



COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

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Honorable Board of Supervisors and  
Planning Commission  
Marin County Civic Center  
San Rafael, CA 94903

**SUBJECT:** Housing and Safety Element Update – Safety Element Workshop

Dear Supervisors:

**RECOMMENDATION:**

Review the Marin County Safety Element Vulnerability Assessment and provide feedback on policy direction for the State-mandated Safety Element update for the 2022-2030 planning period.

**SUMMARY:**

The Community Development Agency is in the process of updating the Housing and Safety Elements, which are integral parts of the Countywide Plan (CWP). The Safety Element is being updated to incorporate policies focused on responding to potential adverse impacts associated with climate change, as well as specific new State requirements related to flood and fire hazards<sup>1</sup>. The Housing Element update will establish a strategy for meeting housing needs for the 2022-2030 planning period. To meet deadlines established by the State, the Board of Supervisors will need to adopt the forthcoming Housing Element no later than December 31, 2022 and submit it to the State for review and certification. State law also requires that the Safety Element be updated upon each revision of the Housing Element and every eight years thereafter<sup>2</sup>. Therefore, the presentation of the Safety Element to the Board and Commission will follow the Housing Element early next year. An Environmental Impact Report will be prepared that considers both the Housing Element and the Safety Element together.

This report and related presentation will focus on the Safety Element requirements. Specifically, we will discuss: 1) the purpose of the Safety Element and new State requirements to address climate change; 2) the Vulnerability Assessment; and 3) target policy areas.

**BACKGROUND:**

The Safety Element contains the county's plans to prepare for and protect the public from the harmful impacts of environmental hazards like geologic

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<sup>1</sup> SB 379, Gov Code §65304(g)(4), SB 99, Gov Code §65302(g)(5)

<sup>2</sup> SB 1035, Gov Code §65302(g)(6)

hazards, flooding and inundation, and wildfire hazards. The CWP does not currently have a traditional Safety Element, rather the Safety Element policies are integrated throughout the plan, but primarily contained in Section 2.6, the Natural Systems and Agricultural Element. Existing policies cover geologic hazards, flooding, and wildfire. The preferred approach for the update, is to replace Section 2.6 with a Safety Element. As this section already discusses natural hazards, replacing it with the new Safety Element would be a logical fit and allow Safety Element content to be located primarily in one section rather of the Countywide Plan. Some targeted updates to safety-related policies in the rest of the CWP may also occur. Consolidating the policies will uncomplicate future Safety Element updates.

### **Plan Alignment**

The Community Development Agency (CDA) is working to align the Safety Element update with similar county planning documents, such as the Marin County Multijurisdictional Local Hazard Mitigation Plan (MCM LHMP). CDA is managing both the Safety Element update and the FEMA Hazard Mitigation Planning Grant for the MCM LHMP update, both of which are on similar timelines for this update cycle. CDA is looking to align both plans and create efficiencies as each planning document is updated<sup>3</sup>. State law allows adopted local hazard mitigation plans or other climate adaptation documents that substantially comply with Safety Element requirements to be used to satisfy those requirements by summarizing and incorporating them by reference into the Safety Element<sup>4</sup>.

Climate resiliency and safety are already the focus of numerous planning efforts in Marin County, which the Safety Element will build on and serve as a mechanism to coordinate. The Safety Element update is relying on current, detailed information presented in the following documents:

- 2018 MCM LHMP
- Bay Waterfront Adaptation Vulnerability Evaluation (BayWAVE) and Collaboration Sea-level Marin Adaptation Response Team (C-SMART) Vulnerability Assessments
- C-SMART Adaptation Report
- Emergency Operations Plan
- Climate Action Plan
- Marin Adaptation Land Use Planning Guide
- Marin Community Wildfire Protection Plan

The greatest contribution of these documents is in assessing the County's vulnerability to climate change hazards, which is a requirement for the Safety Element update. The Vulnerability Assessment for the Safety Element

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<sup>3</sup> For more information on the MCM LHMP visit:  
<https://www.marincounty.org/depts/cd/divisions/planning/lhmp>

<sup>4</sup> AB 2140, 65302(g)(4)(d)

provides a summary of hazard conditions as presented in detail in these focused documents, compiling all of this information, for the first time, in one place, and making it useful for the MCM LHMP update as well as future Emergency Operations Plan updates.

### **The Vulnerability Assessment**

The Safety Element update will focus on new state requirements to plan for climate change resiliency. One such requirement is to prepare an analysis of the County's vulnerabilities to the impacts of climate change, called a Vulnerability Assessment (Attachment 1). The Safety Element Vulnerability Assessment (VA) evaluates a range of impacts, such as increased intensity and duration of wildfires, extreme storm events, and sea level rise.

The VA was prepared in accordance with the California State Adaptation Planning Guide (APG), which provides a process for identifying vulnerabilities and adaptation measures. Where information was not already available, such as for extreme heat days or vulnerable populations, additional information was gathered for the VA. While a range of hazards are generally required to be included in safety elements (and in local hazard mitigation plans), only some of them are made worse by or are new as a result of climate change. Those hazards are the focus of this VA and include, drought, extreme heat, flooding, landslides and subsidence, sea level rise, severe weather, and wildfire<sup>5</sup>.

The APG recommends a methodology for assessing climate change impacts to vulnerable populations. Exposure to hazards, such as extreme heat, flooding, and wildfire, leaves many populations highly or severely vulnerable due to the severe impacts of exposure and lower levels of adaptive capacity<sup>6</sup>. Adaptation to these hazards may not be possible or financially feasible for some populations. The VA further identifies vulnerable populations, community assets at risk, and evaluates adaptive capacity. The following groups are identified as particularly vulnerable to climate change impacts.

- *Extremely-Low and Low-Income Households* are the least adaptive to all climate change hazards due to a lack of financial resources to respond (evacuation, retrofit/repair homes).
- *Physically Isolated Households* often lack telecommunication service, utilities may be limited and prone to damage, and evacuation routes can be more limited.
- *Limited English-Speaking Households* encounter language barriers that hinder receiving vital communications.

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<sup>5</sup> While the Safety Element is focused on Unincorporated Marin County, the VA often covers hazards countywide. In this way, it's use extends well beyond this Safety Element update.

<sup>6</sup> The ability to adjust to potential damage, to take advantage of opportunities, or to respond to consequences.

- *Unhoused populations* have limited financial resources to respond, are unable to limit exposure to weather conditions, and have limited mobility in evacuation situations.
- *Populations with limited physical mobility* may be unable to physically respond to climate events and unable to evacuate without assistance.

The VA includes scoring matrices that show the types of climate change impacts experienced by different populations and “scores” them based on the severity of the hazard and a population’s adaptive capacity (Table 1). A series of tables indicate situations where populations are highly vulnerable (V4) or severely vulnerable (V5). This is not to say that other vulnerabilities do not exist, but it does provide a way to recognize where communities are most vulnerable and plan accordingly. See Appendix B of Attachment 1 for the full scoring matrices.

Table 1. Vulnerability Scoring

		Impact Score		
		Low Impact	Medium Impact	High Impact
Adaptive Capacity Score	Low Capacity	V3	V4	V5
	Medium Capacity	V2	V3	V4
	High Capacity	V1	V2	V3

Climate change impacts to public and private assets are well documented through the MCM LHMP and other planning documents. The VA presents this information in the context of the Safety Element and the requirement to address climate change impacts in the CWP policies. Nearly all of Marin County’s assets are vulnerable to at least one climate change impact. The report assigns vulnerability scores to the list of assets below:

- Roads, Road Infrastructure and Transit
- Airfield and Railroads
- Infrastructure for Water, Wastewater, Flood Control and Energy
- Key services - Emergency, Communications, Energy Delivery, Water & Wastewater
- Buildings – Government Sites, Community Centers, Shelters, Hazardous Materials Facilities
- Natural and Managed Resources – Ecosystems/Biological Resources, Parks
- Economic Drivers – Agriculture, Major Employers, Recreation, Park Lands

Of the foreseeable types of hazards, the vulnerable assets would be most impacted by wildfire and sea level rise/flooding, which make wildfire and sea

level rise key sections of the Safety Element. See the full Safety Element Vulnerability Assessment (Attachment 1) for more discussion of all climate change impacts.

We are already grappling with some of the biggest challenges of climate change resiliency and adaptation, including funding the planning and implementation of adaptation measures, prioritizing actions, and working across multiple departments, jurisdictions and agencies. Outlined below in the discussion section are some target policy areas to start us thinking further about how to create policies that help us meet these challenges.

### **PUBLIC OUTREACH**

Extensive public outreach is an important goal for the County. Engaging people of color, lower-income and special-needs community members is especially important since they are most vulnerable to climate change impacts and have historically had less of a voice in planning processes in the County. Staff has engaged the community in a variety of ways and plans to conduct additional outreach in the future, as summarized in Attachment 2.

### **TIMELINE AND NEXT STEPS**

The Draft Vulnerability Assessment was presented at a public meeting on November 20, 2021 and is available now for public comment. With the completion of the VA, the next steps are to identify needed updates to goals, policies, implementation measures, and identify new policies and implementation measures.

A Draft Safety Element will be made available for public comment in the summer of this year. The Safety Element will be presented to the Board of Supervisors and Planning Commission for adoption in early 2023. For more details, see Attachment 3, the Housing and Safety Element Project Schedule.

### **DISCUSSION:**

#### **Policy Considerations**

Staff is seeking direction from the Board and Planning Commission on target areas for Safety Element policy updates. The outline below provides some policy areas where updates to the CWP may be considered, and staff recommends that you provide input on any other areas that should be included. The nature of the updates would primarily guide future resiliency and adaptation planning efforts by providing an adaptation planning framework, as opposed to a singular method for adaptation planning. There is no actual policy language included in the outline below, only ideas to consider.

During the workshop, a facilitated discussion will guide the Board and Commission through the topics identified below. Some policy areas have more specific information than others. For example, the wildfire section must comply

with several new State laws and undergo a review by CalFIRE before coming back to the Board and Commission. The ideas in this area are much further developed than others. On the other spectrum, the APG provides methodology for identifying vulnerable populations, but no policy guidance for enhancing their safety. This is an area that requires additional work and coordination across multiple agencies, in which CDA staff is engaged, and also seeking further direction from you.

### **Vulnerable Populations**

The Safety Element policies address public safety for all vulnerable populations. The APG directs that equity should be a focus of adaptation planning and the VA identifies the most vulnerable populations to inform an equitable policy approach for those who will be least adaptable and thus more impacted by climate change impacts. Consider the target areas below to improve equitable climate change adaptation.

- Current emergency notification systems may not reach certain vulnerable populations
- There is a need for a more comprehensive and systematic approach to emergency evacuation programs for populations with mobility issues
- There is a need to assist vulnerable populations to prepare for or recover properties from hazard events

### **Wildfire**

As the frequency and severity of wildfires has grown, so has State legislation to address them. New State requirements focused on the Safety Element have made it a major policy document for action-oriented policies and implementation measures related to wildfire. The topic areas outlined below represent those requirements as well as some findings from the vulnerability study that should be considered.

- Existing Hazards
  - There is a need to map existing developments that do not conform to current state and local fire hazard standards
  - Consider triggers for requiring compliance
  - Consider criteria for rebuilding after disaster
- Water supply
  - Determine areas that do not have sufficient water supply
  - Maintenance and long-term integrity of water supplies

- Evacuation and emergency vehicle access
  - All areas in Marin are vulnerable to wildfire and evacuation failure no matter whether they are situated inside or outside of the Wildland Urban Interface (WUI)<sup>7</sup>
  - Apply minimum standards for evacuation of residential areas in Very High Fire Hazard Severity Zones<sup>8</sup>
  - The Marin Wildfire Prevention Authority is developing a project that will identify, assess, compile, analyze and simulate the effect of different risk factors as they would impact wildfire evacuation, for each road and roadway served by the MWPA member agencies
- Fuel modification and defensible space
  - Vegetation modification (limbing and brush clearance) and maintenance on public and private roads
  - Community fire breaks (identifying and maintaining breaks).
  - Plan, design and manage – public and private open spaces to reduce wildfire hazards and associated risks (buffers e.g. fire adapted landscaping, agricultural or urban forest management).
- California Fire Code Requirements
  - Increasingly more stringent requirements
  - Continue to require compliance with all provisions of the most recently adopted version of the California Fire Code or consider need for local amendments (substantially equivalent)
  - Require compliance with all code requirements for rebuilding and substantial remodels
- Communications
  - Some areas have poor cell phone coverage and some populations do not use cell phones.
  - Public Safety Power Shutoffs (PSPS)<sup>9</sup> and outages impact communications systems.

### **Flooding/Sea Level Rise**

Like the wildfire section of the Safety Element, new State requirements make the Safety Element the primary location for sea level rise policies. Marin County has done a great deal of planning around sea level rise already and

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<sup>7</sup> WUI is where developed areas intermingle with undeveloped areas. It is the area adjacent to property where actions can be taken to prevent damage or loss from wildfire and it is widely used in local development codes.

<sup>8</sup> Fire Hazard Severity Zones low, moderate, and high fire severity regardless of where development exists. The rating is typically used in areas where the State has financial responsibility for wildfire protection and prevention, called the State Responsibility Area(SRA). The rating is beginning to be used more widely, outside of SRAs.

<sup>9</sup> A safety procedure utilized by electric utilities to proactively turn off power when and where conditions present an increased wildfire risk.

the topic areas for you to consider below reflect both lessons learned and State requirements.

- Continue to participate in and expand a countywide coordinated effort for addressing Sea level rise (SLR)
- Develop guidance for community-based adaptation planning
- Develop a strategy for long-term funding of SLR planning and implementation.
- Continue education and discussions regarding managed retreat
- Establish a consistent approach for approving projects in SLR zones
- Identify actions the County can take to further assist in the protection of key public infrastructure owned and operated by others

### **Resiliency and Adaptation Planning**

When discussing climate change, adaptation refers to actions or plans taken against a current or anticipated impact of climate change, while resilience is the ability to recover from its effects. The policy target areas below are there for your consideration and feedback.

- Align other plans (MCM LHMP, Community Wildfire Protection Plan, Climate Action Plan, Emergency Operations Plan) to create cohesive policy direction and maximize efficient use to County staff time and funds
- Coordinate across County departments and with multiple jurisdictions within the County. Participate in Bay Area regional planning efforts
- Severe weather will require a new level of commitment to hazard mitigation including:
  - Education and preparedness
  - Data collection
- Consider a program for Resilience Hubs to function as cooling centers during extreme heat events, as sites with power during PSPS, and/or as fire-safe neighborhood shelters during fires
  - Identify existing structures that can be retrofitted
  - Identify additional locations
  - Develop a funding strategy

### **EQUITY IMPACT:**

The County followed the State Adaptation Planning Guide for the Safety Element update, in part, because it provides clear guidance on assessing climate change impacts on vulnerable populations. The VA defines several vulnerable populations that are at greater risk from climate change impacts because they lack adaptive capacity. For example, low-income and unhoused populations have limited financial resources to evacuate and sustain themselves in an alternate environment during a climate event. The assessment of climate impacts on a range of populations (See Table 1 above)



provides the necessary step for considering new policies that address inequities in how different populations are impacted by and able to respond to climate change.

**FISCAL IMPACT:**

No Impact on the general fund, funds to accomplish these tasks have been previously identified and are available in CDA's budgets.

**REVIEWED BY:**     County Administrator     N/A  
                           Department of Finance     N/A  
                           County Counsel     N/A  
                           Human Resources     N/A

**SIGNATURE:**

**APPROVED:**

  
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Leslie Lacko,  
Senior Planner

**Attachments**

1. Vulnerability Assessment. Marin Countywide Plan Safety Element Update
2. Housing and Safety Element Public Outreach
3. Housing and Safety Element Project Schedule