March 24, 2015

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

SUBJECT: 2007 Countywide Plan Implementation Program Update

Dear Supervisors,

RECOMMENDATION:
Conduct workshop and accept the report on the status of the 2007 Countywide Plan Implementation Program.

No action on the Implementation Program will be taken by the Board of Supervisors at the workshop. This workshop is intended to provide the status of the work undertaken by the Community Development Agency (CDA) to implement the 2007 Countywide Plan (CWP) and to assist the Board of Supervisors in considering potential adjustments to the Agency’s performance plan for the next fiscal year.

SUMMARY:

The CWP is a comprehensive long-range general plan for the unincorporated areas of Marin County. Community values and desired outcomes of the CWP are reflected in 11 goals, 375 policies, and over 700 programs which implement the goals and policies. Each program is classified with a priority (High, Medium, Low), timeframe for implementation (Immediate, Short: 1-4 years, Medium: 4-7 years, and Long: Over 7 years), and the department(s) with responsibility for carrying out the program. The CDA has sole or lead responsibility for implementing 281 of the 741 programs, or approximately 38% of all CWP programs.1 The 2007 CWP represents a historic high mark in the number and breadth of programs identified to implement the plan’s goals and policies. By comparison, the previous 1994 CWP had a total of 328 implementation programs.

Although the 2007 CWP received well deserved recognition for its progressive inclusion of sustainability principles and, at that time, a unique method of measuring success toward attainment of its goals and policies, the ambitious workload it created has exceeded the capacity of the agency’s staffing and other resources to keep pace with the Implementation Program. The Great Recession, which came on the heels of the 2007 CWP, widened the gap between the limits of agency resources and the static demands of the Implementation Program. Thus, while the agency has made measurable progress toward implementing the CWP, a number of important

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1 Because the Housing Element has been amended twice since 2007, this report did not include the 48 additional programs that are in the current (2014-22) Housing Element.
programs have inevitably been deferred and an amendment to the CWP should be considered to realign the lofty aspirations contained in the original Implementation Program with the county's current financial capacity, staffing resources and planning priorities. Staff recommends that your Board consider the timing for CDA to undertake the amendments as part of the discussion of the Agency's performance plan and priorities at the April 2015 budget workshops.

Majority of CDA's Programs Completed or In Progress

CDA is the sole or lead department responsible for carrying out 281 of the 741 programs. To date, we have completed or initiated work in approximately 161 programs, or 57% of CDA’s programs. A number of these programs are part of ongoing operations for CDA, such as continued implementation of residential design guidelines and green building standards, and administering building, flood, and fire protection standards in the permitting process. CDA has also amended the Development Code to implement programs to establish standards for agricultural sales and processing facilities, to establish mixed-use and Housing Overlay Designation standards, and to limit maximum floor area ratio and density in areas with sensitive resources or not served by public water/sewer facilities. While CDA has made substantial progress on the Implementation Program, there are 120 incomplete programs under CDA's purview.

Incomplete "High Priority" programs

There are 38 "High Priority" incomplete CWP programs where CDA is the sole or lead department responsible for implementation. The main programs are organized into four topical areas and summarized below: (1) environmental protection; (2) agriculture; (3) community character; and (4) public safety.

1. Environmental Protection

- Adopt an expanded Stream Conservation Area ordinance to implement SCA standards (Program BIO-4.a)\(^2\);
- Adopt an ordinance to refine wetland standards pursuant to the Wetland Conservation Area policies (Programs BIO-3.a, BIO-3.d);
- Re-evaluate and expand the native tree protection ordinance to preserve ecological values associated with groupings of trees and other components of forests and woodlands, such as understory species and wildlife (Program BIO-1.d); and
- Expand protection of resources in the Baylands Corridor by identifying large, contiguous, undeveloped bayland properties for acquisition and restoration and amending the Development Code's Bayfront Conservation Zone

\(^2\) An expanded Stream Conservation Area ordinance was prepared and adopted by the Board of Supervisors on October 29, 2013, but was subsequently nullified as a result of litigation.
standards to include criteria for evaluating projects in the Baylands Corridor and to identify restrictions necessary to protect sensitive biological and wetland resources (Programs CD-1.b, BIO-5.c, BIO-5.d).

2. Agriculture

- Modify the agricultural zoning standards to create a more uniform approach to preserve agricultural lands in the Inland Rural and Coastal Corridors, and to create new Residential Agricultural Zoning (RAZ) and Woodland Conservation Zoning (WCZ) districts (Program AG-1.g); and
- Two “Medium Priority” programs that are related to Program AG-1.g above include evaluating the appropriateness of the Agricultural Production Zoning district for areas near towns and villages or areas adjacent to the City-Centered Corridor, and assessing smaller agricultural properties for potential rezoning to a RAZ or another comparable agricultural zoning district (Programs AG-1.h, AG-1.i).

3. Community Character/Housing

- Protect Ridge and Upland Greenbelt (RUG) areas by adjusting the RUG boundaries on parcels contiguous to the City-Centered Corridor and rezoning RUG lands to a planned zoning district (Program DES-4.c);
- Expand areas where small-scale employment (e.g. live-work, studios, crafts spaces, open studios, and residential tour events) are allowed (Program CD-3.a); and
- Establish standards for remodel projects that have the same quality of construction, materials, and design required for new homes (Program DES-1.g).

4. Public Safety

- Expand the F-1 and F-2 Floodway zoning districts (Program EH-3.c);
- Prohibit residences within 50 feet of an active earthquake fault trace and prohibit public safety structures in tsunami inundation or flood-prone areas (Programs EH-2.c and EH-3.g);
- Establish construction standards for areas threatened by future sea level rise (Program AIR-5.i); and
- Establish a countywide Septic Inspection, Monitoring and Maintenance District (Program WR-2.i).

Incomplete “Medium Priority” programs

There are 72 “Medium Priority” incomplete CWP programs where CDA is the sole or lead department responsible for implementation. These programs cover various topical areas (public health, social equity, environmental justice, sustainability, environmental protection). Some notable programs include the following:

- Amend the Development Code to require mitigation measures, such as increased indoor air filtration, to protect sensitive receptors near freeways and major transportation corridors, to withhold permits for new toxin sources,
and to regulate development of land on or adjacent to a known solid or hazardous waste site (Programs AIR-2.b, EJ-1.d, PS-4.a);

- Establish maximum noise levels for all new residential units and explore feasibility of adopting an ordinance regulating the type and time of use of outdoor amplified music and/or motorized landscape equipment (Programs NO-1.d, NO-1.j);
- Amend the Development Code to allow satellite work centers in appropriate zoning districts and to encourage telecommuting options through employer incentives (Program CD-4.f);
- Map and assess local renewable resources, consider incentives to require new nonresidential development and remodels to utilize Leadership in Energy & Environmental Design ratings, and for new projects that use a substantial amount of concrete to incorporate at least 25% fly ash (Programs EN-2.a, EN-3.b, EN-3.d);
- Allow child care in places of worship, schools, and other community facilities, require on-site child care or in-lieu fees, identify appropriate locations for future child care facilities, and exclude child care facilities from floor area ratio calculations (Programs CH-1.a, CH-1.c, CH-1.f, CH-1.h);
- Amend the Development Code to allow senior day care services as a permitted use in residential zoning districts and use inclusionary housing requirements to fund services in existing low income housing (Program PH-4.c);
- Prepare a comprehensive survey of historic buildings and buildings of architectural significance and adopt guidelines for preservation of historical structures, trees, and other landscape elements (Programs HAR-1.c, HAR1.l);
- Consider participation in the Scenic Highway Program in order to preserve and enhance Marin’s scenic highway corridors (Program DES-4.f);
- Conduct a comprehensive assessment of habitat fragmentation and connectivity loss (Program BIO-2.b); and
- Require new development projects to demonstrate with documentation that 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.o).

Incomplete "Low Priority" programs

There are eight “Low Priority” incomplete CWP programs where CDA is the sole or lead department responsible for implementation. These include establishing community-based standards for off-site signs (Program AG-2.f), promoting vegetation as a means to provide habitat and food (Program DES-3.e), amending the Development Code to establish standards for exterior lighting, mixed-use/multi-family/commercial/gateway projects, rezoning areas that have been designated as a Mineral Resource-Scientific Zone, and encouraging artistic signs and streetscape features in public and private projects (Programs DES-1.h, DES-1.f, MIN-1.d, ART-1.m).
FISCAL/STAFFING IMPACT:
Acceptance of the report will not affect the current year's budget for the CDA.

REVIEWED BY:  (These boxes must be checked)
[ ] Department of Finance  [ X ] N/A
[X] County Counsel  [ ] N/A
[ ] Human Resources  [ X ] N/A

SIGNATURE:

Tom Lai  
Assistant Director

Attachments:  
(1) CDA's Share of Countywide Plan Programs Chart  
(2) Countywide Plan Implementation Status Chart  
(3) CDA Programs Implementation Status Chart