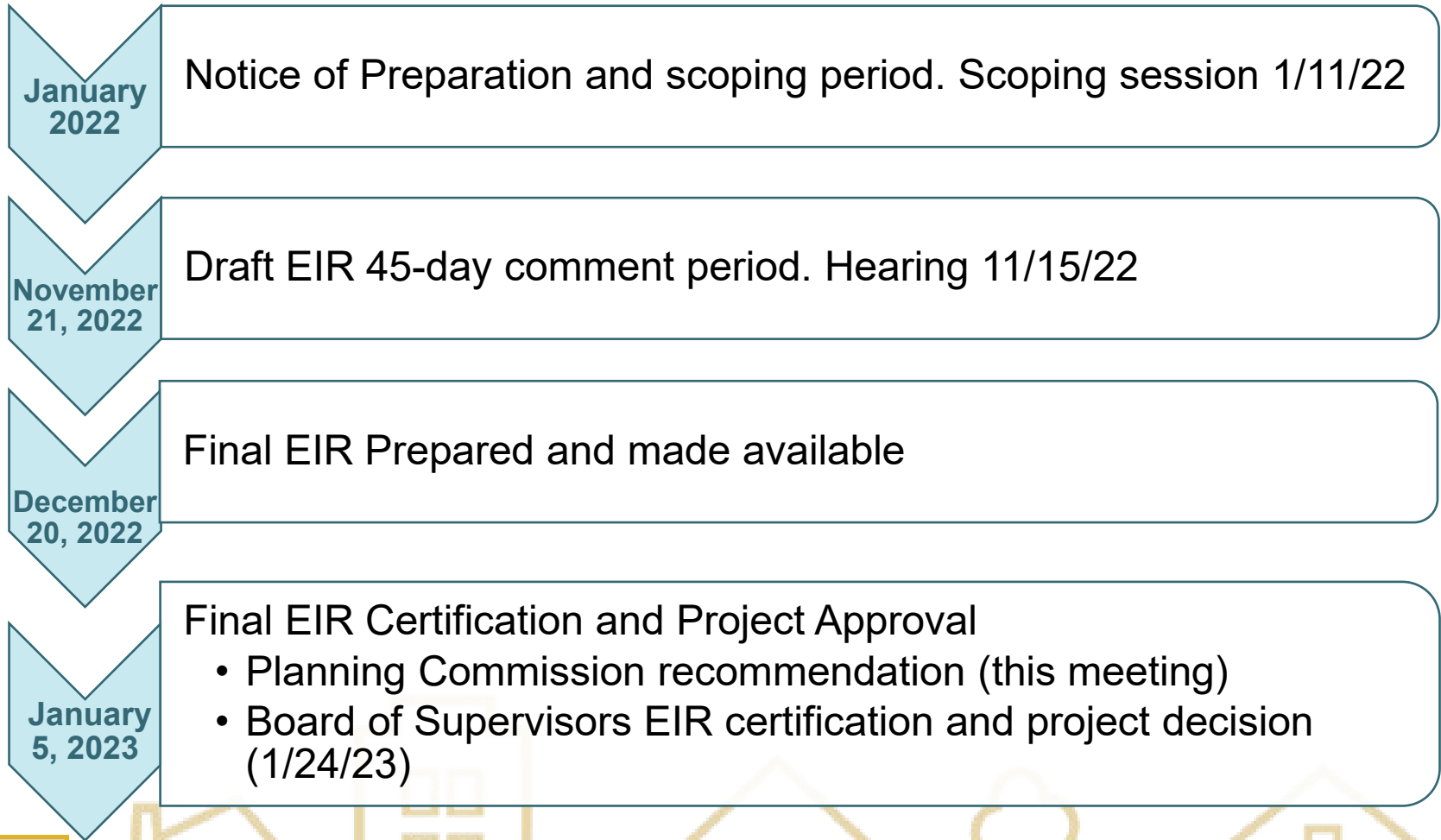
Safety Element
Update

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;
- **Public 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.



Components of Housing Element

Housing Plan

Needs Assessment

- Demographic Trends
- Housing Market Trends
- Special Needs Groups

Previous Accomplishments

Progress toward Implementing Previous Housing Element

Constraints to Housing Development

- Governmental
- Market
- Environmental
- Infrastructure

Resources and Sites Inventory

- Sites for all Income Levels
- Public / Private Partnerships
- Financial Resources

Affirmatively Furthering Fair Housing

- Five Categories of Analysis
- Existing Condition and Distribution of RHNA Sites
- Meaningful Actions

Project Description – Housing Element

**Table 3-1:
Regional Housing Needs Allocation (RHNA) for Marin County
Unincorporated Areas, 2023-2031**

Income Category¹	Number of Housing Units
Very Low Income	1,100
Low Income	634
Moderate Income	512
Above Moderate Income	1,323
Total:	3,569

Source: ABAG, Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023-2031 (viewed at 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.



Project Description – Housing Element

**Table 3-2:
2023-2031 Housing Element Proposed Project Sites and Associated
Development Potential**

	Potential Unit Development			
	Lower Income	Moderate Income	Above Moderate Income	Total
(A) Proposed Project Sites	1,840	547	1,305	3,692
(B) Development Units (ADUs)	154	77	25	256
Total Proposed Project Sites [(A)+(B)]	1,994	624	1330	3,948
Density Bonus (35% of A)				1,292
Project Site Inventory				5,240



Project Description – Housing Element

Candidate Housing Sites

150 housing sites
10,993 housing units

Project Site Inventory (“Project Sites”)

5,240 units to meet RHNA + buffer + density bonus

Housing Development

Housing development applications anticipated from Project Site Inventory list

Project Description – Housing Element

- Candidate Housing Site list: pre-screened sites to replace any Project Sites that must be eliminated as a potential housing site due to HCD comments, legal, policy, or environmental concerns
- County will replace sites that must be removed from Project Sites list with sites from the Candidate Housing Sites
- Since publication of Draft EIR, changes to the Project Sites list have been necessary. New Project Sites unit number is 5,240 units instead of 5,214 described in Draft EIR.



Project Description – Housing Element

- The Program EIR analyzes the impacts of development of housing sites on both the “Project Sites” list (5,240 units) and the cumulative impacts of developing the 10,993 units on Candidate Housing Sites list.





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).



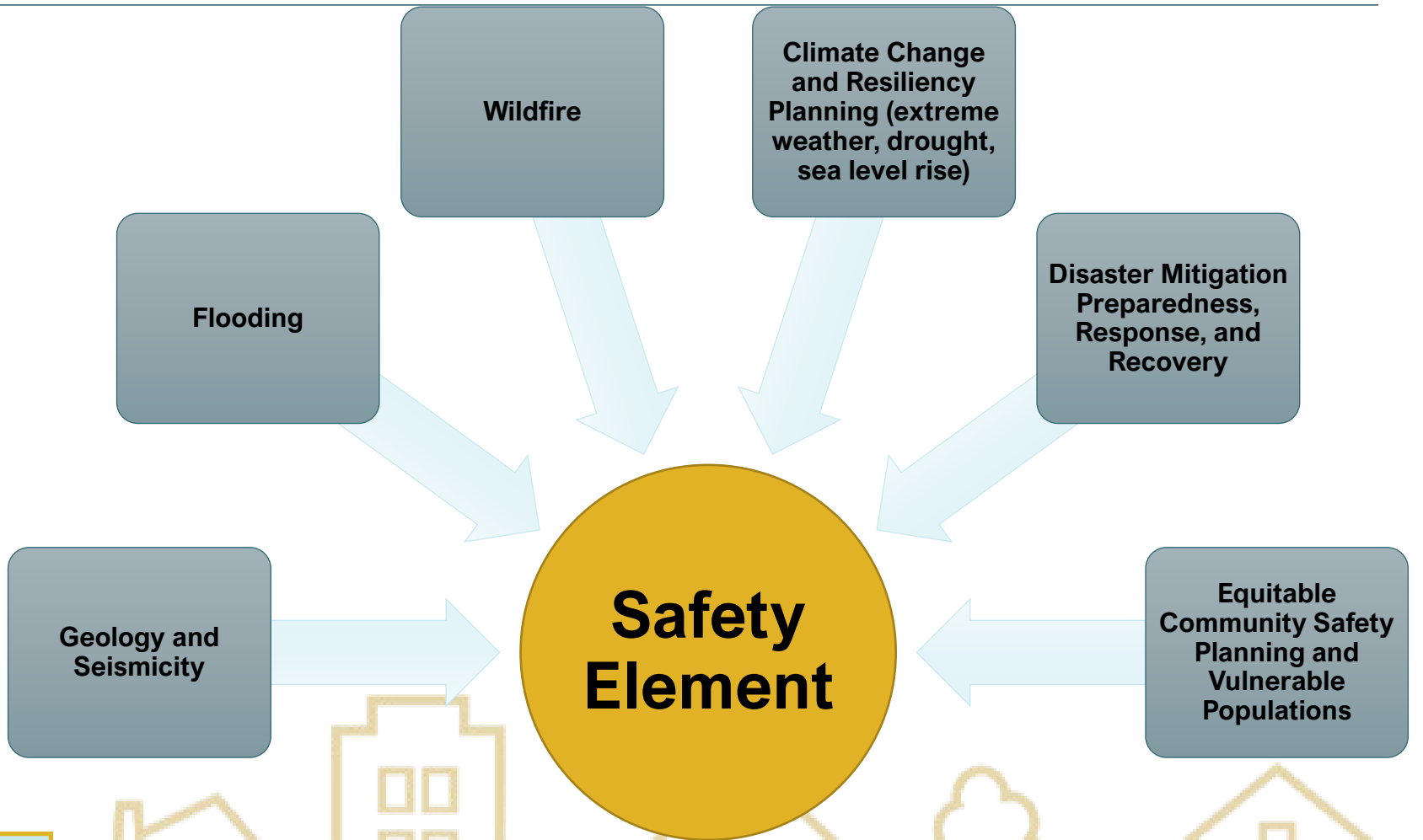
Project Description – Safety Element

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 fire risk
 - Flood risk
 - Planning for emergency evacuation



Project Description – Safety Element



Project Description – Additional Actions

The EIR also contemplates 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 Impact Topics

Aesthetics	Agricultural and Forestry Resources	Air Quality	Biological Resources	Cultural, Tribal Cultural, and Historical Resources
Geology and Soils	Greenhouse Gas Emissions and Energy	Hazards and Hazardous Materials	Hydrology and Water Quality	Land Use and Planning
Mineral Resources	Noise	Population and Housing	Public Services	Transportation

Utilities and Service Systems

Wildfire



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

Mitigation Measures

- Mitigation Measures recommended for:
 - Air Quality
 - Biology
 - Historic Resources
 - GHG Emissions and Energy
 - Noise
 - Traffic



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)

Project Alternatives

Environmentally Superior Alternative:

- Alternative 2: Reduced VMT
 - Would allow County to obtain most of the Housing Element Update objectives and all Safety Element Update objectives
 - Reduces the most impacts by reducing the per capita VMT (VMT, Air Quality, and GHG)

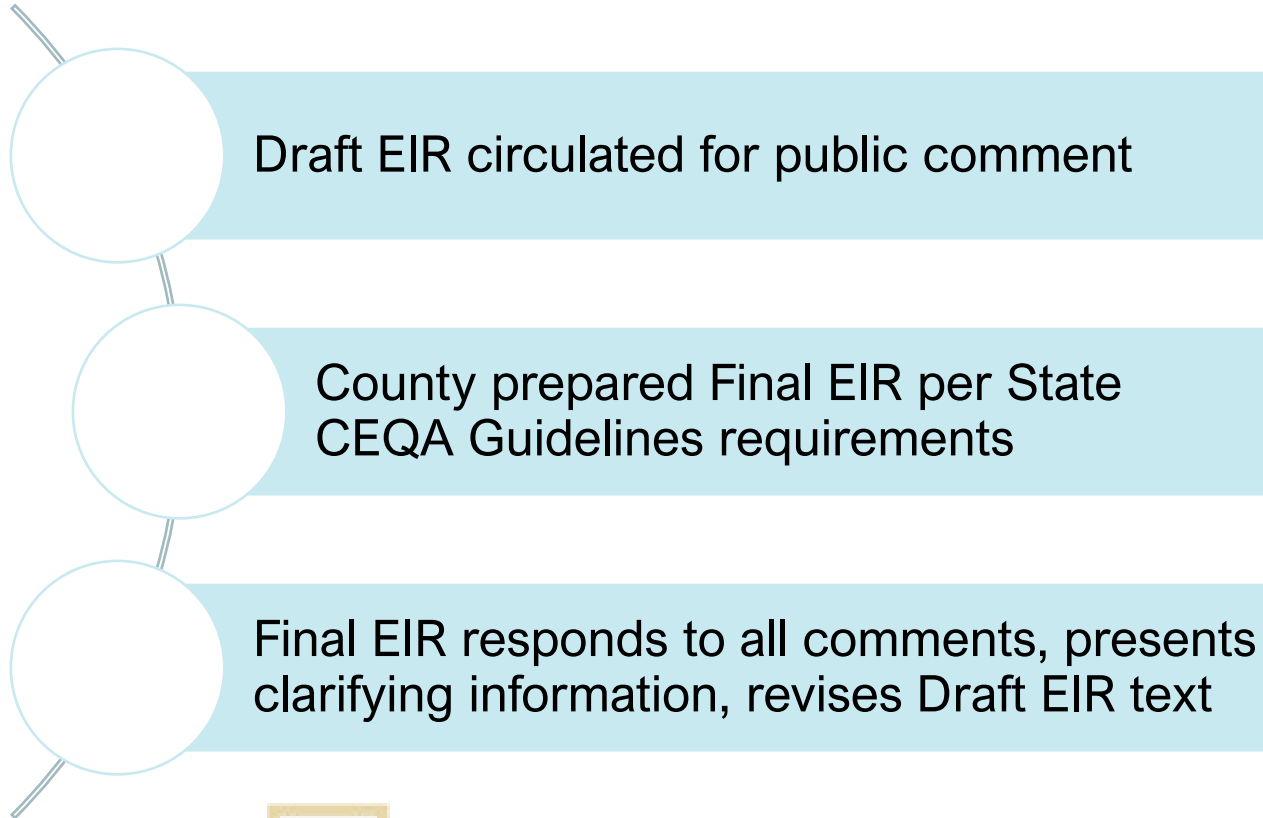


Project Alternatives

- Alternative 2 would not fully meet the objective of providing housing throughout unincorporated county communities because it would reduce the number of units in the Project Sites Inventory by approximately 479 by eliminating the larger housing sites in the more rural communities in the western part of the county.
- Alternative still meets the County's RHNA.
- Smaller sites screened out from CEQA VMT analysis would still be part of the alternative.
- Alternative 2 reduces the Project per capita VMT by 10% - 15%, however the VMT, air quality, and GHG impacts would remain significant and unavoidable.



Final EIR



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 – Response to Comments

- Responds to oral comments made at November 16, 2022 Joint Planning Commission/Board of Supervisors hearing on the Draft EIR
- Responds to written comments received on the Draft EIR
 - County received 62 comment letters on the Draft EIR
 - 4 comment letters from agencies (Cal OES, California Department of Fish and Wildlife, North Marin Water District, and City of Novato),
 - 10 comment letters from organizations, and
 - 48 comment letters from members of the public.



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 Recommendations

- Planning Commission review and consider the Final EIR and administrative record;
- Move to approve the Draft Resolution recommending that the Board of Supervisors certify the Housing and Safety Element Updates Project Final EIR as adequate and complete pursuant to CEQA and the Marin County EIR Guidelines.

