

Table of Proposed Countywide Plan Revisions In Response to Court Order

Location	Current Text	Proposed Revised Text
<p>Housing Element, p. 6</p>	<p>Many of these existing plans contains goals, policies, and programs that are not consistent with the Countywide Plan (CWP). When inconsistencies exist, the CWP prevails. Concurrent with the Housing Element update, the CWP Land Use and Safety Elements are also being amended to designate additional areas for residential development and to address new State law requirements. In the future, as other elements of the CWP are being updated, the County will review the Housing Element for internal consistency.</p>	<p>Many of these existing plans contains goals, policies, and programs that are not consistent with the Countywide Plan (CWP). When inconsistencies exist, the CWP prevails. The CWP includes programs and policies to address these inconsistencies. Concurrent with the Housing Element update, the CWP Land Use and Safety Elements are also being amended to designate additional areas for residential development and to address new State law requirements. In the future, as other elements of the CWP <u>and other planning documents and policies</u> are being updated, the County will review the Housing Element for internal consistency.</p>
<p>Housing Element, p. 131</p>	<p>Community Plans</p> <p>To help implement the Countywide Plan while also recognizing the unique character of the local communities, the County has adopted 22 Community Plans and Area Plans. While many of these plans were adopted in the 1980s and 1990s, three new plans have been adopted since 2015: Black Point Community Plan (2016), Green Point Community Plan (2016), and the Santa Venetia Community Plan (2017). While the community plans help to address the specific characteristics of the respective area, many community plans have policies that are a barrier to multifamily housing. Due to the need of this type of housing in the unincorporated County, the community plan policies should not override or supersede development policies set forth in the CWP. This Housing Element includes a program to amend the CWP to clarify that all development, including that located in community plan areas must comply with density policies in the CWP. This amendment is anticipated</p>	<p>Community Plans</p> <p>To help implement the Countywide Plan while also recognizing the unique character of the local communities, the County has adopted 22 Community Plans and Area Plans. While many of these plans were adopted in the 1980s and 1990s, three new plans have been adopted since 2015: Black Point Community Plan (2016), Green Point Community Plan (2016), and the Santa Venetia Community Plan (2017). While the community plans help to address the specific characteristics of the respective area, many community plans have policies that are a barrier to <u>background language and in some cases policies or standards that discourage</u> multifamily housing. <u>Housing Element policies and implementation programs such as Development Code amendments, Local Coastal Program amendments, incentives for affordable housing, measures to facilitate ADUs, active monitoring of No Net Loss, modification of parking standards, and exploration of solutions for septic systems in multifamily housing will actively support AFFH and opportunities for expanded</u></p>

	<p>to be completed concurrent with the Housing Element adoption.</p>	<p><u>housing options within the policy framework of the Countywide Plan and Community Plans. Other efforts not specified in the Housing Element such as implementation of AB 2234 to streamline building permits will further remove barriers to new housing. Due to the need of this type of housing in the unincorporated County, the Housing Element has programs and policies to address these barriers</u> Additionally, requirements under State law for approval qualified housing proposals would allow construction of multifamily housing in high resource communities throughout the County. he community plan policies should not override or supersede development policies set forth in the CWP. This Housing Element includes a program to amend the CWP to clarify that all development, including that located in community plan areas must comply with density policies in the CWP. This amendment is anticipated to be completed concurrent with the Housing Element adoption.</p>
<p>Housing Element, p. 247;</p>	<p>Program 29: Place-Based Planning and Neighborhood Improvements</p> <p>[...]</p> <p><i>Planning:</i> Existing community plans contain goals, policies, and programs that are inconsistent with the Countywide Plan. Where such conflicts exist, the Countywide Plan prevails. The County will pursue and adopt, where appropriate , planning activities in targeted areas. Planning will be comprehensive and address a variety of elements, including but not limited land use, circulation, safety (including evacuation routes), environmental justice, community facilities and resources and open space and recreation. The County will diligently implement these activities, including budgeting, annually committing or pursuing funding and other resources consistent with</p>	<p>Program 29: Place-Based Planning and Neighborhood Improvements</p> <p>[...]</p> <p><i>Planning:</i> Existing community plans contain goals, policies, and programs that are inconsistent with the Countywide Plan. The CWP includes programs and policies to address these inconsistenciesWhere such conflicts exist, the Countywide Plan prevails. The County will pursue and adopt, where appropriate , planning activities in targeted areas. Planning will be comprehensive and address a variety of elements, including but not limited land use, circulation, safety (including evacuation routes), environmental justice, community facilities and resources and open space and recreation. The County will diligently implement these activities, including budgeting, annually committing or</p>

	existing goals to apply a race equity lens to budgeting, annually reporting on progress in implementation and making adjustments as appropriate in collaboration with community groups and individuals.	pursuing funding and other resources consistent with existing goals to apply a race equity lens to budgeting, annually reporting on progress in implementation and making adjustments as appropriate in collaboration with community groups and individuals.				
Housing Element, p. 253	<p>Program 32: Comprehensive Review of Zoning and Planning Policies</p> <p>The County’s Development Code and planning policies have been incrementally developed over time and may have inherited language rooted in segregation. The County will conduct a comprehensive review of its zoning and planning policies to remove discriminatory language or policies that may directly or indirectly perpetuate segregation. This includes reviewing the use of the terms “single-family” residential use, “protecting the character of the neighborhood,” and findings of conditional approval in different regulatory documents.</p> <table border="1" data-bbox="409 906 1129 1175"> <tr> <td style="width: 20%;">Specific Actions and Timeline</td> <td> <ul style="list-style-type: none"> In 2024, conduct a comprehensive review of zoning and planning policies and make appropriate revisions to remove discriminatory language and policies. </td> </tr> </table>	Specific Actions and Timeline	<ul style="list-style-type: none"> In 2024, conduct a comprehensive review of zoning and planning policies and make appropriate revisions to remove discriminatory language and policies. 	<p>Program 32: Comprehensive Review of Zoning and Planning Policies</p> <p>The County’s Countywide Plan, Development Code and planning policies have been incrementally developed over time and may have inherited language rooted in segregation. The County will conduct a comprehensive review of its all zoning and planning policies to remove discriminatory language or policies that may directly or indirectly perpetuate segregation. This includes reviewing the use of the terms “single-family” residential use, “protecting the character of the neighborhood,” and other language that may deter affirmatively furthering fair housing and findings of conditional approval in different regulatory documents.</p> <table border="1" data-bbox="1159 984 1892 1330"> <tr> <td style="width: 20%;">Specific Actions and Timeline</td> <td> <ul style="list-style-type: none"> In 2024, conduct a comprehensive review of zoning and planning policies and assess the results and explore a variety of measures for implementation. In 2025, make appropriate revisions to remove discriminatory language and policies. </td> </tr> </table>	Specific Actions and Timeline	<ul style="list-style-type: none"> In 2024, conduct a comprehensive review of zoning and planning policies and assess the results and explore a variety of measures for implementation. In 2025, make appropriate revisions to remove discriminatory language and policies.
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Housing Element, D-70	Community Plans	Community Plans				

[\(AFFH Appendix\)](#)

The Community Plans and other area plans contain policies for land use and development related specifically to a local area, for example Bolinas, Strawberry, and Tamalpais Valley. They set forth goals, objectives, policies, and programs for specific communities. Most Community Plans were completed in the 1980s and 1990s. The most recent Community Plans, the Blackpoint and Greenpoint Community Plans, were completed in 2016. They are intended to reflect the specific design of local communities and are used to evaluate discretionary applications. Staff found that the Community Plans contained exclusionary language for the development of multi-unit projects and include discriminatory language such as “protecting community character.” For example, one of the Community Plans says, “It is important that the social patterns, personal interactions, sights and sounds that typify single family neighborhoods be maintained and strengthened” and “...discourage any expansion of the areas designated for multi-family housing development.” Others prescribe very low-density development and discuss the preservation of community character as predominately single-family neighborhoods. Some aspects of the Community Plans are inconsistent with State law and have the effect of limiting multi-unit housing. Amendments to the Countywide Plan included in the Housing Element Update restrict the use of Community Plans where they conflict with additional multi-unit development. Additionally, one of the programs included in the Housing Element is a comprehensive review of zoning and planning policies, including making revisions to remove discriminatory language and policies.

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		Housing Element is a comprehensive review of zoning and planning policies, including making revisions to remove discriminatory language and policies.
Countywide Plan, 1.4-4	<p>Another overall principle to guide the reading, interpretation, and implementation of the Plan is that none of its provisions will be interpreted by the County in a manner that violates state or federal law. For example, Policy CD-5.2 (“Assign financial responsibility for growth”) requires new development to pay for its fair share of the cost of public facilities. This policy will be implemented subject to applicable legal standards. In reading every provision of the Plan, one should infer that it is limited by the principle, “to the extent legally permitted.”</p> <p>Similarly, no provision of the Countywide Plan, including its community plans, may be applied by the County in a manner that conflicts with state housing law, or the policies and programs contained in the Housing Element and/or the ordinances implementing those policies. There are a number of community plans containing policies and programs to support implementation of the Countywide Plan. When reading, interpreting, and implementing the community plans, none of their provisions can conflict with the Countywide Plan or state housing law.</p>	<p>Another overall principle to guide the reading, interpretation, and implementation of the Plan is that none of its provisions will be interpreted by the County in a manner that violates state or federal law, <u>including state housing law including regarding affirmatively furthering fair housing, or the authority of any state agency</u>. For example, Policy CD-5.2 (“Assign financial responsibility for growth”) requires new development to pay for its fair share of the cost of public facilities. This policy will be implemented subject to applicable legal standards. In reading eEvery provision of the Plan, one should infer that it is limited by the principle, “to the extent legally permitted.”</p> <p>Similarly, no provision of the Countywide Plan, including its community plans, may be applied by the County in a manner that conflicts with state housing law, or the policies and programs contained in the Housing Element and/or the ordinances implementing those policies. There are a number of community plans containing policies and programs to support implementation of the Countywide Plan. When reading, interpreting, and implementing the community plans, none of their provisions can conflict with the Countywide Plan or state housing law.</p>
Countywide Plan, 1.5-3	The Countywide Plan establishes and maps land uses according to the following categories. Additional policy guidance can be obtained from the various local community plans. No provision of the Countywide Plan, including its community plans, may be applied by the County in a manner that conflicts with state law, or the policies and programs contained in the Housing Element and/or the ordinances implementing those policies.	The Countywide Plan establishes and maps land uses according to the following categories. Additional policy guidance can be obtained from the various local community plans. No provision of the Countywide Plan, including its community plans, may be applied by the County in a manner that conflicts with state law, or the policies and programs contained in the Housing Element and/or the ordinances implementing those policies.

<p>Countywide Plan, 3.4-3</p>	<p>Implementation tools such as the County Development Code are used to carry out the goals of the Countywide Plan. Some of the policies and programs in the Countywide Plan will require rezoning of individual properties for them to be consistent with the land use designations and the policies in the Plan. Many unincorporated communities are guided by community plans that provide specific direction regarding land use, transportation, community facilities, building design, and environmental quality, as well as issues unique to a particular community. Such issues may include, but are not limited to: customized building and site design standards to protect key resources; protection of important ridgeline and view corridors; evaluation and refinement of the Ridge and Upland Greenbelt and Baylands Corridor; regulations concerning home size; affordable housing sites; hazards; evacuation routes; flooding; and bicycle and pedestrian circulation. A Community plan is considered part of the Marin Countywide Plan and sets forth goals, objectives, policies, and programs to address specific issues relevant to that particular community. For residential and mixed use projects where there are land use designation or development density and floor area ratio differences, the Countywide Plan shall prevail, except this policy shall not apply for applications that include Development Agreements.</p>	<p>Implementation tools such as the County Development Code are used to carry out the goals of the Countywide Plan. Some of the policies and programs in the Countywide Plan will require rezoning of individual properties for them to be consistent with the land use designations and the policies in the Plan. Many unincorporated communities are guided by community plans that provide specific direction regarding land use, transportation, community facilities, building design, and environmental quality, as well as issues unique to a particular community. Such issues may include, but are not limited to: customized building and site design standards to protect key resources; protection of important ridgeline and view corridors; evaluation and refinement of the Ridge and Upland Greenbelt and Baylands Corridor; regulations concerning home size; affordable housing sites; hazards; evacuation routes; flooding; and bicycle and pedestrian circulation. A Community plan is considered part of the Marin Countywide Plan and sets forth goals, objectives, policies, and programs to address specific issues relevant to that particular community. For residential and mixed use projects where there are land use designation or development density and floor area ratio differences, the Countywide Plan shall prevail<u>County may use its discretion to will balance and harmonize these differences within the requirements of applicable state law and adopted development standards in a manner that best achieves the Countywide Plan’s overall goals and affirmatively furthers fair housing</u>, except this policy shall not apply for applications that include Development Agreements.</p>
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From: [No-Reply](#)
To: [housingelement](#)
Subject: Re: Revised Housing Element
Date: Monday, July 29, 2024 9:14:25 PM

Contact Us

Email To:	housingelement@marincounty.org
Get Page URL	https://www.marincounty.gov/
To:	housingelement@marincounty.org
From:	Mark Inbody
Sender's Email Address:	markinbody47@gmail.com
Subject:	Revised Housing Element
Message:	<p>The Revised Housing Element does not comply with Judge Lichtblau's ruling in Corcoran v. Marin. Specifically, two sites in Strawberry do not comply with the law. They are: North Knoll (034-012-26 and 034-061-09) and Pan Pacific (034-012-21, 034-012-27, 034-012-28, and 034-012-029). Please remove them from the Housing Element. I commented during the hearing process, incorporate those comments here, and reserve all rights.</p>

From: [No-Reply](#)
To: [housingelement](#)
Subject: Re: Environmentally Sensitive Area on 805 Atherton
Date: Tuesday, July 30, 2024 10:34:19 AM

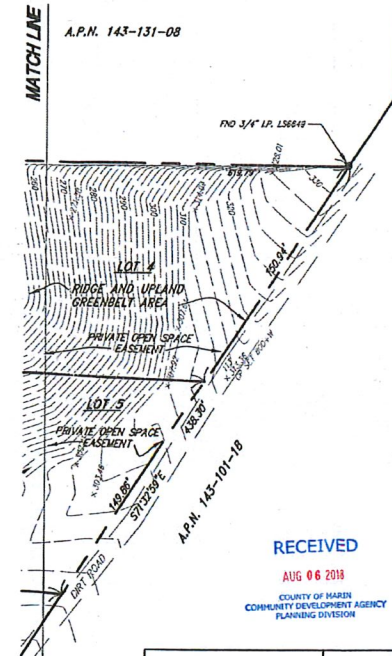
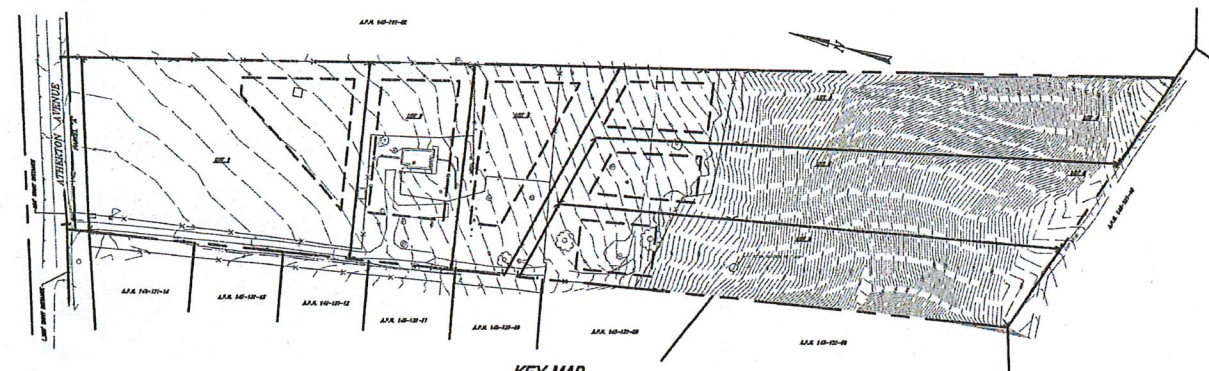
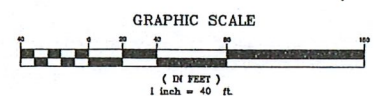
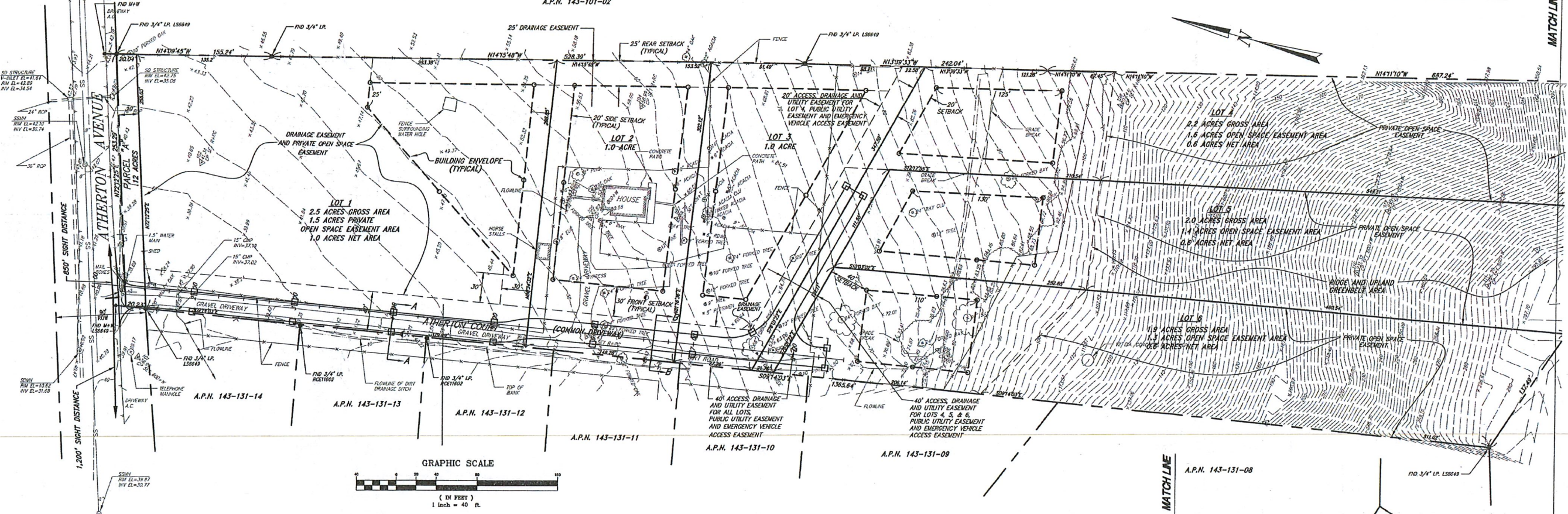
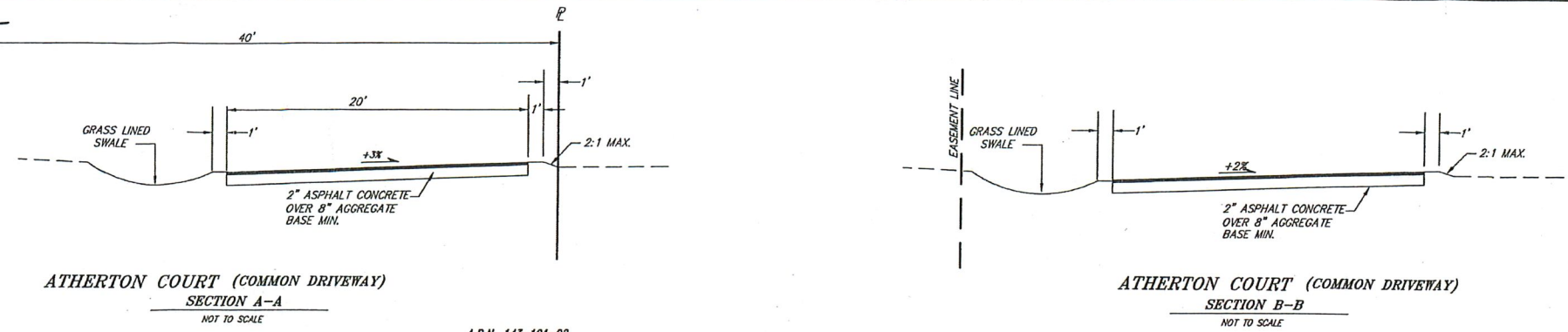
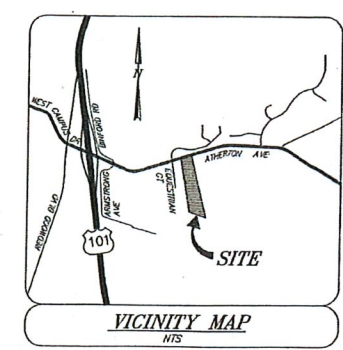
Contact Us

Email To:	housingelement@marincounty.org
Get Page URL	https://www.marincounty.gov/
To:	housingelement@marincounty.org
From:	Dan Hadley
Sender's Email Address:	dan@hadleyconstruction.com
Subject:	Environmentally Sensitive Area on 805 Atherton
Optionally Add an Attachment:	2018 Toba-plans-080618a - Wetland Area highlighted.pdf Berm area - preconstruction 1-26-2023.jpg Berm construction 9-22-2023.jpg EIR Sensitive area Drainage Installed 1-30-2023.jpg HOD Development plan 805 791 777 Atherton Corridor 7-2024.png

Message: In the 2023-2031 Marin County Housing Element report in Appendix C: Sites Inventory (page 29) 805 Atherton is listed as a site with "No environmentally Sensitive Areas. This is not accurate.

Attached above is the 2018 EIR report showing the front 1 1/2 acres as an Environmentally Sensitive / Wetlands Area.

In the past two years a large amount of unpermitted work has occurred on the site affecting water flow and drainage. As the attached photos show, a drainage ditch was dug across the environmentally sensitive area and a large berm was constructed across the width of the property uphill of it. It is our concern that these measures were taken in an attempt to alleviate the Wetland constraints of the prior development attempt which the county rejected in 2018.



TENTATIVE MAP NOTES

- OWNER & SUBOWNER: TOBA INC. C/O DR. JAHANGIR SADEGH 550 NORTHGATE DRIVE SUITE 209 SAN RAFAEL, CA 94903 (415) 407-4240
- CIVIL ENGINEER: IRVING L. SCHWARTZ ILS ASSOCIATES, INC. 79 GALL DRIVE NOVATO, CA 94949 (415) 883-9200
- ASSESSOR'S PARCEL NO: 143-101-17
- ZONING: A2 - B4 (1 ACRE MINIMUM)
- EXISTING USE: RESIDENTIAL AND HORSE GRAZING
- PROPOSED USE: RESIDENTIAL & PRIVATE OPEN SPACE
- WATER SUPPLY: NORTH MARIN WATER DISTRICT
- SEWAGE DISPOSAL: NOVATO SANITARY DISTRICT (TO BE ANNEXED)
- GAS AND ELECTRICITY: PACIFIC GAS AND ELECTRIC COMPANY
- TELEPHONE: VERIZON
- TELEVISION CABLE: COMCAST
- AREA SUBJECT TO INUNDATION: NONE
- EXISTING STRUCTURES: HOUSE ON LOT 2 TO REMAIN (ALL OTHER STRUCTURES TO BE REMOVED)
- PUBLIC AREAS: ATHERTON AVENUE (PARCEL A)
- MULTIPLE FINAL MAPS: NONE
- EXCEPTIONS: NONE

LEGEND

- △ RANDOM CONTROL FOR SURVEY
- EXISTING GUY ANCHOR
- ⊕ EXISTING JOINT POLE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ SDMH
- A.C. ASPHALT CONCRETE
- EXISTING STREET/TRAFFIC SIGN
- ⊠ EXISTING WATER METER
- FOUND IRON PIPE
- ⊙ EXISTING TREE (SEE SHEET 3)
- ⊞ EXISTING CONTOURS
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- - - PROPOSED EASEMENT LINE
- - - PROPOSED BUILDING ENVELOPE LINE
- EXISTING EDGE OF PAVEMENT
- BUILDING ENVELOPE STAKE (RED FLAGGING)
- DRIVEWAY STAKE (WHITE FLAGGING)

AVERAGE LOT SLOPES
 $S = (L \times I \times 100) / A$

LOT #	L (FT)	I	A (SQ. FT)	AVG. S-%
1	2360	2	108,080	4.4
1-BE	480	2	17,400	5.5
2	1540	2	44,630	6.9
2-BE	600	2	22,200	7.2
3	1960	2	44,330	8.6
3-BE	820	2	17,700	9.2
4	3640	10	96,450	37.7
4-BE	600	2	9,780	12.3
5	2960	10	86,300	34.3
5-BE	460	2	9,280	9.9
6	2740	10	84,200	32.5
6-BE	520	2	8,000	13.0

EASEMENT NOTES

- PRIVATE OPEN SPACE AREAS ON LOTS 4, 5 & 6 COINCIDE WITH RIDGE AND UPLAND GREENBELT AREA.
- PRIVATE OPEN SPACE EASEMENT AREAS TO BE INCLUDED AS DEED RESTRICTION FOR LOTS 1, 4, 5, & 6.

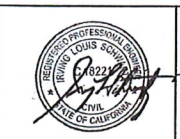
SURVEY NOTES

- VERTICAL DATUM IS BASED ON FOUND BENCHMARK: SQUARE CUT, TOP OF CURB AT EASTERN END OF CURB, SOUTH EAST RETURN, ATHERTON AVENUE @ EQUESTRIAN COURT, ELEVATION 47.38' NGVD.
- HORIZONTAL DATUM IS BASED UPON FIELD SURVEY AND RECORD DATA. 2008 R.S. 8
- CONTOUR INTERVAL IS 2'.
- DEED REFERENCE DN2008-0009941

RECEIVED
AUG 06 2018

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

File



Irving L. Schwartz, C.E.
R.C.E. 18231

ILS ASSOCIATES, INC.
CIVIL ENGINEERING AND LAND SURVEYING
79 GALL DRIVE, SUITE A NOVATO, CA 94949-5717 (415)883-9200 FAX (415)883-2763

ATHERTON COURT
805 ATHERTON AVENUE, NOVATO, CA
MARIN COUNTY CALIFORNIA

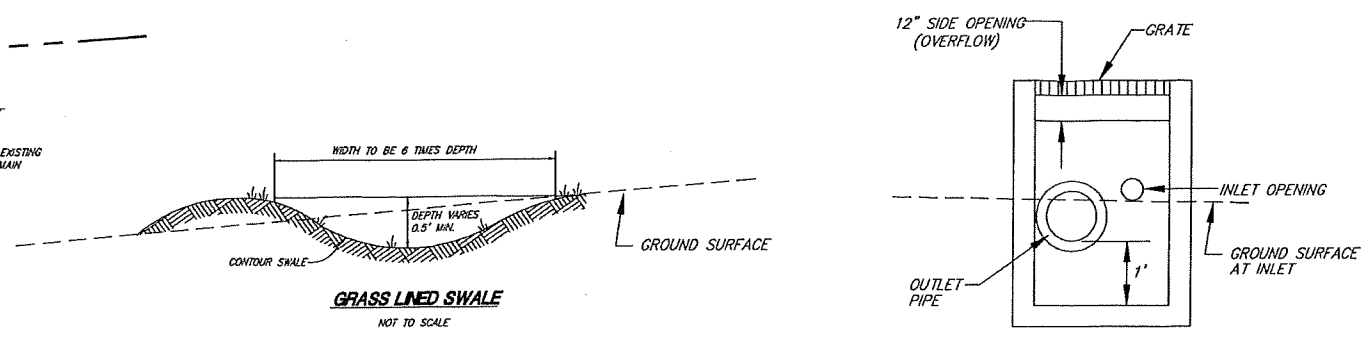
TENTATIVE MAP & STAKING PLAN

DATE: 8-1-2018
JOB NO: 8226
SHEET NO: 1 OF 3

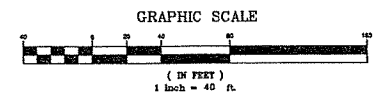
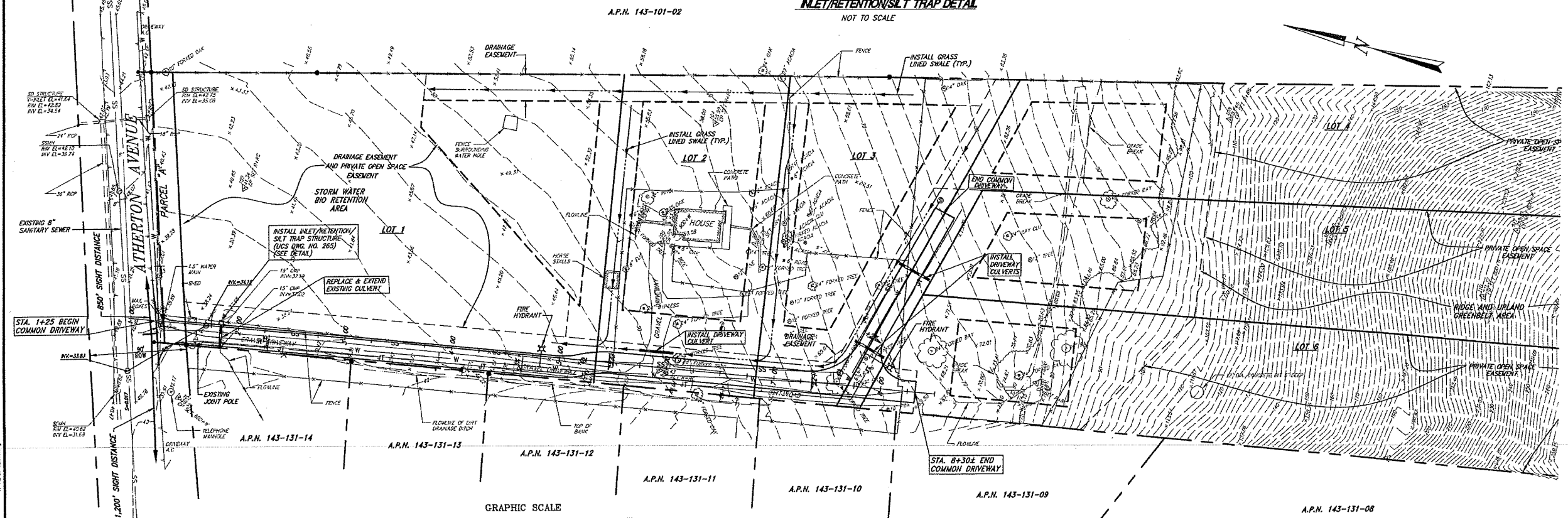
ILS ASSOCIATES, INC. 79 GALL DRIVE, SUITE A NOVATO, CA 94949-5717 (415)883-9200 FAX (415)883-2763
 IRVING L. SCHWARTZ, C.E. R.C.E. 18231
 8226 VIMAVENY3.DWG

EARTHWORK QUANTITIES

	EXCAVATION	FILL
COMMON DRIVEWAY & SWALES	220 C.Y.	220 C.Y.



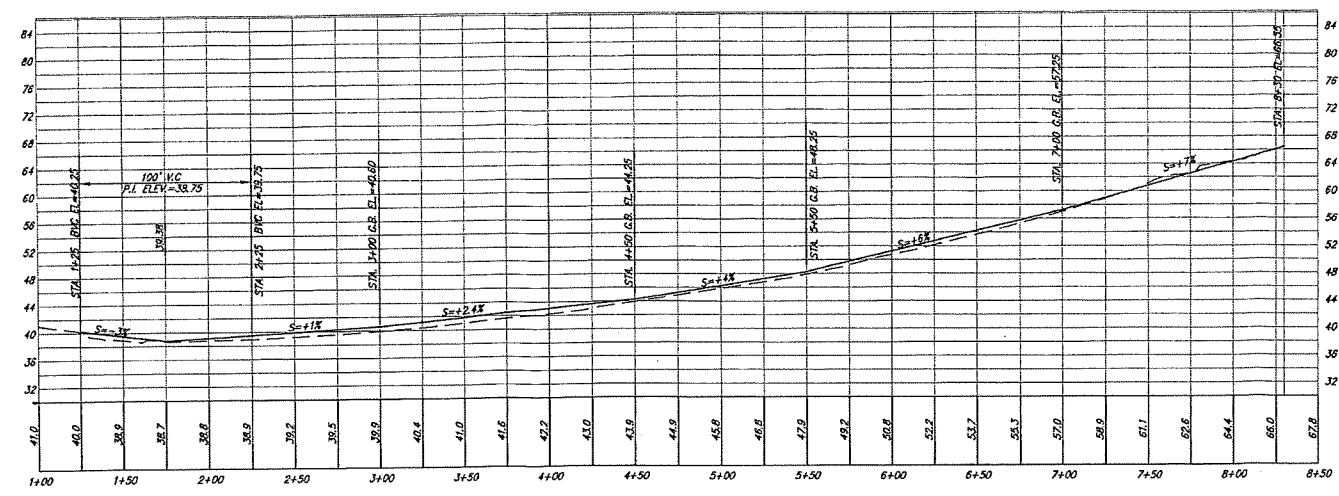
INLET/RETENTION/SILT TRAP DETAIL
NOT TO SCALE



NOTE:
COMMON DRIVEWAY FOLLOWS EXISTING GROUND WITH VERY MINIMAL GRADING EXCEPT TO EXCAVATE FOR PAVEMENT SECTION.

- LEGEND**
- SS — SANITARY SEWER MAIN
 - ⊙ — SANITARY SEWER MANHOLE
 - W — WATER MAIN
 - JT — JOINT UTILITY TRENCH (GAS, ELECTRIC, TELEPHONE & TV CABLE)
 - GRASS LINED SWALE

- SURVEY NOTES**
- VERTICAL DATUM IS BASED ON FOUND BENCHMARK: SQUARE CUT, TOP OF CURB AT EASTERLY END OF CURB, SOUTH EAST RETURN, ATHERTON AVENUE @ EQUESTRIAN COURT. ELEVATION 47.36' NGVD.
 - HORIZONTAL DATUM IS BASED UPON FIELD SURVEY AND RECORD DATA. 2008 PLS @
 - CONTOUR INTERVAL IS 2'.



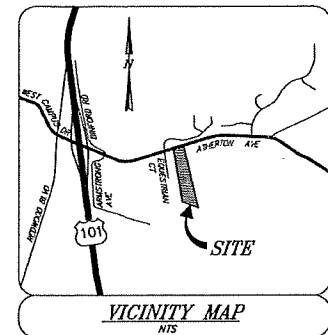
ATHERTON COURT (COMMON DRIVEWAY) PROFILE
SCALE: 1" = 40' HORIZ.
1" = 10' VERT.

ILS ASSOCIATES, INC.
CIVIL ENGINEERING AND LAND SURVEYING
79 GALLI DRIVE, SUITE A, NOVATO, CA 94949-5717 (415)883-9200 FAX (415)883-2763

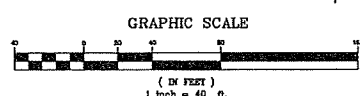
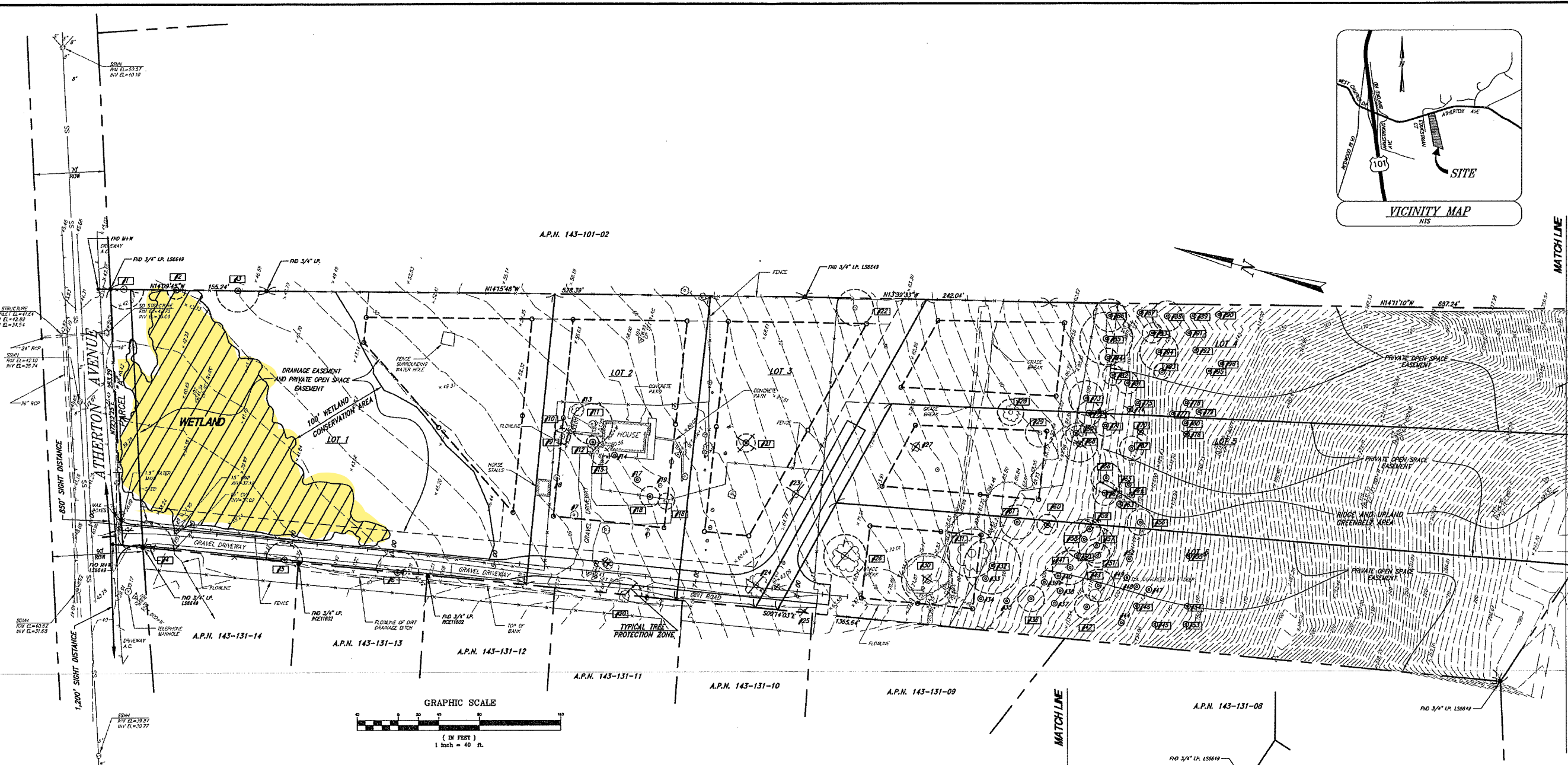
ATHERTON COURT
805 ATHERTON AVENUE, NOVATO AREA
MARIN COUNTY CALIFORNIA

APN: 143-101-17
FIELD BOOK NO.: 224

DATE: 5-1-2018
JOB NO.: 8226
SHEET NO.: 2 OF 3



MATCH LINE

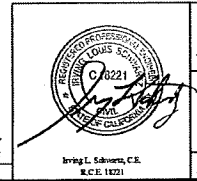


LEGEND

△	RANDOM CONTROL FOR SURVEY	WETLAND	
→	EXISTING CUY ANCHOR	⊙	EXISTING TREE (BY GPS BY ARBORIST)
⊕	EXISTING JOINT POLE	⊙	EXISTING TREE (BY GROUND SURVEY BY ILS)
⊙	SANITARY SENER MANHOLE	⊗	EXISTING TREE (TO BE REMOVED)
⊙	SDMH	⊗	DENOTES HERITAGE OR PROTECTED TREE
A.C.	ASPHALT CONCRETE	~	EXISTING CONTOURS
—	EXISTING STREET/TRAFFIC SIGN	---	EXISTING PROPERTY LINE
—	EXISTING WATER METER	---	PROPOSED PROPERTY LINE
•	FOUND IRON PIPE	---	EXISTING EDGE OF PAVEMENT

SURVEY NOTES

1. VERTICAL DATUM IS BASED ON FOUND BENCHMARK: SQUARE CUT, TOP OF CURB AT EASTERN END OF CURB, SOUTH EAST RETURN, ATHERTON AVENUE @ EQUESTRIAN COURT, ELEVATION 47.36' NGVD.
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ATHERTON COURT
 805 ATHERTON AVENUE, NOVATO AREA
 MARIN COUNTY CALIFORNIA

ENVIRONMENTAL CONSTRAINTS MAP

DATE: 8-1-2018
 SHEET NO. 8226
 OF 3

A.P.N. 143-101-17
 FIELD BOOK NO. 224
 8226VTAENVCL.dwg

ILS ASSOCIATES, INC. 10000 S. RAY BLVD. SUITE 1000 SAN ANTONIO, TEXAS 78249-5118
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Atherton Corridor (North Novato)

Site Description

This site includes three single-family large lots along Atherton Avenue with each lot ranging in size from four to five acres. Each site includes one single-family home, equestrian facilities, and other accessory structures. Several lots include expansive vacant areas. The properties are surrounded by residential properties.



2018 TOBA EIR survey listed this area as an environmentally sensitive area / wetland

Site Features

- Large single-family sites
- Some mature trees/vegetation
- Large vacant areas
- Equestrian facilities
- Property slopes to the south minimally

Parcel Size Calculation

The physical constraints to development are minimal due to sloping terrain (five percent slope) on the southern portion of the property, while the front or northern portion of property is generally flat. **There are no environmentally sensitive areas on these sites.** Therefore, the parcel's net acreage equals the full gross acreage.

APN(S)	143-101-37 143-101-20 143-101-17	Constraints	Sloping lot toward on southern portion averaging five percent slope. Remainder of lot is generally flat under two percent slope.
Parcel Acres (Net/Gross)	4.0/4.0 4.8/4.8 5.6/5.6		
Existing Use	Single-family		
General Plan	SF3	Infrastructure	There are sewer capacity restrictions. Further studies are needed to determine potential impacts to sewer capacity and mitigations needed.
Zoning	A2-B4		
Maximum Density	20		
Unit Capacity	147		

From: susannaffziger@comcast.net
To: [housingelement](#)
Subject: Comments on Proposed Countywide Plan Revisions
Date: Tuesday, July 30, 2024 1:43:34 PM

You don't often get email from susannaffziger@comcast.net. [Learn why this is important](#)

Thank you for the opportunity to comment on the proposed changes to the Housing Element and Countywide Plan document.

There are many changes that are coming before us. I want to zero in on one particular phrase listed below, taken directly from the proposed changes listed on page 3, Program 32.

"This includes reviewing the use of the terms "single-family" residential use, **"protecting the character of the neighborhood,"** and other language that may deter affirmatively furthering fair housing and findings of conditional approval in different regulatory documents."

Protecting the character of the neighborhood should not exclude the concept of "architecturally" protecting the character of the neighborhood. Where possible a multifamily dwelling be it a duplex or a 4 story apartment should blend in with its surroundings and not stand out. Well thought out building materials, paint colors and landscaping can play an essential role. Building more housing is the goal but not at the cost of blindly building anything to justify affordable housing.

Thank you

Ken Naffziger

Woodacre CA.

From: [Kelby Jones](#)
To: [housingelement](#)
Subject: Proposed Housing Element and Countywide Plan amendments
Date: Tuesday, July 30, 2024 3:15:55 PM

You don't often get email from kelbymjones@gmail.com. [Learn why this is important](#)

Two proposed amendments imply that the County may ignore the court ruling in Corcoran v. County of Marin.

1. The addition of “. including state housing law regarding affirmatively furthering fair housing, or the authority of any state agency” in CWP 1.4-4 is inappropriate and unnecessary, and should be deleted.

2. The addition to CWP 3.4-3 should be limited to harmonization with state law.
Recommended:

For residential and mixed use projects where there are land use designation or development density and floor area ratio differences, the County will harmonize these differences within the requirements of applicable state law, except this policy shall not apply for applications that include Development Agreements.

The amendments should be limited to what is required to avoid unnecessary litigation risk.

Thank you for your consideration.

Kelby Jones
San Rafael

Please note, these comments were entered in the online contact form, though it is not clear they were received, hence this e-mail.

From: [nancy Okada](#)
To: [housingelement](#)
Subject: Revised Housing Element and Countywide Plan
Date: Tuesday, July 30, 2024 4:45:15 PM

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Please send knowledge of receipt. Thank you.

TO: Supervisors, Commissioners and Planning Staff
RE: Proposed Changes to Housing Element and Countywide Plan

Thank you for the opportunity to submit public comment on the proposed changes to this important planning document.

I have examined the deletions and additions in the Housing Element, the AFFH and the Countywide Plan. I agree with the deletions, but I OBJECT to **all** the additions.

The planning staff is taking advantage of the required reopening of this document to obfuscate its intent for use in the planning process. They are also defying the reasoning behind the court order.

The Court order in Corcoran V Marin County, simply states: "Within one hundred and twenty (120) days from the date of this Order, the County SHALL remove the void precedence clauses which direct subordination of the Community Plans to the CWP."

The Court order does not mention any other required changes.

The planning staff is choosing to blatantly ignore the Court's ruling.

One particularly unnecessary addition, found on page 5, states Marin County must submit to the "authority of any state agency." The fact is that the Court is the final arbiter — not HCD.

The staff added this phrase to serve as an excuse to discourage Planning Commissioners and Supervisors to attempt any pushback against HCD's unrealistic and unachievable policies.

Another example of the planning staff overstepping its role is the placing of new language involving AFFH. With little case law to refer to, the AFFH becomes anything the staff wants it to be — unless it is challenged in court, creating more legal expense for the county.

The planning staff additions also reveal unnecessary "editorializing". Their allegations of discrimination regarding the terms "single-family" residential use and "protecting the character of the neighborhood" is false and insulting — particularly to people of color. People of color also want single family homes and want to retain their community's character.

Finally, all these additions are unnecessary, given the fact that community plans must comply with California state law.

Thank you for considering my comments.

Sincerely,
Nancy Okada

Sent from my iPhone



Santa Venetia Neighborhood Association

P.O. Box 4047 · San Rafael · CA · 94913-4047

July 30, 2024

Marin County Board of Supervisors,
County of Marin, Community Development Agency, Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

Attention: County Staff: housingelement@marincounty.org

Attention: Marin County Board of Supervisors: BOS@marincounty.org

Re: Marin County Housing and Safety Elements Update, 2023 – 2031, Revised Housing Element and Countywide Plan, Comments Due 7/30/24 at 5pm

The Santa Venetia Neighborhood Association (SVNA) is an organization representing the interests of 1,700 – 1,800 households (4,474 residents per the 2019 census figures) who live in Santa Venetia. As an organization, we are dedicated to the enhancement and preservation of the character and quality of life of the Santa Venetia neighborhood. We do our best to represent our community and have an established reputation to be a voice for proper development.

And in accordance with our mission statement, we, the Board Members and Land Use Committee of the SVNA, wish to respond to the July 23 email notice: “Table of proposed revisions to the Housing Element and Countywide Plan in response to a Marin County court ruling”

First, this notice impacts all Marin County residents, yet few would understand its meaning, given that it came without necessary context. The notice should have clearly stated the nature of the lawsuit (Corcoran vs County of Marin) that required these changes.

We are pleased that the county has complied with the court’s ruling in this lawsuit and removed the precedence clauses. However, if we understand the strikeout language in the latest version, County has not addressed the code amendments approved 3-2 by the BOS in June removing lowest-density protections for the RUG, Bay Lands Corridor, and areas without road access or water/sewage. Those lowest density provisions currently exist in community plans, which are recognized (once again) as an integral

SVNA@santavenetia.org ~ www.thesvna.org

Santa Venetia Neighborhood Association

Page 2 of 2

July 30, 2024

part of the Countywide Plan — yet these provisions are referenced only in passing in the “Table of proposed revisions” on the County site.

Removing the language “the Countywide Plan shall prevail” is followed by terms like “discretion,” “balance” and “harmonize” that could be interpreted as a new type of precedence clause. Further, what County agency will be responsible for discretion, balance, and harmonization?

More than 200 public letters urged the BOS to vote against amendments that codified their removal. And, at the time of the vote, Mr. Corcoran had already prevailed in his lawsuit. We object to CDA going beyond state requirements, especially when, in doing so, such actions make no accommodation for low-income, or multi-family housing or AFFH. Instead, they promote more dense luxury housing in areas that most need protecting.

Please reconcile these internal inconsistencies. Further, we ask that you consider the decisions that brought us here and recognize the vital role of community plans. Finally, six business days is insufficient for us (as a volunteer-run neighborhood organization) to comment as thoroughly as we would wish, and we ask once again that such notices summarize changes in an accessible and easy-to-read format.

These are just a few of the concerns that we have. The SVNA has encouraged our members to send comment letters as well, citing their concerns about this update. Please include those concerns as concerns of the SVNA.

Thank you, SVNA Board of Directors and Land Use Committee

cc: Mary Sacket, District 1 Supervisor
Crystal Martinez, District 1 Aide

Bruce Corcoran
184 Great Circle Drive
Mill Valley, CA 94941

July 30, 2024

Via E-mail: housingelement@marincounty.org

RE: Revised Housing Element and Countywide Plan

Dear County Staff and Administrators,

I am pleased that Marin County has removed the unlawful precedence clauses in the Countywide Plan and Housing Element, as directed by Marin Superior Court, but I am disappointed that I had to file a lawsuit (*Corcoran v Marin County*) to reverse an error that should have been obvious from the start to planning staff.

I am also critical of the five County Supervisors for approving the Housing Element with unlawful language that unnecessarily overrode policies of community plans because they were in a rush to meet the State filing deadline. They acted on their own, without the recommendation of the Planning Commission and despite public outcry to save our community plans.

The County still has a mess to resolve. Although the precedence clauses have been removed, the internal inconsistencies between the Countywide Plan and Housing Element and community plans remain. Now we have uncertainty. Which policies prevail—CWP and HE, or community plans?

Furthermore, the Supervisors recently approved Development Code amendments on a 3 - 2 vote, while being fully apprised of the internal inconsistencies within the CWP and not fixing them first. These zoning changes also may be unlawful because they are inconsistent with community plans. The Development Code is supposed to be consistent with the CWP, not the reverse.

I support the removal of the “precedence clauses” that appear in red font in the six-page Table of Proposed Countywide Plan Revisions because removal satisfies the Court order in *Corcoran v Marin County*. That was the goal of the lawsuit.

However, I oppose all new additional language that appears in green font because it is unnecessary and places new restrictions on Community Plans that were not required by the Court. The March 25, 2024 Court order simply says, “*Within one hundred and twenty (120) days from the date of this Order, the County SHALL remove the void precedence clauses which direct subordination of the Community Plans to the CWP.*” The Court order did not say that the County must add new policies to the CWP and Housing Element that compensate for the loss of the unlawful precedence clauses and restrict the authority of Community Plans.

Furthermore, the new language is unnecessary because everyone already knows that Community Plans must comply with State law. There is no need to put specific examples into the Countywide Plan and Housing Element.

The County appears to be trying to replace “precedence clauses” with less exact language that will have the same effect, by allowing County officials to override community plans when they feel it interferes with the Affirmatively Furthering Fair Housing standard. This result acts the same as a precedence clause, except now the County officials get to make the call on a case-by-case basis. They have no plan to reconcile the future conflicts that certainly will occur.

In addition, the new language in some of the table goes beyond what State law requires. Instead of saying State law controls, which would require the County to make a showing that a community plan standard “violated” State law, the revisions now have integrated that issue into the text of the CWP, thereby simply giving the discretion to County officials to make the call, regardless of whether a court of law would determine that the community plan provision was in violation of State law.

The best example is Countywide Plan Revision 3.4.3 (p.6 of table), which says:

For residential and mixed-use projects where there are land use designation or development density and floor area ratio differences, the County will balance and harmonize these differences within the requirements of applicable state law and adopted development standards in a manner that best achieves the Countywide Plan’s overall goals and affirmatively furthers fair housing, except this policy shall not apply for applications that include Development Agreements.

This provision goes beyond state law requirements, in my opinion, and creates unwarranted discretion on the part of County staff to allow for “differences” in standards to persist, but simply allowing community plan standards to be overridden whenever the County says it does not conform to AFFH.

There is very little case law on AFFH, so the County can apply that standard any way it wants to, and the only way for citizens of Marin to oppose the County’s determinations is to file a lawsuit. That gives the County broad discretion over Community Plans and puts local citizens at a disadvantage.

In particular, I strongly oppose the revision to Countywide Plan 1.4 – 4, on page 5, which states:

“Another overall principle to guide the reading, interpretation, and implementation of the Plan is that none of the provisions will be interpreted by the County in a manner that violates state or federal law, including the authority of any state agency regarding

affirmatively furthering fair housing, or the authority of any state agency." (underlining is mine)

There is a danger in codifying the underlined statement in the Countywide Plan because most citizens of Marin know that HCD's methodology for determining housing needs is grossly excessive and unachievable. The State Finance Department has even questioned HCD's methodology. So which state agency are we supposed to follow? Besides, the Court, not the unelected officials at HCD, is the final arbiter of housing law. Furthermore, citizens of Marin want County officials to be able to pushback against bad policy promulgated by HCD. They are tired of hearing the excuse that County officials' "hands are tied." It is prudent for Marin County to retain its authority and flexibility.

I also particularly oppose provisions in Program 32 that characterize the terms "single family residential use" and "protecting the character of the neighborhood" (Revisions, page 3) as "discriminatory" and as "perpetuating segregation." People of color also want single family residences, and they also want to protect the character of their neighborhoods. In addition, virtually all Community Plans have this language because the Board of Supervisors approved it. The County needs to take responsibility for its own actions instead of implying that the citizens who drafted Community Plans are racists.

For example, the Strawberry Community Plan has been singled out by the Community Development Agency for containing discriminatory language that has prevented the development of multi-family housing, but the Countywide Plan acknowledges that Strawberry has more multi-family housing than any other community except Marin City. Strawberry should be a model for the way single-family and multi-family housing has been integrated, but it has been criticized unjustly by County planners, who appear to be searching for racial code words instead of understanding the context of the language in Community Plans. I want the example of Strawberry Community Plan language to be removed from the Countywide Plan and Program 32.

Instead of simply removing the "precedence clauses," the additional new language has further complicated removing the internal inconsistencies from the Countywide Plan. Note that the vague schedule for implementing Program 32 has been changed from sometime in 2024 to sometime in 2025, and there is no reason for the County to not change the deadline again and again. The schedule has no accountability.

The result of the new language is an inconsistent Countywide Plan, and no plan for how to reconcile the inconsistencies except on a case-by-case at the County staff's discretion based on the wholly undefined AFFH standard. Therefore, I respectfully request that all green font revisions should be deleted.

Sincerely,

Bruce Corcoran

From: [EB](#)
To: [housingelement](#)
Subject: Marin Co Housing Plan
Date: Tuesday, July 30, 2024 5:15:50 PM

You don't often get email from ebquay@gmail.com. [Learn why this is important](#)

To whom it may concern,

I am supportive of finding affordable housing in Marin Co. It is desperately needed.

However, why are the housing sites focused on land in County lines and not within the cities? The infrastructure already exists in city areas, whereas land in county areas often doesn't have public transport, stores, or services, and sometimes even a lack of sidewalks and lighting.

Marin County MUST add individual cities to the Housing Plan.

--

Thanks,
EB Quay

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