



## BOARD OF SUPERVISORS

**AGENDA DATE:** June 9, 2026

**TO:** Board of Supervisors

**FROM:** Michelle Levenson, Principal Planner, Community Development Agency

**REVIEWED BY:** Sarah Jones, Director, Community Development Agency

**SUBJECT:** Agenda Item No. 8-Supplemental Memorandum, North Coast Land Holdings LLC Community Plan Amendment, Master Plan, Design Review, Tree Removal Permit, Master Use Permit, and Vesting Tentative Map Application and Certification of the Final Environmental Impact Report (EIR)

### **EXECUTIVE SUMMARY:**

The purpose of this supplemental memorandum is to respond to several questions raised in public comments regarding the North Coast Land Holdings LLC Community Plan Amendment, Master Plan, Design Review, Tree Removal Permit, Master Use Permit, and Vesting Tentative Map Project and Certification of the Final Environmental Impact Report (EIR) (referred to hereafter as the Project).

### **DISCUSSION:**

During the course of review of the Project, there have been several commonly asked questions regarding different aspects of the proposed development and the County's processing of the planning applications and EIR. The following is a summary of those commonly asked questions with related responses. While responses to these questions have been provided during the course of Project review, this additional concise summary is being provided to the Board as it considers the Project on June 9, 2026.

**(1) Why is the BOS considering the merits of the Project and the Environmental Impact Report (EIR) at the same hearing?**

The environmental effects of a project are inextricably linked to the merits of project. That being the case, CDA has brought the EIR and planning entitlements to the Planning Commission and the BOS together in order to support comprehensive, fully informed consideration. This approach is common practice when a jurisdiction considers a development project.

The “merits” of a project refer to the substantive planning reasons, community benefits, and compliance factors that justify granting planning permission for a proposed development. These factors demonstrate why a proposed development is appropriate for a specific location and aligns with public policy goals. The environmental effects of a project under the California Environmental Quality Act (CEQA) and evaluated in an EIR, are the potential impacts of a project on the environment.

On September 9, 2024, the Planning Commission (Commission) held a public hearing on the Draft EIR for the Project. During the hearing, the Commission expressed a preference for considering the EIR and planning entitlements at separate hearings once the Final EIR and planning entitlements were brought back to the Commission for consideration. Once public comments were received on the Draft EIR, it became clear that commentors were requesting information regarding the merits of the project in addition to the environmental effects of the Project, during the EIR process.

**(2) How many units need to be replaced with the project? Why aren't all of the units that would be replaced required to be deed restricted affordable housing? What provisions will be made for existing tenants?**

Several state housing laws apply to the Project, one of which is the State Density Bonus Law (SDBL). SDBL requires developers to replace existing housing that would be demolished with a housing development project and meet specific requirements as spelled out under the law. SDBL states that residential units inhabited within the five-year period preceding a developer's application (the Project application was received on February 13, 2020) must be replaced at an affordable rent equal to the income category of the previous occupants. A total of 114 residential units were inhabited during the time period of February 2015 to February 2020, therefore the replacement requirements of SDBL apply to 114 residential units.

SDBL further provides that that if the income of previous occupants is unknown, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction (as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy ["CHAS"] database. (Gov. Code Sec. 65915(c)(3)(B)). Based on the latest CHAS data, 61 percent of renter households throughout unincorporated Marin County are occupied by lower-income households. Therefore, 61 percent of the 114 replacement units (**equivalent to 70 total units**) would be made available at affordable rents to low income households for a term of at least 55 years, consistent with SDBL.

The Draft EIR stated that 50 affordable units were proposed with the Project, however this estimate was based on renter household income data for the Strawberry/Mill Valley area rather than data for unincorporated Marin County. Staff directed the applicant to apply the County-wide renter household income data which resulted in revision of the affordable housing plan and an additional 20 affordable units that would be provided with the Project.

In a letter to the Board of Supervisors dated June 5, 2026, the applicant provided details regarding the Project and consistency with the Tenant Protection Act of 2019 and the Housing Crisis Act which require that existing tenants receive certain relocation benefits (Attachment No. 1). Consistent with requirements, all tenants will be allowed to occupy their units until six months before the start of construction activities, and tenants would be provided with written notice of their vacation date at least six months in advance. In addition, the applicant intends to provide tenants with relocation benefits that would exceed Tenant Protection Act requirements in that two months of rent waiver credits will be provided (rather than the required one month under the Act) to offset relocation costs.

**(3) How can residential units be allowed on Chapel Hill when there is a community plan policy prohibiting this type of development in the area?**

As discussed above, the Project qualifies for consideration under SDBL which, as a State law, supersedes local planning documents such as the Countywide Plan including the Community Plans. SDBL provides developers with powerful tools to provide new residential units in exchange for providing a required number of units at affordable levels. The applicant is utilizing these tools in the form of waivers to development standards and concessions in order to construct this housing development project. One of these requested waivers is to the guideline in the community plan that prohibits the construction of residential units at Chapel Hill. Under the SDBL, the County must approve the applicant's waiver request unless it can find that a specific adverse impact to public health and safety would result from granting the waiver. In the case of allowing housing at Chapel Hill, the administrative record for the Project does not support the denial of the waiver (e.g., there would not be a public health and safety effect if residences are constructed at Chapel Hill), therefore the County must grant the waiver.

**(4) With regard to the residential units proposed at Chapel Hill, what is the maximum height and minimum setback of those units proposed along Chapel Drive and adjacent to the proposed open area? Where are the garage access points located for the Chapel Hill units?**

Residential units are proposed along the west and east of Chapel Hill. Along the west side, the closest residence to Chapel Drive would reach a maximum height of 23.5 feet above surrounding grade and would be approximately 86 feet at its closest point to the Chapel Drive right of way. Along the east side, the closest residence to Chapel Drive would reach a maximum height of 25 feet above surrounding grade and at its closest

point would be over 300 feet from the Chapel Drive right of way. Access to underground parking areas would be achieved from two locations along Chapel Drive.

Residential units proposed adjacent to the open area would reach a maximum height of 19.5 feet along the eastern side and 13 feet along the western side relative to surrounding grade. Some residences along Willis Drive would exceed the maximum height limit of 30 feet for the applicable zoning district-a maximum height of 36 feet above surrounding grade would be reached for two proposed units. The applicant has applied to exceed the height requirement these units under SDBL.

The applicant will address the visual relationship of the proposed units and the hilltop during the hearing. Attachment No. 2 includes a visual simulation of the Chapel Hill open area in relation to the proposed units.

**(5) Are there portions of Chapel Drive that would be closed to vehicles? Where would visitors to this area park when visiting the proposed open space area? How would the pergola proposed in the open space area be designed to preserve views?**

The Master Plan conceptualizes that the mid-portion of Chapel Drive across from the proposed open space area would be closed to through traffic except for emergency vehicles which would continue to have access along the entire length of Chapel Drive. The applicant would be subject to applicable County requirements to close this portion of Chapel Drive.

With regard to public access parking, condition of project approval (COA) has been included in the draft Master Plan Ordinance (Attachment No. 3 to the BOS staff report, COA A-(1)) that requires the applicant to receive County approval of an Open Area and Trail Improvement Program prior to the issuance of project building permits. This program is required to contain information and details regarding public access parking for the open space areas and other public access areas proposed with the project.

The EIR recognizes the importance of the panoramic views achieved from Chapel Hill. A mitigation measure contained in the EIR has been included as a COA in the Master Plan Ordinance that requires the maintenance of a view corridor to Richardson and San Francisco Bay. The applicant proposes to install a pergola in the open space area at Chapel Hill, to “provide a sense of place and shelter” for public access users. To ensure that the pergola is designed to preserve views and be unobtrusive, the Planning Commission recommended that a COA be included in the Master Plan Ordinance for the project which directs staff to ensure appropriate design of the project via a future discretionary permit (e.g., Design Review); a COA has been included in the recommended ordinance (COA C-(J)).

**(6) How will the County ensure that the material excavated with the project and placed on the playing field be safe and geotechnically stable? Why can't less**

**excavated material be placed on the playing field and distributed to other portions of the project site?**

Construction of the Project would generate 220,000 cubic yards of excavated material much of which results from the desire to locate proposed parking underground leaving additional areas for landscaped walkways that would connect the development. The applicant has proposed and the project EIR evaluated the potential environmental effects resulting from the placement of excavated material on the existing playing field, elevating the field height by approximately 20-25 feet.

The applicant has submitted a geotechnical report that evaluates the placement of the excavated material and the construction associated with elevating the playing field. The playing field would be constructed by building up the site with engineered fill and grading the perimeter into stable, sloped embankments rather than vertical retaining walls. The athletic field would be formed using engineered fill placed at side slopes on the order of 2:1 (horizontal to vertical). Consistent with recommendations of the geotechnical engineering report, fill would be placed in controlled horizontal lifts, moisture-conditioned and compacted to at least 90–95 percent relative compaction depending on material type, over a properly prepared and compacted subgrade. To provide stability for the fill slopes, recommendations include constructing a keyway and buttress system that extends into competent colluvium or bedrock, along with benching into the underlying material and installation of subdrainage within the slope. The field would be constructed as a compacted, engineered fill landform with properly keyed and benched slopes, internal drainage, and gradual side slopes (generally 2:1). The applicant proposes to construct a new trail and landscape the engineered slope of the field.

To ensure that the engineered playing field meets the County's requirements, the Department of Public Works has required (Attachment No. 3 to the BOS Staff Report (COAA-(LL)) a final geotechnical report that would evaluate the safety of fill material; this report must be approved by the County prior to the issuance of project grading, building and/or encroachment permits.

The Planning Commission requested additional information as to whether the fill material could be hauled off-site or relocated to different portions of the site. The EIR for the project evaluated the applicant's Project which entails placing all excavated material on the playing field. The EIR found that placing the material and elevating the field would not result in significant environmental effects. Should the material be off-hauled or placed in a different location, the EIR would need to be revisited and the potential effects of placing the fill off-site or at differing locations analyzed. For instance, exporting the material off-site would require a considerable number of fill truck loads, estimated at 28,600 truck trips. Since the EIR did not analyze the potential effects of off-hauling, evaluating this issue for consideration in this approval action would require further analysis and potential recirculation of sections of the EIR (noise, air pollution, construction traffic safety, etc.).

If, at a future time, the applicant seeks to change this or any other project component, staff would evaluate the revised proposal and make the appropriate determination under CEQA. If there are no new or increased significant impacts then an EIR Addendum could be completed; additional significant impacts would require preparation of a Supplemental EIR.

**(7) The proposed multi-story buildings in the Hodges-Shuck Planning Area went from six-stories to four-stories with residual units being relocated throughout the site. Can you explain the rationale for redesigning the buildings?**

The applicant proposed three, six-story buildings that would contain a total of 103 residential units in the Hodges-Shuck Planning Area as part of a design concept encompassed in the Master Plan application for the Project. This design was evaluated in the Project EIR and was found to not result in significant effects.

As part of the Environmental Settlement Agreement between the applicant and the Seminary Neighborhood Association, the applicant committed to not exceeding four stories for these buildings. The applicant requested approval to redistribute the residual units remaining from the reduction in stories (approximately 22-28 units) to other site locations that were evaluated in the project EIR and include the four-story limitation in the planning entitlements. Staff concluded that redistribution of the units would not change the conclusions of the environmental review. The four-story limitation and provisions for re-locating the 22-28 units have been included as a COA in the Master Plan Ordinance (COA C-(I)). These buildings would be subject to future review and approval by the Planning Commission.

**(8) Currently, nine parcels are assessed for parcel taxes-would the Project result in new parcels that would be subject to assessment and taxation?**

The applicant has applied for Vesting Tentative Map approval to provide 185 new condominium parcels with the Project. Each of the 185 new condominium parcels would be subject to parcel taxes, in addition to the existing parcels on the site.

**(9) Construction of the Project would take place over a four-year period. How will construction noise, traffic, air quality and other construction-related impacts be offset? How will construction equipment, traffic and activities be managed and monitored?**

The EIR analyzed the potential environmental impacts associated with constructing the Project and several mitigation measures from the EIR have been incorporated into the COAs for the Project. Examples of these COAs include applying emission standards to construction equipment and developing and implementing a construction noise control plan. Further the County's DPW has included a COA that requires the approval and implementation of a construction management plan prior to the issuance of project

permits – depending on the timing of the Project building permit applications and the County’s adoption of an updated construction management ordinance updated construction management provisions may be included in the plan.

**(10) Will the applicant be required to maintain vegetation and defensible space?**

Thirty- and 100-foot fuel management zones would be required with the Project. Existing trees within the 30-foot zone would be pruned within 10 feet of all buildings and certain provisions for mowing and grazing would be required within the 100-foot zone. All invasive species of brush and dead and/or dying trees would be removed. The project site would be replanted with native species in conformance with the Southern Marin Fire Protection District’s fire protection standards related to vegetation management (e.g., defensible space).

Attachments:

Attachment No. 1-Letter from the applicant dated June 5, 2026

Attachment No. 2-Visual simulation at Chapel Hill