



## Agenda Item No. 13.

### Staff Report

**Date:** December 14, 2023

**To:** Mayor Brekhus and Council Members

**From:** Christa Johnson, Town Manager  
David Woltering, Planning and Building Department Support Staff

**Subject:** Amendments to the Adopted 2023-2031, 6<sup>th</sup> Cycle, Housing Element; and, Introduction of Zoning Ordinance Amendments Pertaining to Facilitate Workforce Housing for Staff and Faculty at the Branson School to Implement the 2023-2031, 6<sup>th</sup> Cycle, Housing Element

---

### Recommendation

It is recommended that the Town Council:

1. Adopt a Resolution of the Town Council of the Town of Ross Amending the Town of Ross May 31, 2023 adopted 2023-2031, 6<sup>th</sup> Cycle, Housing Element; and
2. Waive First Reading, Read by Title Only, and Introduce an Ordinance, amending and adding language to Chapter 18.16, Single Family Residence (R-1) District, and Chapter 18.40, General Regulations, of the Town of Ross Municipal Code to facilitate Workforce Housing for Staff and Faculty at the Branson School to Implement the 2023-2031, 6<sup>th</sup> Cycle, Housing Element and direct staff to return for second reading and adoption on January 11, 2024.

### Background

Since March of 2022, the Town of Ross has been in the process of preparing and pursuing State certification of an update to its Housing Element in accordance with State law. Every eight years, each California town, city, and county must update the Housing Element of its General Plan to satisfy the requirements of State law. On May 31, 2023, the Town Council of the Town of Ross approved a proposed amendment to the Town of Ross General Plan to adopt the 6<sup>th</sup> Cycle Housing Element, 2023-2031 (the "Project"). This updated Housing Element addresses State requirements, including an inventory of suitable housing sites, housing opportunity sites, analysis of housing constraints, and updated policies and programs to guide implementation of the 2023-

2031, 6<sup>th</sup> Cycle, Housing Element. An Environmental Impact Report (EIR) was prepared for the Project and certified by the Town Council in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. This process involved consultations with and responding to comments from representatives of the California Department of Housing and Community Development (HCD) on the Draft Town of Ross 2023-2031 Housing Element, various community meetings, presentations to Community Groups, Focus Group discussions, Town-wide mailers, general public input, recommendations and feedback from the Town Council.

In June of 2023, the adopted, May 31, 2023, 6<sup>th</sup> Cycle, Housing Element was transmitted to HCD for further review and certification. Subsequently, Town staff and the Dyett & Bhatia Housing Element Update Consultant have had consultations with the HCD reviewers to receive and provide information related to the review process. The reviewers determined that further amendments were required to the Town's adopted, May 31, 2023, 6<sup>th</sup> Cycle, Housing Element prior to supporting State certification of the Town's Housing Element Update. The HCD reviewer comments are included in an August 15, 2023 letter to the Town from HCD (Attachment 2, Exhibit B). A summary of those comments and the Town's responses is provided in an attached Matrix (Attachment 2, Exhibit C). Implementation of the responses to HCD reviewer comments for the purpose of receiving State certification are reflected in the proposed further amended May 31, 2023 Town of Ross 6<sup>th</sup> Cycle Housing Element (Attachment 2, Exhibit A) and the proposed Ordinance, amending the Town of Ross Municipal Code to facilitate the adding of Workforce Housing at the Branson School (Attachment 3).

## **Project Description**

### **Housing Element**

A Housing Element is an opportunity for the community to establish goals, policies, and programs to address local housing needs. Each California town, city, and county must adopt a Housing Element to plan for the housing needs of the community at all economic levels, including low-income households and households with special needs. The Housing Element addresses a range of housing issues such as affordability, housing types, density and location, and establishes goals, policies and programs to address existing and projected housing needs. The Housing Element must be internally consistent with other parts of the General Plan and is critical to having a legally adequate General Plan. The Housing Element is one of seven required elements of the Town's General Plan, which serves as the blueprint for how the Town will grow and address changing needs for development.

In compliance with State law, the 6<sup>th</sup> Cycle Housing Element must include an inventory of sites suitable for residential development, an assessment of financial and programmatic resources, and an analysis of constraints to housing production. The 6<sup>th</sup> Cycle Housing Element should reflect local decisions about where safe, accessible, and diverse housing could be developed to offer a mix of housing opportunities for a variety of household incomes. The 6<sup>th</sup> Cycle Housing Element must also identify how the Town will meet its Regional Housing Need Allocation (RHNA) and demonstrate compliance with various State housing laws including new requirements for

affirmatively furthering fair housing (AFFH). The sites inventory was developed through an iterative public process beginning in May of 2022.

The 6<sup>th</sup> Cycle Housing Element identifies nine parcels on 72.16 acres, 20 parcels identified as candidates for SB 9 sites, and 80 Accessory Dwelling Units (ADU's) projected at 10 per year as opportunity sites to facilitate the 111 new Housing Units, the Town's RHNA assignment by the State, as identified in the 6<sup>th</sup> Cycle Housing Element. The identification of opportunity sites does not require that the sites be developed, nor does it mandate that a development proposal must match the land use, income level or density that is projected in the 6<sup>th</sup> Cycle Housing Element. However, the Town must monitor and maintain adequate sites on its inventory to meet its RHNA at all income levels throughout the planning period. If housing inventory sites are not developed in accordance with the Housing Element projections (e.g., a vacant site is developed with nonresidential use, or is developed at a lower density than projected), the Town is responsible to ensure that there are adequate sites, or to identify and rezone additional sites, to provide adequate capacity to meet the RHNA at all income categories. Therefore, it is preferred that a "buffer" of sites, beyond the minimum necessary to meet the RHNA, are identified in the 6<sup>th</sup> Cycle Housing Element. Based on the analysis in the 6<sup>th</sup> Cycle Housing Element and the HCD review comments, staff believes that the sites inventory with the buffer is adequate to maintain compliance with the RHNA in total and at each income level through the 2023-2031 planning period.

The goals, policies and programs of the 6<sup>th</sup> Cycle Housing Element are essential components of the 6<sup>th</sup> Cycle Housing Element. They reflect the efforts necessary to implement the 6<sup>th</sup> Cycle Housing Element and to achieve or maintain the Town's compliance with State housing laws and will comprise a significant commitment of the Town's work program over the upcoming eight-year planning period, which will engage resources primarily within the Planning and Building Department, but also including the Town Attorney's Office, and the Town Manager's Office. Although many programs have been carried over from the prior Housing Element cycle, most have been revised to reflect current status or requirements. In addition, new programs have been added to meet the current requirements of the State.

#### Environmental Impact Report (EIR)

CEQA requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An EIR is the most comprehensive form of environmental documentation identified in CEQA and in the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a proposed project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of any environmental consequences associated with a proposed project which may have the potential to result in significant, adverse environmental impacts.

The Town determined that a program EIR should be prepared for the Project and then certified the document, in accordance with the requirements of CEQA including Section 15168 of the

CEQA Guidelines. The program EIR considers potential for environmental impacts, but not the likelihood of such impacts and therefore reflects the potential “worst case” scenario that does not account for individual choices of the applicant or property owner, nor the outcomes of specific project review processes.

The Final EIR (also referred to as “the EIR”) addresses the environmental effects associated with adoption and implementation of the Project. The Project identified nine parcels on approximately 72.16 acres throughout the Town as opportunity sites to accommodate the Town’s projected housing need; in addition, it would adopt a number of goals, policies and programs within the General Plan, to address housing needs and plan for resilience to climate hazard. The Final EIR, is available on the Town’s website and at Town Hall.

Based on the content, analysis, and findings of the previously certified EIR for the May 31, 2023 adopted Town of Ross 2023-2031, 6<sup>th</sup> Cycle, Housing Element, staff finds the proposed amendments to that Housing Element in response to the August 15, 2023 HCD reviewer comments (Attachment 2, Exhibit B) and the proposed Ordinance to address facilitating additional staff and faculty housing at the Branson School (Attachment 3) consistent with and supported by that previously certified EIR and no further environmental review is required at this time (See CEQA Addendum Memorandum, Attachment 1).

#### Proposed Amendments to the Housing Element

A summary of the proposed changes to the locally adopted May 31, 2023, 6<sup>th</sup> Cycle, Town of Ross Housing Element (Attachment 2, Exhibit A) and the amendments proposed to the Town of Ross Municipal Code to facilitate Workforce Housing at the Branson School (Attachment 3), in response to HCD reviewer comments for the purpose of obtaining State certification of the Town of Ross 2023-2031, 6<sup>th</sup> Cycle, Housing Element, is provided below. The revisions involve clarifications, adjustments, and the incorporation of additional information to further substantiate the analysis on which the Housing Element is based and amendments to the Town’s Municipal Code to facilitate affordable housing opportunities at the Branson School, ...

- Including samples of the computer-aided design (CAD) conducted on SB 9 candidate parcels identified in the Element to further demonstrate that the existing structures on the sites would not be a barrier to development with SB 9 housing and that adequate access would be available;
- Providing a letter received from the 27 Ross Common property owner indicating interest in developing housing on the site and incorporating additional evidence via a Title report that there are no easements, deed restrictions or other factors that would unduly constrain the development of housing on the site as envisioned in the Element;
- Incorporating quantified targets for (a) the number of existing units to be rehabilitated through renovations during the planning period and (b) the number of existing units to be preserved through the legalization of unpermitted ADUs;
- Conducting phone interviews with affordable housing providers to receive feedback on proposed programs and documenting that feedback in the public outreach appendix to the Housing Element; and

- The most significant update required in response to the HCD comment letter of August 15 has to do with ensuring adequate zoning is in place to facilitate the development of Workforce Housing at the Branson School. Four of the parcels that comprise the Branson campus at 39 Fernhill Road were included in the Town's 5<sup>th</sup> Cycle Housing Element inventory but were not developed with housing as envisioned. Therefore, in order to include those sites in this 6<sup>th</sup> cycle Housing Element and have them counted toward the Town's lower income RHNA as envisioned in the adopted Element, State law requires that the Town re-zone these sites to permit housing on the parcels "by right," for projects that include 20% of the units as affordable to lower income households subject to objective standards and, at a minimum, to programmatically assure allowing housing types, e.g., small, five+/- unit housing developments typically affordable to lower income households and net densities of up to 20 du/ac when calculated on the portion of the site where it is constructed. Program 3-J has been revised to meet these requirements.

Additionally, based on discussions with HCD staff on October 12, 2023, three new programs are being added to the revised Housing Element to strengthen the Town's commitment to affirmatively furthering fair housing, including through actions that create the potential for a wider variety of housing types in Ross to expand housing opportunities for people of all ages, backgrounds, incomes, and abilities. Specifically, the new programs involve (a) promoting homeowner participation in a countywide initiative to disavow racially restrictive covenants; (b) adopting a congregational overlay and related development standards that would allow for the construction of affordable housing on church properties in Ross should the churches wish to pursue that option; and (c) adopting a co-housing overlay and related development standards that would permit small clusters of private homes with shared common spaces and amenities on parcels over 1-acre in size.

#### Zoning Ordinance

As described above, Program 3-J, Workforce Housing at the Branson School, has been revised to meet State law requirements regarding "re-use" sites related to amending and adding language to Chapter 18.16, Single Family Residence (R-1) District, and Chapter 18.40, General Regulations, of the Town of Ross Municipal Code to facilitate adding Workforce Housing for Staff and Faculty at the Branson School, 39 Fernhill Avenue (APNs 073-151-05; 073-082-01; 073-082-12; and 073-141-03). Government Code Section 65583.2(c) provides that with respect to (a) non-vacant sites used in a prior housing element; and (b) vacant sites included in 2 or more consecutive planning periods; that weren't developed with housing and are being used to provide capacity to meet the City's lower-income RHNA they must:

1. Be zoned at the minimum density of 20 du/ac, or if the zoning does not allow for the minimum density, be rezoned to that density unless the City can show that the existing density can provided the requisite capacity; and
2. Allow residential use by right for housing developments with at least 20% of the units affordable to lower income households.

The intent is that the housing, accessory residences, would be for faculty and staff. The current zoning is R-1:B-A, one acre minimum density. The rezoning must be completed by January 31, 2024.

### Findings

The amendments to the May 31, 2023, adopted 2023-2031, 6<sup>th</sup> Cycle, Housing Element and the amendments to the Zoning Ordinance are consistent with the Ross General Plan including related goals, policies, and objectives, as described in Resolution No.2351 (Attachment 2) and in Ordinance No. 724 (Attachment 3), respectively.

### **NEXT STEPS:**

Following the approval of the revised Town of Ross 6<sup>th</sup> Cycle Housing Element and Second Reading and Adoption of the Ordinance amending the Town's Municipal Code to facilitate adding Workforce Housing at the Branson School consistent with the previously certified Program EIR for the Project, the revised 6<sup>th</sup> Cycle Housing Element and Ordinance related to adding Workforce Housing at the Branson School and related documents will be transmitted to the Department of Housing and Community Development for further review and certification of the Town of Ross 2023-2031, 6<sup>th</sup> Cycle, Housing Element.

The attached resolution (Attachment 2) authorizes the Town Manager or their designee to make non-substantive changes to the revised 2023-2031, 6<sup>th</sup> Cycle, Housing Element to respond to any comments received from HCD to achieve certification and make non-substantive clerical updates for internal consistency and as to formatting (e.g., pagination, numbering of tables and diagrams).

### **Public Comments**

Comments were received from Bob Dickinson (10/31/2023), Wendel Nicolaus (11/2/2023), and Teri Dowling (11/6/2023)

### **Attachments**

1. CEQA Addendum Memorandum
2. Resolution No. 2351 Amending the Town of Ross May 31, 2023 Adopted General Plan 2023-2031, 6<sup>th</sup> Cycle, Housing Element
  - Exhibit A – Amended May 31, 2023 Adopted 2023-2031, 6<sup>th</sup> Cycle, Housing Element
  - Exhibit B – HCD August 15, 2023 Comment Letter
  - Exhibit C – Matrix Summarizing HCD Comments and Town of Ross Responses
3. Ordinance No. 724 Amending the Town of Ross Municipal Code to Facilitate adding Workforce Housing at the Branson School
  - Exhibit A – Description of Amendments
4. Public Comments

# ATTACHMENT 1

## M E M O R A N D U M

---

To: David Woltering, Town of Ross  
From: Andrew Hill, Principal  
Re: Environmental Review of Modifications to the Housing Element in Response to HCD Comments and Related Zoning Amendments  
Date: December 1, 2023

---

David:

On May 31, 2023 the Ross Town Council adopted the 2023-31 Housing Element and certified an accompanying environmental impact report (EIR) (State Clearinghouse #2022110593) in accordance with the California Environmental Quality Act (CEQA). Subsequently, the California Department of Housing and Community Development (HCD) reviewed the Housing Element and requested modifications for compliance with State law, as described below. Additionally, the Town has prepared zoning amendments to facilitate development of workforce housing on the Branson School campus, as envisioned in the Housing Element. This memo has been prepared to demonstrate that the modifications made to the Housing Element in response to HCD comments and adoption of related zoning amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and further, that there are no changes in circumstance or new information that would change the findings of the previously certified EIR. This memo serves as an addendum to the 2023-31 Housing Element EIR.

### **BACKGROUND**

Pursuant to the CEQA Section 15164, an addendum to a previously certified EIR may be prepared if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Accordingly, the primary purpose of this evaluation is to determine, on the basis of substantial evidence, if one or more of the following conditions are met:

- Substantial changes are proposed as part of the proposed update that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes have occurred with respect to circumstances under which the proposed update is undertaken (i.e., a significant change in the existing or future condition) that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and/or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project but the project proponents decline to adopt the mitigation measure or alternative; or
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## **MODIFICATIONS TO THE HOUSING ELEMENT AND RELATED ZONING AMENDMENTS**

Overall, the revisions made to the adopted Housing Element in response to HCD's comments principally involve clarifications and the incorporation of additional information to further substantiate the analysis on which the Element is based. Additional details attesting to property owner intent and the absence of development constraints for the 27 Ross Common site have been incorporated into the Element, along with samples of the computer-aided design (CAD) conducted on SB9 candidate parcels identified in the Element to further demonstrate that the existing structures on the sites would not be a barrier to development with SB9 housing and that adequate access would be available. Additional stakeholder interviews with affordable housing developers, service providers, and fair housing advocates were also conducted to solicit their feedback on the content of the Element, and summaries of those discussions have been incorporated.

Additionally, four new programs were added to Chapter 4 of the Housing Element to strengthen the Town's commitment to affirmatively furthering fair housing, including through actions that create the potential for a wider variety of housing types in Ross to expand housing opportunities for people of all ages, backgrounds, incomes, and abilities. Specifically, the new programs involve (a) promoting homeowner participation in a countywide initiative to disavow racially restrictive covenants; (b) adopting a congregational overlay and related development standards that would allow for the construction of affordable housing on church properties in Ross should the churches wish to pursue that option; (c) adopting a co-housing overlay and related development standards that would permit small clusters of private homes with shared common spaces and amenities on parcels over 1-acre in size; and (d) promoting participation by Ross homeowners in the Home Match Marin Home Sharing Program that pairs existing homeowners with renters in need of space by providing information via the website, Town newsletters, and public contact events, referring interested parties to Home Match Marin.

Finally, the Town has prepared zoning amendments and objective standards to facilitate the development of workforce housing on the Branson School campus, to implement Program 3-J of the adopted Housing Element. These zoning amendments permit the maximum number of accessory residences in the B Special Building District to be calculated on the basis of the total combined area of adjacent properties under single, unified ownership of an educational institution, rather than on a parcel-by-parcel basis. The amendments incorporate

development and design standards to integrate faculty and staff housing into the campus area in a context sensitive manner. Standards govern building design, architecture, landscaping, parking, and outdoor common spaces and require that at least 25 percent of the units constructed would be for households earning less than 80 percent of the Marin County area median income (AMI) through long-term affordability agreements. An additional bonus of up to 25 percent of the number of units permitted would be available in exchange for a greater number of units affordable to lower income households. As required by Government Code section 65583.2(c), the zoning amendments would permit residential development consistent with the objective standards "by right" on four campus parcels (APNs 073-151-05; 073-082-01; 073-082-12; 073-141-03) that were also included in the Town's Fifth Cycle Housing Element sites inventory when at least 20 percent of the units proposed on those parcels would be affordable to low income households. Overall, the proposed zoning amendments and objective standards - including any bonus units available in exchange for a greater affordability commitment - would permit up to 10 new units on contiguous parcels under common ownership when faculty/staff housing is proposed, as envisioned in Program 3-J of the Housing Element.

## **ANALYSIS**

The proposed zoning amendments implement Program 3-J from the Housing Element, which seeks to facilitate construction of 10 new workforce housing units affordable to households making less than 80 percent of the Marin County AMI on the Branson School site by 2031. As described above, the zoning amendments would permit up to 10 new units of housing on the site and establish objective standards to integrate housing into the area in a context-sensitive manner. The amendments would not permit more units than analyzed in the Housing Element EIR, nor would they permit housing in different locations than previously analyzed. As such, the zoning amendments would not result in new or substantially more adverse impacts than identified in the EIR. The inclusion of "by right" provisions represent a process change, but would not result in any new or different physical changes that could adversely affect the environment. Similarly, the new information added to the Housing Element in response to HCD comments, including evidence of the viability of 27 Ross Common for redevelopment within the planning period, supporting analysis for SB9 candidate parcels, and summaries of discussions with affordable housing developers, service providers, and advocates constitutes minor technical changes and additions to the document which would not lead to physical changes that could adversely affect the environment. None of these modifications would increase the capacity of the housing sites inventory or result in development in different locations than previously analyzed.

With respect to the new programs added to the Housing Element in response to HCD comments:

- Under **Program 1-F**, the Town will promote participation of Ross homeowners in a Marin County initiative that lets residents disavow racially restrictive covenants that might exist in the deeds of their homes. The Town would promote participation at annually public contact events, in townwide newsletters, and by posting information on the Town website. Implementation of this program would involve outreach activities and text amendments to deeds but would not permit any new development or otherwise result in physical impacts that could have adverse effects on the environment.

- Under **Program 2-H**, the Town would adopt a co-housing zoning overlay and related objective standards to permit the development of co-housing communities on lots of 1-acre or more. This overlay would permit the clustering of residences on large sites already identified in the Housing Element without increasing the density permitted in base zoning. The EIR analyzed the potential environmental impacts that could result from housing development on those sites and incorporated mitigation measures to address them. Therefore, at a programmatic level, compliance with existing regulations and the applicable mitigation measures in the Housing Element EIR would ensure that there are no new or substantially more adverse impacts. Should co-housing development be proposed on any of those sites in the future after implementation of Program 2-H and if that development would have the potential for site-specific impacts not previously addressed in the Housing Element EIR, then project-level CEQA analysis may be required.
- Under **Program 3-O**, the Town would conduct outreach and public awareness activities to promote participation by Ross homeowners in the Home Match Marin Home Sharing Program that pairs existing homeowners with renters in need of space. These activities would not permit any new development or otherwise result in physical impacts that could have adverse effects on the environment.
- Under **Program 2-I**, the Town would adopt a zoning overlay that would provide churches in Ross the option to develop affordable housing on their properties and provide technical support to churches should they elect to pursue that option. The purpose of this program would be to expand the range of housing choices in Ross. There are two churches in Ross - St. Anselm Catholic Church and St John's Episcopal Church - and both currently have zoning that permits residential development. Implementation of this program would increase permitted density on the two church sites; however, while this represents an increase in the maximum theoretical development capacity in the planning area, the buildout projections in the EIR are based on a reasonably foreseeable estimate of the amount of development likely to occur during the planning period linked to regional growth projections. The buildout projections in the EIR do not guarantee that any particular site will be developed or redeveloped at the assumed density during the planning period; rather, they represent a cumulative estimate of the total amount of development needed to serve projected demand in Ross through 2031. Therefore, any potential future development on the two church sites would be within the reasonably foreseeable growth projections on which the EIR is based.

Therefore, overall, the modifications made to the Housing Element in response to HCD comments and adoption of related zoning amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, in the short period of time - six months - that has elapsed since certification of the Housing Element EIR, there have been no new development projects in Ross, no new or revised local regulations, and no new or revised State law that would substantially change the cumulative circumstances or the background information on which the previously certified EIR was based. As such, none of the conditions identified in CEQA section 1562 requiring the preparation of a subsequent or supplemental EIR have occurred and an addendum to the previously certified Housing Element EIR is appropriate.

# ATTACHMENT 2

**RESOLUTION NO. 2351**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROSS AMENDING THE TOWN OF ROSS MAY 31, 2023 ADOPTED 2023-2031, 6<sup>th</sup> CYCLE, HOUSING ELEMENT**

**WHEREAS**, State law requires cities to revise the housing elements of their General Plans every 8 years, the current housing element cycle covers the 2023 to 2031 planning period (“6<sup>th</sup> Cycle”); and

**WHEREAS**, the Housing Element update includes analysis of existing and projected housing needs and updates of goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories; and

**WHEREAS**, beginning in May 2022, the Town of Ross conducted public meetings to provide information, obtain public comment, seek direction from elected and appointed officials, and consider the 6<sup>th</sup> Cycle Housing Element; and

**WHEREAS**, the Project site encompasses the entirety of the Town of Ross and, for purposes of the updated Housing Element, identifies specific sites appropriate for the development of additional multifamily housing; and

**WHEREAS**, the Town of Ross held six public meetings to provide public information, obtain public comment, and seek direction from elected and appointed officials on the Draft Housing Element; and

**WHEREAS**, the Draft 2023-2031 Housing Element of the Ross General Plan (the “6<sup>th</sup> Cycle Housing Element”) was published on October 18, 2022 for a 30-day public review period consistent with the requirements of Government Code Section 65585; and

**WHEREAS**, an open house was held on November 7, 2022 during the public comment period for community members to ask questions and provide comments on the Draft 2023-2031 Housing Element; and

**WHEREAS**, the Town accepted public comment during the review period and during the Town Council meeting of December 8, 2022; and

**WHEREAS**, on December 13, 2022, the Draft Ross Housing Element was submitted to the California Department of Housing and Community Development (HCD) for review as required by State law; and

**WHEREAS**, on March 13, 2023, the Town received a review letter from HCD indicating revisions and clarifications that in HCD’s opinion are necessary to meet the requirements of State Housing Element law (Government Code Section 65580 et seq., “Housing Element Law”) pursuant to Government Code section 65585(b); and

**WHEREAS**, the Ross Housing Element was clarified and revised as determined necessary to meet the requirements of State law including Article 10.6 (commencing with Section 65580) of the Government Code; and

**WHEREAS**, in accordance with applicable law notice of public hearing was published in the Marin IJ, a newspaper of general circulation, on May 19, 2023; and

**WHEREAS**, the Town of Ross prepared a Program Environmental Impact Report (EIR) for the proposed project which includes the adoption of the 6<sup>th</sup> Cycle Housing Element, in accordance with the requirements of the California Environmental Quality Act (CEQA) including Section 15168 of the CEQA Guidelines and subsequently issued a Notice of Preparation on November 28, 2022 and conducted a Scoping Meeting on December 8, 2022 in accordance with CEQA Guidelines Sections 21092 and 21083.9 respectively; and

**WHEREAS**, the Town of Ross released the Draft EIR (DEIR) for public comment commencing on March 1, 2023 through May 2, 2023, duly considered all public comment on the DEIR, prepared a response to comments and released a Final EIR (FEIR), Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP); and

**WHEREAS**, following a duly noticed public hearing on May 31, 2023 the Town Council adopted Resolution No. 2309 making findings of fact, adopting the Statement of Overriding Considerations and MMRP, and certifying the FEIR (State Clearinghouse # 2022110593) for the Housing Element Update and related amendments; and

**WHEREAS**, following the action to certify the FEIR, the Town Council adopted Resolution No. 2310 making findings of fact repealing the 2015-2023 Housing Element in its entirety and replacing it with the May 31, 2023 adopted 2023-2031, 6<sup>th</sup> Cycle, Housing Element; and

**WHEREAS**, the Town of Ross filed a Notice of Determination of the action on the FEIR within five days in accordance with CEQA Guidelines Section 15094; and

**WHEREAS**, the May 31, 2023 adopted 6<sup>th</sup> Cycle Housing Element was transmitted to and received by HCD representatives on June 16, 2023 for a required 60-day review pursuant to obtaining State of California certification of the locally adopted Housing Element; and

**WHEREAS**, informal consultations occurred between Town staff and the Housing Element Consultant with HCD representatives for the purpose of exchanging information and providing

clarification of the content of the Town's Housing Element and State requirements, resulting in a formal HCD comment letter received by the Town of Ross on August 15, 2023 (Exhibit B); and

**WHEREAS**, the August 15, 2023 HCD comment letter stipulated that the Town of Ross would need to revise its May 31, 2023 adopted Housing Element prior to receiving support for State certification of the Element; and

**WHEREAS**, Town staff and the Housing Element Consultant consulted with HCD reviewers and property owners or their representatives related to HCD reviewer comments to gather information and develop responses to the comments and proposed revisions to the adopted Housing Element to address the HCD comments; and

**WHEREAS**, the Housing Element Consultant and Town staff developed a Matrix that references the HCD comments and rationale for Town responses (Exhibit C) which are reflected in the revised Housing Element (Exhibit A): and

**WHEREAS**, the revised Housing Element was made available for public review and comments in accordance with HCD requirements between October 30 and November 13, 2023 and comments received resulted in removing two previously proposed SB9 sites from the list of potential sites while yet maintaining an adequate overall inventory of sites to address the Town's RHNA; and

**WHEREAS**, in accordance with applicable law notice of public hearing was published in the Marin IJ, a newspaper of general circulation, on December 2, 2023; and

**WHEREAS**, the May 31, 2023 Town Council certified Environmental Impact Report for the 2023-2031 Housing Element (SCH # 2022110539) addresses the amendments to the Housing Element and the Zoning Ordinance being considered by the Town Council on December 14, 2023.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Council of the Town of Ross finds the foregoing recitals are true and correct and are incorporated into this Resolution.

**BE IT FURTHER RESOLVED THAT** that the amendments to the May 31, 2023, adopted 2023-2031, 6<sup>th</sup> Cycle, Housing Element are consistent with the Ross General Plan including the following specific goals, policies and objectives:

1. The 6th Cycle Housing Element, as amended, is consistent with the community development and sustainability goals at the heart of the Ross General Plan because the selection of sites and implementation of programs will support efficient use of land within the existing downtown and in concert with existing employment, services, infrastructure and amenities.

An adequate supply of housing, and land zoned to accommodate future housing need, is an essential element of community sustainability. A land use plan that accommodates housing uses in compatible infill settings is consistent with the overarching goals and specific policies of this General Plan.

2. The 6th Cycle Housing Element, as amended, is consistent with Policy 8.2 of the Ross General Plan because it facilitates additional residential development types and densities that will provide for an expanded range of housing opportunities to meet the needs of the community. These outcomes will not only support the community health, safety and quality of life, but also ensure a vibrant community that encourages compact development forms, including mixed use development, that provide opportunities for new investment and expanded services to meet the needs of its citizenry.
  - *8.2 Densities and Intensities of Land Uses.* Define limits on densities of development as shown on the Land Use Plan. Development on any site shall conform to existing zoning and the following factors: site resources and constraints; potentially hazardous conditions; traffic and access; adequacy of infrastructure (water, sewer, etc.); design policies; development patterns of adjacent areas; and prevailing densities or intensities of adjacent areas.
  
3. The 6<sup>th</sup> Cycle Housing Element, as amended, is consistent with The Future of Land Use Goal 8.4 because the Town has adequate park facilities to meet current and projected future needs based on the standards of the Ross General Plan. The impact of additional residents on the Town's parks system will be offset through future dedication of land or fee-in-lieu per the Town of Ross's Development Impact Fee Schedule ([www.ci.Ross.ca.us/finance](http://www.ci.Ross.ca.us/finance)).
  - *Goal 2.32:* Expand the Town's park system to accommodate future community needs.
  - *Policy 2.32.1:* Establish new parks/recreation areas.
  - *Program 2.32.A:* Ensure that lands dedicated for park land are of sufficient in size to accommodate the uses and facilities proposed, graded for those uses, and free of hazardous and toxic waste materials for each park site.
  - *Program 2.32.C:* Identify and incorporate the needs of neighborhoods in developing new parks.
  
4. The 6th Cycle Housing Element, as amended, is consistent with Historic Resources Goal 3.2 because the Town of Ross has conducted tribal consultation as part of the Housing Element process and has identified mitigations that will avoid impacts to archaeological resources (see EIR Mitigation Measures CUL-1 through CUL-5 which require that before any development or redevelopment activities can occur, the site

must be analyzed for conformance with the applicable local, state, and federal requirements, and must comply with the requirements of CEQA. The Town will work with tribal representatives to address any artifacts unearthed during construction). Further, the Town shall conduct additional consultation upon receipt of a development application consistent with the requirements of State law including Senate Bill 18 and Assembly Bill 52.

- *Goal 1.1:* Protection of Archaeological Resources
- *Policy 4.5:* Implement measures to preserve and protect archaeological resources.
- *Action 4.C:* Map Archaeological Sensitive Areas

5. The amendments to the Housing Element are consistent with Visual Character Goal 3.7 because they promote compatible infill development of a scale that is consistent with Ross’s small-town visual character and, through the implementation of objective planning and design standards, also compatible with the surrounding architectural and neighborhood character. The amendments would not modify and would be accommodated within the maximum floor area ratio (FAR) of the Ross General Plan land use categories.

- *Goal 8:* Maintain and reinforce Ross’s small-town visual characteristics.
- *Policy 3.4:* Ensure that new development is compatible with the surrounding architectural and neighborhood character.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Ross finds that:

1. The findings made by the Council pursuant to Resolution No. 2310 remain in full force and effect and apply to the amendments to the Housing Element adopted pursuant to this Resolution.
2. The 6<sup>th</sup> Cycle Housing Element, as amended, shown in Exhibit A to this resolution and incorporated herein by this reference, complies with Housing Element Law, as provided in Government Code Section 65580 *et seq.*, and contains all provisions required by Housing Element Law.
3. As required by Government Code Section 65585(e), the Town Council has considered the findings made by the California Department of Housing and Community Development (HCD) included in HCD’s letter to the Town dated August 15, 2023 (Exhibit B). Consistent with Government Code Section 65585(f), the Town has revised the Ross Housing Element in response to HCD’s findings to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD or has included an explanation as to why no changes

were necessary, all as described in Exhibit C, which is incorporated by this reference.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Ross does hereby amend the May 31, 2023 locally adopted 2023-2031, 6<sup>th</sup> Cycle, Housing Element as described in Exhibit A, attached, which is hereby adopted.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Ross does hereby authorize the Town Manager or their designee to make non-substantive changes to the adopted amended 6<sup>th</sup> Cycle Housing Element to respond to any comments received from HCD to achieve certification and make non-substantive clerical updates for internal consistency and as to formatting (e.g., pagination, numbering of tables and diagrams).

**BE IT FURTHER RESOLVED** that the Town Council hereby finds that the action to adopt this resolution was considered within the Environmental Impact Report (SCH #2022110593) (EIR) for the Housing Element Update project, certified by Council Resolution No. 2309, adopted May 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The amendments to the Housing Element do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The EIR was certified in May 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, has been submitted to the Town.

The above Resolution was adopted by the Town Council of the Town of Ross at a regular meeting of said Council held on the 14<sup>th</sup> day of December 2023 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Elizabeth Brehus, Mayor

Attest:

---

Cyndie Martel, Town Clerk

---

Date

Exhibit A  
REVISED 2023-2031 HOUSING ELEMENT  
[see next page]

Exhibit B  
HCD AUGUST 15, 2023 COMMENT LETTER  
[see next page]

Exhibit C

MATRIX PROVIDING DESCRIPTION AND RATIONALE FOR CHANGES TO THE MAY 31, 2023  
LOCALLY ADOPTED 2023-2031, 6<sup>TH</sup> CYCLE, HOUSING ELEMENT IN RESPONSE TO THE CALIFORNIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT LETTER DATED AUGUST 15, 2023  
[see next page]

The revised 2023-31 Housing Element files can be accessed at this link: [October 30 Revised HE](#)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



August 15, 2023

\*\*\*\*\*CORRECTED 8/16/2023\*\*\*\*\*

Christa Johnson, Town Manager  
Town of Ross  
31 Sir Francis Drake Boulevard  
Ross, CA 94957

Dear Christa Johnson:

**RE: Town of Ross' 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the Town of Ross' (Town) housing element which was adopted on May 31 and received for review on June 16, 2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on July 31, 2023 with David Woltering, Interim Planning Director, and your consultant. In addition, HCD considered comments from Berg Holdings pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements described in HCD's March 13, 2023 review; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the Town should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Please be aware, if

the Town fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Please be aware Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the Town will meet housing element requirements for these and other funding sources.

HCD is committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Armando Jauregui, of our staff, at [jose.jauregui@hcd.ca.gov](mailto:jose.jauregui@hcd.ca.gov).

Sincerely,

Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX TOWN OF ROSS

The following changes are necessary to bring the Town's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Local Data and Knowledge and Other Relevant Factors: While the element was revised to include some brief information regarding Marin County history and loan rates, this generally does not address HCD's prior review. The element should discuss other relevant factors and incorporate local data and knowledge to complement the state and federal data and examine the patterns and trends in socio-economic characteristics and concentrations. For example, the element could discuss other relevant factors such as local opposition, land use decisions and lack of utilizing state and federal funding and how those factors influenced the pattern within the Town, or the Town compared to the region. For more information, please see HCD's prior review and its Affirmatively Furthering Fair Housing (AFFH) Guidance (starting on page 24) available at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

2. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Special Needs Housing: The element was not revised to address this finding. Please see HCD's prior review for additional information.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Realistic Capacity – 27 Ross Commons: HCD’s prior review found that the element identified sites in zones that appear to allow 100 percent nonresidential uses and; therefore, must analyze the likelihood that 100 percent nonresidential uses will occur. The element was revised to indicate that this site includes property owner interest, and the current building envelope can accommodate residential in addition to commercial/existing uses. However, this still does not demonstrate the likelihood that residential uses will develop on a site that allows for 100 percent nonresidential uses. The element should consider factors including development activity and performance standards. Additionally, the element could expand on the extent of the owner interest in developing residential. Based on a complete analysis, the element may need to rescale residential capacity assumptions and add or modify programs to incentivize residential development.

Suitability of Nonvacant Sites (27 Ross Commons): The element was revised with some additional information including quantifying the criteria utilized to determine redevelopment potential. However, the analysis still should consider the Town’s past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

Senate Bill 9 (Statutes of 2021) Projections: The element was revised to include a site-specific inventory and quantify the factors utilized to development redevelopment potential. However, as found in HCD’s prior review, the element still should support the factors through local and regional examples and development trends. This is particularly important given that the element indicated the Town has only approved one SB 9 application. Additionally, as found in HCD’s prior review, the element still should support the analysis with local information such as local developer or owner interest and discuss the extent existing uses impede additional development. Please see HCD’s prior review for additional information.

Zoning for Lower-Income Households - Site 2 Branson School: As found in HCD’s prior review, the element must demonstrate densities appropriate to accommodate housing for lower-income households. For communities with densities that meet specific standards (at least 20 units per acre for Ross), no analysis is required. (Gov. Code, § 65583.2, subd. (c)(3).) Otherwise, an analysis must demonstrate appropriate densities based on factors such as market demand, financial feasibility, and development experience within identified zones. This site’s zoning allows for a maximum allowable density of one dwelling unit per acre. The element did not demonstrate that this density is appropriate to accommodate lower-income households. Based on a complete analysis, the element may need to be revised committing to rezoning this site with appropriate densities for lower-income households or finding alternative sites.

Adequate Sites Alternatives – Site 2 Branson School: The element was not revised to address this finding. Please see HCDs prior review for additional information.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls (Parking): HCD's prior review found the Town requires two to three parking spaces for smaller bedroom types. This is generally considered a constraint and the element must include programs to address this constraint. The element was revised with Program 3-B committing to reducing parking requirements for developments located near transit and will require parking to be out of the public view. However, the element must commit to reducing parking requirements for multifamily housing (e.g., one space per unit) irrespective of transit or proximity to other land uses and removing any additional constraints.

Local Processing and Permit Procedures: The element was revised to list the required findings to obtain a use permit for multifamily housing. Specifically, the Town is required to make findings of approval for impacts on surrounding uses, character of the neighborhood, property values and harmony of the area. Additionally, the element deleted previous language regarding the use permit approval findings related to the "morals" and "comfort" of persons in the neighborhood. However, upon confirmation of Town's zoning code, the Town does require that these additional approval findings be met, in addition to what was listed in the revised element. Requiring multifamily housing to comply with subjective findings related to surrounding uses, character, property values, morals, and comfort is considered a constraint. The element must be revised to remove or replace the use permit requirement or modify approval findings that promote objectivity and certainty.

In addition, as found in HCD's prior review, the element still needs to discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Fees and Exaction: The element was not revised to address this finding. Please see HCD's prior review for additional information.

Housing for Persons with Disabilities: The element still must identify and analyze, if any, spacing or siting requirements for group homes. Additionally, the element was revised to include Program 4-D (Group Housing) committing to revising the definition of family to include persons living together with social, economic, and psychological commitments to each other. The element should analyze this definition for any potential constraints on housing and add or modify programs to address identified constraints. For additional information, please see HCD's group homes technical advisory:

<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Requests for Lower Density and Permit Times: The element was revised with the Town's timeline to issue building permits (p. C-22); however, that does not address HCD's prior review. As found in HCD's prior review, the element must quantify and evaluate the length of time between approving a project and request for building permits. Additionally, the element still should analyze requests to develop housing at densities below those identified in the inventory. The analysis should address any hinderances on the construction of a locality's share of the regional housing need and programs should be added or modified as appropriate.

## **B. Housing Programs**

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Sites Identified in Prior Planning Periods (Site 2 – Branson School): The element was not revised to address this finding. Please see HCD's prior review for additional information.

Additionally, since the Town failed to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), rezones to accommodate the Regional Housing Needs Allocation (RHNA), including rezoning to make available prior identified sites must be completed no later than one year from the statutory deadline.

Alternative Adequate Sites: The element was not revised to address this finding. Please see HCD's prior review for additional information.

Program 2-B – SB-9 Units: HCD's prior review also found that the element must include significant and meaningful programs and policies to incentivize and facilitate development. While the element was revised with Program 2-B (SB-9 Housing) committing to some outreach and additional actions, this is generally insufficient. As found in HCD's prior review, the element must include programs that develop incentives and affirmatively establish zoning and development standards early in the planning period.

Program 3-D (Amnesty), Program 3-H (Development Fee Discount), Program 3-M (Zoning Incentives): Given the Town's reliance on Accessory Dwelling Units (ADUs), as found in HCD's prior review, the element must include a significant suite of actions to incentivize ADUs. While the element was revised to include several strategies, some of these programs do not include specific commitments. For example, Programs 3-D, 3-H, 3-M only commit to presenting to Town Council "for consideration". However, to utilize the current ADU assumptions towards the RHNA, the element must revise these programs to include specific commitments (e.g., review and adopt or implement).

Program 5-C (ADU Trends): The element was revised committing to monitoring trends and taking additional actions if trends do not keep pace with assumptions. However, as found in HCD's prior review, this program should specifically commit to adjusting projected assumptions if the number of units and affordability do not actualize during the planning period. Specifically, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then the element must commit to amending the housing element, identifying additional sites, and rezoning within a timely manner (e.g., within six months).

Program 4-A (Transitional and Supportive Housing): While the element was revised committing to allowing supportive housing by-right, this action must explicitly commit to revising the zoning code to comply with AB 2162 (Gov. Code section 65651) which includes supportive housing provisions related to non-discretionary action, approval timelines and parking requirements. For additional information, please see [AB 2162 Fact Sheet](#).

- 2. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding A4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, as found in HCD's prior review, Program 2-A (Streamlining the Design Review) must include specific commitment given the constraints the design review process poses. The program was revised to state that the Town will identify and implement measures for streamlining, however later in the program, it only commits to bringing proposed amendments to Town Council "for consideration". As found in HCD's prior review, the element must go beyond "considering".

3. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics ... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the Town may need to revise or add programs. In addition, while the element included some programs related to outreach, rental assistance, and affirmative marketing, this generally does not address HCD's prior review. As noted in HCD's prior review and the assessment of fair housing, the Town is entirely highest resource, wholly an RCAA and is generally highest income and racially homogenous. These conditions and circumstances warrant significant and robust actions (not limited to the RHNA) to promote housing mobility and increasing housing choices and affordability throughout and beyond the Town relative to the region and including lower-density neighborhoods. The element should be revised with aggressively numeric targets and geographic targets throughout the Town, including lower-density neighborhoods. Examples include creating more housing choices and affordability in single-family neighborhoods beyond complying with law (e.g., SB 9, ADUs), targeting affordable housing funding, homesharing programs, more than one junior accessory dwelling unit (JADU) (per single family structure, enhancing capacity, affordability on sites identified to accommodate the RHNA, and housing choices on religious institutional sites beyond the RHNA and other alternative land use strategies. Lastly, the element must be revised to include quantified metrics (beyond the RHNA) programs focused on housing mobility and increased housing opportunities and affordability.

### **C. Quantified Objectives**

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

While the element was revised to now include new construction objectives, it does not target objectives for conservation/preservation and rehabilitation. For your information, conservation objectives may include the variety of strategies employed by the Town to promote tenant stability, code enforcement and repair programs that conserve the housing stock, and the preservation of units at-risk of conversion to market rate.

#### **D. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

HCD found that the Town must demonstrate diligent efforts to reach out to a variety of economic segments of the community, specifically lower- to moderate-income households and special needs. The element was revised to state that the Town did have targeted outreach to these households, noted a luncheon and referenced Appendix G which is an attachment of the Town's outreach efforts and public comment letters. While the element said it reached out to special needs households, it must demonstrate how it specifically conducted outreach to these households.

Additionally, HCD's prior review found that the element should summarize the public comments and describe how they were considered and incorporated into the element. While the element included all public comments received and a letter from the Town's consultant to the Town regarding public comments and recommendations; it did not discuss how it was incorporated into the element.

Number	Comment	Response
A. Housing Needs, Resources, and Constraints		
A.1	<p><u>Local Data and Knowledge and Other Relevant Factors:</u> While the element was revised to include some brief information regarding Marin County history and loan rates, this generally does not address HCD's prior review. The element should discuss other relevant factors and incorporate local data and knowledge to complement the state and federal data and examine the patterns and trends in socio-economic characteristics and concentrations. For example, the element could discuss other relevant factors such as local opposition, land use decisions and lack of utilizing state and federal funding and how those factors influenced the pattern within the Town, or the Town compared to the region. For more information, please see HCD's prior review and its Affirmatively Furthering Fair Housing (AFFH) Guidance (starting on page 24) available at <a href="https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing">https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing</a>.</p>	<p>A new section on Other Relevant Factors has been added to Appendix D, Assessment of Fair Housing (See pp. D-51-54). This section describes how the history of Ross has contributed to the land use patterns, land values, home prices, and socio-demographic conditions that exist in the community today. It recounts the prevalence of racially exclusive covenants throughout Marin County between approximately 1926 and 1968 and describes an ongoing countywide initiative to identify racially restrictive covenants in deeds and record restrictive covenant modifications with the county's assessor records office. While there is no history of local opposition preventing the development of affordable housing in Ross, programs such as 3-J (which would allow workforce housing by right subject to objective standards on 39 Fernhill Avenue at the Branson School in the event that at least 20 percent of the proposed units would be affordable) will help ensure that this does not happen in the future</p>
A.2	<p><u>Special Needs Housing:</u> The element was not revised to address this finding. Please see HCD's prior review for additional information.</p>	<p>D&amp;B has redlined Appendix B adding text to specifically address each requirement for each special needs group with reference to HCD's Building Blocks webpage. Please see redlines in Appendix B, attached.</p>
A.3.a	<p><u>Realistic Capacity</u> – 27 Ross Commons: HCD's prior review found that the element identified sites in zones that appear to allow 100 percent nonresidential uses and, therefore, must analyze the likelihood that 100 percent nonresidential uses will not occur. The element was revised to indicate that this site includes property owner interest, and the current building envelope can accommodate residential in addition to commercial/existing uses. However, this still does not demonstrate the likelihood that residential uses will develop on a site that allows for 100 percent nonresidential uses. The element should consider factors including development activity and performance standards. Additionally, the element could expand on the extent of the owner interest in developing residential. Based on a complete analysis, the element may need to rescale residential capacity assumptions and add or modify programs to incentivize residential development.</p>	<p>The property owner has submitted a letter expressing interest in developing multifamily housing on the property. The letter has been incorporated into Appendix F: Materials to Support Buildout Calculations. The owner envisions redeveloping the site in a mixed-use format with ground floor retail/commercial uses and residential apartments above. As noted on page 3-6 of the Element, current zoning permits development of at least six 1,000-square foot apartment units in a mixed use format, which is more than adequate to accommodate the 4 above moderate units assumed for this site in the Element. This analysis and the letter of interest from the property owner help to demonstrate the likelihood of residential development on the site. Additionally, two programs in Chapter 4, the Housing Action Plan, would support development feasibility: Program 3-B which reduces multifamily parking requirements for sites such as 27 Ross Common which are located within 1,000 feet of transit on Sir Francis Drake Boulevard and Program 3-D, which involves preparing a Downtown Area Plan to integrate new moderate income and workforce housing along with street design</p>

Number	Comment	Response
		<p>improvements, pedestrian and bicycle access, parking and design standards and identifying funding and financing options to facilitate redevelopment.</p> <p>The Town obtained a Title report for the property. Upon review, there do not appear to be any easements, covenants or other restrictions that would prevent development as envisioned by the owner.</p> <p>Edits to clarify the above have been incorporated into Chapter 3, pages 3-5 and 3-6 (attached).</p>
A.3.b	<p><u>Suitability of Nonvacant Sites (27 Ross Commons):</u> The element was revised with some additional information including quantifying the criteria utilized to determine redevelopment potential. However, the analysis still should consider the Town's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.</p>	<p>As noted on page 3-5 and 3-6 of the adopted Element, there are six apartment units in Ross today, located at 3 Ross Common, 175 feet north of the 27 Ross Common site on the same side of the street. These units were constructed within the last 15 years as part of a mixed use development with ground floor commercial uses, as envisioned by the 27 Ross Common property owner. Accordingly, there is precedent in Ross for redevelopment of existing uses in a mixed-use residential format downtown. Additionally, as noted above, Programs 3-B and 3-D from the Housing Action Plan will help facilitate redevelopment of the 27 Ross Common site.</p> <p>The Town obtained a Title report for the property. Upon review, there do not appear to be any easements, covenants or other restrictions that would prevent development as envisioned by the owner.</p> <p>Edits to clarify the above have been incorporated into Chapter 3, pages 3-5 and 3-6 (attached).</p>
A.3.c	<p><u>Senate Bill 9 (Statutes of 2021) Projections:</u> The element was revised to include a site-specific inventory and quantify the factors utilized to development redevelopment potential. However, as found in HCD's prior review, the element still should support the factors through local and regional examples and development trends. This is particularly important given that the element indicated the Town has only approved one SB 9 application. Additionally, as found in HCD's prior review, the element still should support the analysis with local information such as local developer or owner interest and discuss the extent existing uses</p>	<p>Senate Bill (SB) 9 was signed into law by Governor Gavin Newsom in September 2021, and went into effect on January 1, 2022. The Town of Ross adopted an SB9 ordinance in September 2022 and to date has approved one SB9 application in the relatively short period of time that SB9 has been in effect, as noted in the adopted Element. A survey of other Marin County jurisdictions indicates that there is a good degree of interest, with SB9 applications approved in Corte Madera, Novato, and incorporated Marin County. Notably, Corte Madera has approved a total of seven SB9 applications and Marin County has approved four, with one SB9 project currently in the development pipeline.</p>

Number	Comment	Response
	<p>impede additional development. Please see HCD's prior review for additional information.</p>	<p>In response to HCD's comment letter of March 13, 2023, the Town conducted a detailed site feasibility analysis of SB9 candidate properties identified on Map 3-3. The analysis was conducted in Autodesk AutoCAD software to confirm that all parcels would be of adequate size and would have adequate access after an SB9 lot split. Map 3-3 was updated to show the existing building footprints to help illustrate the viability of sites identified. Of 48 parcels analyzed, 32 were found to be viable candidates and included in the adopted Element. A more detailed description of the methodology used and representative images from the AutoCAD analysis have been included in Appendix F. The images demonstrate that existing buildings will not be an impediment to SB9 housing development. Further, as noted below in response to HCD comment B.1.c, Program 2-B has been augmented to further promote SB9 housing in Ross throughout the planning period.</p>
A.3.d	<p><u>Zoning for Lower-Income Households - Site 2 Branson School:</u> As found in HCD's prior review, the element must demonstrate densities appropriate to accommodate housing for lower-income households. For communities with densities that meet specific standards (at least 20 units per acre for Ross), no analysis is required. (Gov. Code, § 65583.2, subd. (c)(3).) Otherwise, an analysis must demonstrate appropriate densities based on factors such as market demand, financial feasibility, and development experience within identified zones. This site's zoning allows for a maximum allowable density of one dwelling unit per acre. The element did not demonstrate that this density is appropriate to accommodate lower-income households. Based on a complete analysis, the element may need to be revised committing to rezoning this site with appropriate densities for lower-income households or finding alternative sites.</p>	<p>The main campus of the Branson School is composed of five parcels with a total combined area of 16.175 acres. In addition to school facilities, there are eight existing homes on campus today, including five apartment units, two single-family homes used as faculty housing, and the Head of School's residence. The school also owns two properties a short walk to the east of the campus on Circle Drive, each of which contains a single-family home.</p> <p>Zoning for all parcels owned by Branson, including the main campus parcels and the two Circle Drive properties allows accessory residences for school faculty and staff are permitted with a conditional use permit. Four of the five main campus parcels were included in the Town's Fifth Cycle Housing Element sites inventory but did not develop with housing as envisioned. As such, in order for them to be carried forward into the 2023-31 Housing Element and counted toward the Town's lower income RHNA as envisioned in the adopted Element, State law requires that the Town permit housing on the parcels "by right," subject to objective standards, when at least 20 percent of the proposed units would be affordable to low income households. Accordingly, Program 3-J has been revised to:</p> <ul style="list-style-type: none"> <li>• Remove the CUP requirement on the 4 parcels reused from the prior inventory;</li> </ul>

Number	Comment	Response
		<ul style="list-style-type: none"> <li>• Amend zoning to permit development of up to 10 new units over the total area of contiguous parcels under common ownership when faculty/staff housing is proposed;</li> <li>• Incorporate objective standards to integrate attached housing product types such as 5+ unit complexes typically affordable to lower income households.</li> </ul> <p>Amending the zoning applicable to the campus parcels as described above will be adequate to permit the development of workforce housing as envisioned by the Branson School. The Town will coordinate with the School to facilitate processing of the development application and to ensure appropriate objective standards.</p> <p>In Marin County, 80 percent of the AMI is \$104,700 for a single-person household and \$119,700 for a 2-person household. Starting teachers at Branson earn \$75,000 - 80,000 annually, fellows make \$65,000 annually, and mid-career teachers earn 85,000 - \$115,000 annually. Given that approximately 80 percent of Branson faculty earn less than \$115,000 annually, this means that the majority of single faculty members would qualify as low income households.</p>
A.3.e	<p><u>Adequate Sites Alternatives</u> – Site 2 Branson School: The element was not revised to address this finding. Please see HCDs prior review for additional information.</p>	<p>There appears to be some confusion. Five existing multifamily units at the Branson School were included in the original Draft Element submitted to HCD in 2022 on the assumption that they could be counted toward lower income RHNA if deed restricted, as the property owner had expressed interest in doing. However, the five existing units at Branson do not meet the conditions identified in the statute (Section 65583, subdivision (c), paragraph (1)). Therefore, as noted in our submittal to HCD of June 2, 2023 these units were removed from the inventory and the Housing Element was redlined to reflect that. Please see edits to pages 3-7 and 4-7 of the adopted Element (where the former Program 2-G was deleted). Table 3-6 summarizing the capacity of the inventory does not include any deed restricted units at the Branson School.</p> <p>Reviewing the adopted Element again, it was discovered that one reference to deed restricted units at Branson on page 3-14 had not been struck through so the Element has been revised as follows to correct that:</p>

Number	Comment	Response
		<i>Based on the assumptions described above, Table 3-6 also shows projected ADU production at all affordability levels and projected SB9 housing production.</i>
A.4.a	<p><u>Land Use Controls (Parking)</u>: HCD's prior review found the Town requires two to three parking spaces for smaller bedroom types. This is generally considered a constraint and the element must include programs to address this constraint. The element was revised with Program 3-B committing to reducing parking requirements for developments located near transit and will require parking to be out of the public view. However, the element must commit to reducing parking requirements for multifamily housing (e.g., one space per unit) irrespective of transit or proximity to other land uses and removing any additional constraints.</p>	<p>Program 3-B has been revised to address this comment. Ross is a small community with a total area of just 1.6 square miles and Sir Francis Drake Boulevard, which bisects the community, is the major transit route. As illustrated on Figure D-20 Proximity to Transit (attached), there are no sites zoned for multifamily housing that are not within a 1/2 mile of transit, including Downton Ross, the Civic Center, and the Branson School. Therefore, Program 3-B effectively reduces parking requirements for all multifamily development and removes the constraint. Nevertheless, Program 3-B was revised to reduce parking requirements for all multifamily development, whether withing a ½ mile of transit or not.</p>
A.4.b	<p><u>Local Processing and Permit Procedures</u>: The element was revised to list the required findings to obtain a use permit for multifamily housing. Specifically, the Town is required to make findings of approval for impacts on surrounding uses, character of the neighborhood, property values and harmony of the area. Additionally, the element deleted previous language regarding the use permit approval findings related to the "morals" and "comfort" of persons in the neighborhood. However, upon confirmation of Town's zoning code, the Town does require that these additional approval findings be met, in addition to what was listed in the revised element. Requiring multifamily housing to comply with subjective findings related to surrounding uses, character, property values, morals, and comfort is considered a constraint. The element must be revised to remove or replace the use permit requirement or modify approval findings that promote objectivity and certainty.</p>	<p>Please see new Program 2-G in Chapter 4 added to address this.</p>
A.3.f	<p><u>Fees and Exaction</u>: The element was not revised to address this finding. Please see HCD's prior review for additional information.</p> <p><u>Fees and Exaction</u>: While the element included a listing of fees, the analysis should identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing and analyze their impact as potential constraints on housing supply and cost.</p>	<p>Table C-7 in Appendix C, Constraints Analysis, has been updated to identify fees for single- and multifamily developments as a proportion to total project cost. Additionally, new information on available financing and funding has been added on pp. C-38 thru C-44. As noted in Chapter 4 of the adopted Element, the Town is conducting a comprehensive fee study in 2024.</p>

Number	Comment	Response
A.3.g	<p><u>Housing for Persons with Disabilities:</u> The element still must identify and analyze, if any, spacing or siting requirements for group homes. Additionally, the element was revised to include Program 4-D (Group Housing) committing to revising the definition of family to include persons living together with social, economic, and psychological commitments to each other. The element should analyze this definition for any potential constraints on housing and add or modify programs to address identified constraints. For additional information, please see HCD's group homes technical advisory:</p> <p><a href="https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf">https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf</a>.</p>	<p>Appendix C, pp. C-18 thru C-21, has been revised to address this comment, noting that there are no spacing or siting requirements for residential care facilities and that a permit for the Cedars, a residential care facility for developmentally disabled adults located in Ross, was approved in 2002. Overall, the very high cost of land and housing are likely the biggest constraints on the establishment of additional similar facilities.</p>
A.3.h	<p><u>Requests for Lower Density and Permit Times:</u> The element was revised with the Town's timeline to issue building permits (p. C-22); however, that does not address HCD's prior review. As found in HCD's prior review, the element must quantify and evaluate the length of time between approving a project and request for building permits. Additionally, the element still should analyze requests to develop housing at densities below those identified in the inventory. The analysis should address any hinderances on the construction of a locality's share of the regional housing need and programs should be added or modified as appropriate.</p>	<p>Based on a review of permit data since 2020, the average length of time between project approval and issuance of construction permits is 5.65 months. Construction permits for ADUs have been issued as quickly as 1 month from date of approval, while the longest interval was 9 months. Longer intervals are likely attributable to the time needed by project applicants to secure project financing and the availability of construction contractors.</p> <p>Residential construction projects in Ross since 2015 have exclusively involved single-family homes and ADUs. The Town has not received any requests to develop housing at densities below those identified in the inventory. Realistic capacity projections in the Housing Element are based on actual performance in the R-1 zoning district and expressions of property owner interest, including the Town's own plan to construct 9 units as part of the Civic Center Master Plan project, the Branson School's intent to construct 10 units of workforce housing, and the plans outlined by the owner of 27 Ross Common in his letter of interest, incorporated into Appendix F.</p> <p>This information will be incorporated into a new section in Appendix C, Constraints Analysis (see page C-30).</p>
B. Housing Programs		
B.1.a	<p><u>Sites Identified in Prior Planning Periods (Site 2 – Branson School):</u> The element was not revised to address this finding. Please see HCD's prior review for additional information.</p>	<p>Please see response to comment A.3.d above. Rezoning is in process, with adoption anticipated in January 2024.</p>

Number	Comment	Response
	<p>Additionally, since the Town failed to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), rezones to accommodate the Regional Housing Needs Allocation (RHNA), including rezoning to make available prior identified sites must be completed no later than one year from the statutory deadline.</p>	
B.1.b	<p><u>Alternative Adequate Sites</u>: The element was not revised to address this finding. Please see HCD's prior review for additional information.</p>	<p>Please see response to comment A.3.e above. The adopted Element does not assume any deed restricted units at the Branson School.</p>
B.1.c	<p><u>Program 2-B – SB-9 Units</u>: HCD's prior review also found that the element must include significant and meaningful programs and policies to incentivize and facilitate development. While the element was revised with Program 2-B (SB-9 Housing) committing to some outreach and additional actions, this is generally insufficient. As found in HCD's prior review, the element must include programs that develop incentives and affirmatively establish zoning and development standards early in the planning period.</p>	<p>As noted on page 3-12 of the adopted Element, the Town adopted an SB9 ordinance and related objective standards in September 2022, establishing zoning and development standards prior to the planning period. Since that time, the Town has received multiple inquiries and approved an SB9 application in 2023. To capitalize on this interest and further promote SB9 housing production, through Program 2-B in the adopted Element the Town will create factsheets and post information to the website; conduct annual "how to seminars;" provide technical assistance to property owners; use feedback collected through these activities to identify potential incentives to further promote SB9 housing. The Program commits the Town to monitoring progress and taking corrective action if not on track by December 2025.</p> <p>This program has been augmented with a commitment to develop an SB9 application checklist and post it to the Town website by the end of Q1 2024, in advance of the first "how to seminars." (Please see Chapter 4).</p>
B.1.d	<p><u>Program 3-D (Amnesty), Program 3-H (Development Fee Discount), Program 3-M (Zoning Incentives)</u>: Given the Town's reliance on Accessory Dwelling Units (ADUs), as found in HCD's prior review, the element must include a significant suite of actions to incentivize ADUs. While the element was revised to include several strategies, some of these programs do not include specific commitments. For example, Programs 3-D, 3-H, and 3-M only commit to presenting to Town Council "for consideration". However, to utilize the current ADU assumptions towards the RHNA, the element must revise these programs to include specific commitments (e.g., review and adopt or implement).</p>	<p>ADU and JADU production is an important opportunity for Ross to diversify the local housing supply, provide affordably-priced housing for people who work in the community, and serve specific local needs as detailed in the adopted Element. To that end the Town has incorporated a robust suite of 8 programs to remove barrier, promote production and incentivize deed restriction of affordable ADUs, including:</p> <ul style="list-style-type: none"> <li>• Program 3-D Amnesty for Unpermitted ADUs</li> <li>• Program 3-E Pre-Approved ADU Plans</li> <li>• Program 3-F Technical Assistance for ADUs</li> </ul>

Number	Comment	Response
		<ul style="list-style-type: none"> <li>• Program 3-G Best Practices and Innovation for ADU Design and Construction</li> <li>• Program 3-H Development Fee Discount for deed restricted ADUs</li> <li>• Program 3-I ADU Ordinance Update for Compliance with New State Law</li> <li>• Program 3-M Zoning Incentives for Deed Restricted ADUs/JADUs</li> <li>• Program 3-N Impact Fee Relief for Deed Restricted ADUs/JADUs</li> </ul> <p>To reinforce the Town's commitment, the language of Programs 3-D, 3-H, and 3-M will be revised to include more specific commitments as follows:</p> <p><i>3-D: Town staff will prepare an ordinance and bring it to the Town Council for <del>consideration</del> <u>adoption</u> before the end of 2024.</i></p> <p><i>3-H: Complete the fee study by end of Q4 2024; bring a revised fee schedule to the Town Council for <del>consideration</del> <u>adoption</u> in Q1 2025.</i></p> <p><i>3-M: Bring draft ordinance with recommended zoning incentives to Town Council for <del>consideration</del> <u>adoption</u> by end of Q3 2024.</i></p>
B.1.e	<p><u>Program 5-C (ADU Trends)</u>: The element was revised committing to monitoring trends and taking additional actions if trends do not keep pace with assumptions. However, as found in HCD's prior review, this program should specifically commit to adjusting projected assumptions if the number of units and affordability do not actualize during the planning period. Specifically, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then the element must commit to amending the housing element, identifying additional sites, and rezoning within a timely manner (e.g., within six months).</p>	Please see edits to Program 5-C in Chapter 4.
B.1.f	<p><u>Program 4-A (Transitional and Supportive Housing)</u>: While the element was revised committing to allowing supportive housing by-right, this action must explicitly commit to revising the zoning code to comply with AB 2162 (Gov. Code section 65651) which includes supportive housing provisions related to non-discretionary action, approval timelines and parking requirements. For additional information, please see AB 2162 Fact Sheet.</p>	Please see edits to Program 4-A in Chapter 4.

Number	Comment	Response
B.2	<p>As noted in Finding A4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.</p> <p>In addition, as found in HCD's prior review, Program 2-A (Streamlining the Design Review) must include specific commitment given the constraints the design review process poses. The program was revised to state that the Town will identify and implement measures for streamlining, however later in the program, it only commits to bringing proposed amendments to Town Council "for consideration". As found in HCD's prior review, the element must go beyond "considering".</p>	<p>Program 2-A has been revised as follows:</p> <p>...Identify streamlining options bring proposed amendments to the Town Council for <del>consideration</del> <u>adoption</u> by end of Q4 2024.</p>
B.3.	<p>As noted in Finding A1, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the Town may need to revise or add programs. In addition, while the element included some programs related to outreach, rental assistance, and affirmative marketing, this generally does not address HCD's prior review. As noted in HCD's prior review and the assessment of fair housing, the Town is entirely highest resource, wholly an RCAA and is generally highest income and racially homogenous. These conditions and circumstances warrant significant and robust actions (not limited to the RHNA) to promote housing mobility and increasing housing choices and affordability throughout and beyond the Town relative to the region and including lower-density neighborhoods. The element should be revised with aggressively numeric targets and geographic targets throughout the Town, including lower-density neighborhoods. Examples include creating more housing choices and affordability in single-family neighborhoods beyond complying with law (e.g., SB 9, ADUs), targeting affordable housing funding, homesharing programs, more than one junior accessory dwelling unit (JADU) (per single family structure, enhancing capacity, affordability on sites identified to accommodate the RHNA, and housing choices on religious institutional sites beyond the RHNA and other alternative land use strategies. Lastly, the element must be revised to include quantified metrics (beyond the RHNA) programs focused on housing mobility and increased housing opportunities and affordability.</p>	<p>Table D-10 from the adopted Element was reorganized and augmented to better present a prioritized list summarizing the fair housing issues and contributing factors identified in the Assessment of Fair Housing (Appendix D), together with meaningful actions to address them, monitoring metrics and geographic targeting. Significant commitments toward affirmatively furthering fair housing incorporated into Table D-10 and the Housing Action Plan in Chapter 4 of the adopted Element reflect most of the ideas suggested in the HCD comment at left, including:</p> <ul style="list-style-type: none"> <li>• The construction of 9 lower income units on the Civic Center site (Program 3-A);</li> <li>• Affirmative Marketing of Affordable Housing Opportunities in Ross (Program 1-E);</li> <li>• Incentives for property owners to make new ADUs/JADUs available to lower income households through long-term affordability agreements (Programs 3-D, 3-H, and 3-M);</li> <li>• Regulatory, process, and financial incentives for housing projects for Special Needs Populations and Extremely Low Income Households (Program 4-I);</li> <li>• Rental assistance for low income older adult renters (Program 4-K); and</li> <li>• Facilitating workforce housing at the Branson School (Program 3-J).</li> </ul>

Number	Comment	Response
		<p>Additionally, the following new programs have been added to Table D-10 and the Housing Action Plan in Chapter 4 to increase supply of affordable housing supply, diversify housing types, and promote housing mobility in Ross (please see Chapter 4 for full text):</p> <ul style="list-style-type: none"> <li>• Program 3-O Home Sharing and Tenant Matching</li> <li>• Program 1-F Disavowal of Racially Restrictive Covenants</li> <li>• Program 2-H Co-housing Overlay</li> <li>• Program 2-I Congregational Overlay</li> </ul>
<b>C. Quantified Objectives</b>		
C.1	<p>While the element was revised to now include new construction objectives, it does not target objectives for conservation/preservation and rehabilitation. For your information, conservation objectives may include the variety of strategies employed by the Town to promote tenant stability, code enforcement and repair programs that conserve the housing stock, and the preservation of units at-risk of conversion to market rate.</p>	<p>The Quantified Objectives in Chapter 4 have been updated to include objectives for rehabilitation (112 above moderate units preserved through substantial remodels) and conservation (legalization of 20 unpermitted ADUs through implementation of Program 3-D ADU Amnesty, including 18 Above Moderate and 2 Low Income units). Please see Chapter 4 for details.</p>
<b>D. Public Participation</b>		
D.1	<p>HCD found that the Town must demonstrate diligent efforts to reach out to a variety of economic segments of the community, specifically lower- to moderate-income households and special needs. The element was revised to state that the Town did have targeted outreach to these households, noted a luncheon and referenced Appendix G which is an attachment of the Town’s outreach efforts and public comment letters. While the element said it reached out to special needs households, it must demonstrate how it specifically conducted outreach to these households.</p>	<p>Per discussion with HCD staff on September 22, the Town conducted interviews with affordable housing developers, service providers, and advocates including the following:</p> <ul style="list-style-type: none"> <li>• MidPen Housing, who are also working on an affordable housing project on the Monterey City Hall site, a project particularly relevant to Ross given the plan to construct workforce housing on the Ross Civic Center site.</li> <li>• The Cedars of Marin, a residential care facility for developmentally disabled adults located in Ross.</li> <li>• Marin Center for Independent Living, which provides services for people of all ages with disabilities and special conditions.</li> <li>• Fair Housing Advocates of Northern California, housing equity advocates. Due to prior commitments at FHANC, this interview was conducted November 20, 2023. A summary of the discussion has been</li> </ul>

Number	Comment	Response
	<p>Additionally, HCD's prior review found that the element should summarize the public comments and describe how they were considered and incorporated into the element. While the element included all public comments received and a letter from the Town's consultant to the Town regarding public comments and recommendations; it did not discuss how it was incorporated into the element.</p>	<p>added to Appendix G and the updated Element has been posted to the Town's website.</p> <p>Summaries of those interviews have been incorporated into Appendix G, including feedback received from interviewees on the content of the Housing Element and its implementing programs.</p> <p>Additionally, Appendix G has been expanded to include a section that provides an overview of outreach conducted throughout the Housing Element process and summarizes how and where community input has been incorporated into the Element. This new section also discusses the Oct 30 – Nov 13 local review and the three comments received during that period (one voice message and two email messages, both incorporated. (Please see Appendix G).</p>

# ATTACHMENT 3

# TOWN OF ROSS

## ORDINANCE NO. 724

### AN ORDINANCE OF THE TOWN OF ROSS AMENDING AND ADDING LANGUAGE TO CHAPTER 18.16, SINGLE FAMILY RESIDENCE (R-1) DISTRICT, AND CHAPTER 18.40, GENERAL REGULATIONS, OF THE TOWN OF ROSS MUNICIPAL CODE TO FACILITATE WORKFORCE HOUSING FOR STAFF AND FACULTY AT THE BRANSON SCHOOL TO IMPLEMENT THE 2023-2031, 6<sup>TH</sup> CYCLE HOUSING ELEMENT

The Town Council of the Town of Ross does ordain as follows:

**WHEREAS**, the Town of Ross, California ("Town") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS** State law authorizes cities to adopt and administer zoning ordinances to implement General Plans and requires that zoning regulations be consistent with the General Plan; and

**WHEREAS**, the California Government Code requires General Plan Housing Elements to analyze the availability of land resources in the Town to accommodate the Town's share of the region's future housing needs and to identify zoning amendments needed to meet these needs; and

**WHEREAS**, Government Code Section 65583.2(c) provides that with respect to (a) non-vacant sites used in a prior housing element; and (b) vacant sites included in 2 or more consecutive planning periods ("re-use sites"); that weren't developed with housing and are being used to provide capacity to meet the City's lower-income RHNA they have to: 1) be zoned at the minimum density of 20 du/ac, or if the zoning does not allow for the minimum density, be rezoned to that density unless the City can show that the existing density can provided the requisite capacity; and 2) allow residential use by right for housing developments with at least 20% of the units affordable to lower income households; and

**WHEREAS**, four of the parcels that comprise the Branson Campus at 39 Fernhill Road (APNs 073-151-05; 073-082-01; 073-082-12, and 073-141-03) are included in the 6<sup>th</sup> Cycle Housing Element to provide capacity to meet the Town's lower-income RHNA, are non-vacant, and were included in the Town's 5th Cycle Housing Element inventory but were not developed with housing as envisioned; and

**WHEREAS**, the 6<sup>th</sup> Cycle Housing Element include Program 3-J – Workforce Housing at the Branson School, which provides that:

“Faced with the imminent retirement of several long-tenured teaching staff and the high cost of housing in Marin County which is a significant barrier to its staff recruitment efforts, the Branson School has expressed strong interest in developing new housing on its campus in the near-term. The Branson School has engaged an architect and begun preparation of a Campus Master Plan, which will guide the development of housing, academic buildings, social areas and a library onsite. The Master Plan will be completed in 2023 and a capital campaign is

planned for 2024, with the goal of obtaining construction permits by the end of 2026. Through this program, the Town will work with the Branson School to facilitate production of new workforce housing on campus. Actions will include:

- Meet regularly with the property owner to help advance site planning and development applications;
- Work with the property owner to identify actions (such as lot line adjustments) to facilitate provision of affordable housing units onsite;
- By January 31, 2024, amend zoning permit procedures for compliance with Government Code Section 65583.2.c, allowing faculty and staff housing by right on APNs 073-151-05, 073-082-01, 073-082-12, and 073-141-03 when at least 20 percent of the proposed units would be affordable to lower income households;
- By January 31, 2024, amend zoning to permit up to 10 new units of workforce housing on the Branson campus and incorporate standards to integrate attached housing product types such as 5+ unit complexes typically affordable to lower income households and net densities of up to 20 du/ac when calculated on the portion of the site where it is constructed;
- Ensure provisions are made for replacement housing onsite in the event any existing units would be demolished, consistent with State law; and
- By mid-2028, evaluate progress toward completion, including affordability, within the planning period and if necessary take action to identify alternative sites within 1 year.”

**WHEREAS**, the Town wants to ensure the new residential uses on the re-use sites on the Branson School campus reflect a mix of traditional and contemporary architecture, as described in the General Plan, the Town’s Design Guidelines, and the Branson campus master plan, as amended; and

**WHEREAS**, the Town desires to amend its zoning regulations to implement the General Plan Housing Element and the governing provisions of the California Government Code; and

**WHEREAS**, the Government Code specifically authorizes local agencies to impose objective zoning, subdivision, and design standards consistent with the Government Code’s provisions, and to adopt an ordinance to implement its provisions; and

**WHEREAS**, the Town City seeks to ensure that accessory residences for faculty and staff on the re-use sites on the Branson School campus are consistent with those standards; and

**WHEREAS**, on December 14, 2023, the Town Council conducted a duly noticed public hearing to consider the following amendment to the zoning ordinance for the purpose of amending its local regulatory requirements pertaining to accessory residences on the Branson School campus in a manner that complies with and is consistent with the General Plan Housing Element and the California Government Code; and

**WHEREAS**, following a duly noticed public hearing on May 31, 2023 the Town Council adopted Resolution No. 2309 making findings of fact, adopting the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, and certifying the Final Environmental Impact Report (State Clearinghouse # 2022110593) for the Housing Element Update and related amendments (FEIR) which included analysis of proposed zoning amendments which are the subject of this ordinance, no further environmental review under CEQA is required.

**NOW THEREFORE**, the Town Council of the Town of Ross does ordain as follows:

**SECTION 1.** FINDINGS. The above recitals are hereby declared to be true and correct findings of the Town Council of the Town of Ross. In addition, the Town Council hereby finds that the amendments to the Municipal Code taken by this ordinance were considered within the Environmental Impact Report (SCH #2022110593) (EIR) for the Housing Element Update project, certified by Council Resolution No. 2309, adopted May 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The amendments to the Housing Element do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The EIR was certified in May 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.

No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, has been submitted to the Town.

**SECTION 1.** AMENDMENT. Amendments to Chapter 18.16, Single Family Residence (R-1) District and Chapter 18.40, General Regulations are hereby added to the Town of Ross Municipal Code to read as set forth in **Exhibit A** to this Ordinance, which is hereby incorporated as though set forth in full herein. Deletions shown in ~~strikethrough~~ and additions shown in underline). Ellipses (“...”) denote where text is not shown because no changes are proposed.

**SECTION 3.** SEVERABILITY. If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Town Council of the Town of Ross hereby declares that it would have adopted each article, section, and sentence thereof, irrespective of the fact that any one or more of said provision be declared unconstitutional or invalid.

**SECTION 4.** PUBLICATION AND EFFECTIVE DATE. The Town Clerk is directed to certify adoption of this ordinance and cause it to be published and posted in the manner required by law. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Ross Town Council on the 14th day of December, 2023, and was adopted at a regular meeting of the Ross Town Council on the \_\_\_ day of \_\_\_\_\_, 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Elizabeth Brekhus, Mayor

**ATTEST:**

\_\_\_\_\_  
Cyndie Martel, Town Clerk

**Exhibit A: Amendments to Ross Municipal Code Title 18 (Zoning) for General Plan Housing Element Implementation**

**CHAPTER 18.16, SINGLE FAMILY RESIDENCE (R-1) DISTRICT:**

**18.16.030: Permitted uses:**

- A. Uses permitted without use permits are: (1) single family residences and accessory uses including residential second units considered ministerially without discretionary review, (2) accessory residences for school faculty and staff shall be permitted by right (including multi-unit structures at net densities typically affordable to households earning less than 80 percent of the countywide area median income located on parcels with APNs 073-151-05; 073-082-01; 073-082-12, and 073-141-03 at 39 Fernhill Avenue) when at least 20% of the units are affordable to “lower-income households” as defined by State law, (3) transitional housing, (4) supportive housing, (5) private garages, (6) greenhouses, (7) terraces, (8) arbors, (9) barbecue pits and shelters, (10) tool sheds, (11) swimming pools, (12) private stables (on sites of at least one acre), (13) tennis courts (daytime use), (14) screening walls, (15) fences, (16) driveways, (17) walkways, and (18) home occupations, subject to the requirements of Section 18.12.180. (Ord. 631 (part), 2012).
- B. Uses permitted but requiring use permits are: (1) public and private schools and accessory residences for school faculty and staff not located on parcels listed in subsection (A)(2), above, (2) parks, (3) churches and religious institutions, (4) nonprofit social and recreational clubs, (5) residential care facilities, (6) guesthouses and caretaker units, (7) home businesses, (8) public buildings, (9) private stables (on sites of less than one acre), and (10) nighttime use and lighting of tennis courts; provided, that no use permit nor variance shall be issued for any public or private school whose total full-time and part-time public enrollment, together with the total enrollment of any affiliate school or coordinate program regularly using the same premises, exceeds four hundred twenty (420) students.

**18.16.040: Minimum Lot Requirements:**

...

- C. Where multiple adjacent lots are under the single ownership and unified control of an educational institution, the calculation of the maximum number of allowable accessory residences for faculty and staff shall be calculated based on the total amount of land in the B Special Building District designations applicable to the

educational institution, divided by the minimum acreage required in the B Special Building District.

1. To account for differences in standards applying to the B-20 and the B-A Districts, the following rules shall apply: when one or more of the lots is in B District including the B-20 district which requires less land per unit than in other lots on the site that are in a B-A district, the calculation shall assume that all lots are subject to the lot area requirement of the R-1:B-A; and
2. If there is an existing single family residence on any B-20 designated lot, only the increment above the amount required for that residence shall be used in determining the additional number of residences allowed on the site.
3. If the educational institution has prepared a master plan for the unified development of the lots that the institution owns and this master plan provides for affordable housing for faculty and staff who qualify as low income households at densities of up to 20 units per net acre on the portion of the campus reserved for this housing, the number of additional allowable units on the site, calculated according to subsections (1) and (2) above, shall be increased by 25 percent, provided that all of these additional units are subject to deed-restricted guarantees of continued affordability to low income households for a minimum of 55 years.
4. The guarantee of continued affordability for the portion of the new residences for faculty and staff housing that are designated for lower-income households shall be for a minimum of 55 years.

## CHAPTER 18.40, GENERAL REGULATIONS

### **Section 18.40.220, Objective design standards for accessory residences for faculty and staff**

The following objective design standards apply to new accessory residences for faculty and staff that are provided in multi-family buildings with two or more units. In addition to these standards, all provisions of the California Building Codes, the objective requirements of the Subdivision Map Act, and the requirements of this title shall apply to applications for accessory units for faculty and staff.

- A. Building mass, orientation, scale, and articulation
  - 1. The height of new multi-family residences shall not exceed that of existing buildings on properties owned by the educational institution.
  - 2. Setbacks for new multi-family residences shall not be less than 90 percent of the existing setbacks of the nearest existing structure.
  - 3. New multi-family residences shall be located in residential areas of the campus, consistent with the campus master plan (“the campus master plan”), and be setback and screened with fencing, walls, or landscaping, from adjacent residences on adjoining property and be linked by pathways to other residences, educational buildings, and playing fields.
  - 4. Secondary and accessory structures, such as garages, recycling enclosures, and storage facilities shall be located to the side or rear of primary structures.
  - 5. If the total building floor area in new buildings is more than 25 percent greater than adjacent residences, the design of new multi-family buildings shall use at least 2 of the following forms of architectural articulation to reduce perceived size as viewed from public streets: pitched roofs, wall offsets, setbacks, upper-story setbacks, balcony setbacks and/or changes in wall and roof planes.
- B. Building materials and colors.
  - 1. Building materials and colors shall be the same as those used on other buildings on the campus in terms of physical character, texture, patterns, materials, and colors listed in the campus master plan.
  - 2. Buildings shall incorporate natural materials such as stucco, wood, and masonry.

C. Landscaping

1. All landscaping shall comply with applicable fire prevention standards of the Ross Valley Fire Department.
2. A landscape documentation package shall be provided with a building permit application that complies with the standards of the “Model Water Efficient Landscape Ordinance” (MWELo) adopted by the California Department of Water Resources in Chapter 2.7 of Division 2 of Title 23 of the California Code of Regulations, which is hereby adopted by reference and shall apply the MWELo to all development of accessory residences with 500 square feet or more of landscape area. If the total landscaped area is 2,500 square feet or less, an applicant may use the prescriptive compliance option provided in Appendix D of the MWELo to streamline the review process. Under this option, turf shall not exceed 25 percent of the landscape area.
3. A minimum of 15 percent of the residential development site shall be landscaped, consisting of ground cover plant materials, shrubs, and trees.
  - i. In order to conserve water, not more than 50 percent of the landscaped area may be turf.
  - ii. One tree is required for every 1,000 square feet of lot area.
  - iii. Waivers of these standards may be requested under Chapter 17.044.
4. Any plant that is not specifically prohibited by the Ross Valley Fire District may be selected for landscaping. Criteria for selection of plants shall include:
  - i. Protection and preservation of native species and natural vegetation;
  - ii. Fire-resistance;
  - iii. Drought-tolerance;
  - iv. Local climate suitability, disease and pest resistance; and
  - v. Selection of trees based on size at maturity as appropriate for the planting area.

D. Outdoor living area

1. A minimum of 150 square feet of common and private outdoor living area shall be providing for each individual unit in a multi-family building of which at least half of the units shall have 36 square feet of private open space, which may be provided by balconies or decks.

- i. Balconies shall have a minimum horizontal dimension of 6 feet.
  - ii. Decks shall have a minimum horizontal dimension of 10 feet.
2. Courtyards and other common open space and outdoor living areas shall have a minimum dimension of 20 feet.
3. The Planning Director may approve alternative compliance with this standard, without any private outdoor living area for individual units, provided 200 square feet of common outdoor living area is provided for each individual unit in a multi-family building.
4. Up to 10 percent of the required common outdoor living area may be in the form of indoor space for residents' use for recreational purposes, such as for yoga, dance, or workout space with gym equipment. This indoor space may be located anywhere on the Branson School campus provided it is accessible to residents of the multi-family units.

E. Parking:

1. No specific number of parking spaces for affordable multi-family units for faculty and staff shall be required. However, a use permit shall be required for any parking that is proposed for individual units of multi-family buildings, and this parking shall be covered, meaning in a garage or a carport. Guest or shared parking spaces for residents' use also require approval of a use permit; these spaces may be uncovered.
2. A minimum of ten percent of the interior of any surface parking area shall be landscaped.
3. A perimeter landscaped area at least three feet wide shall be provided around surface parking areas.
4. Surface parking areas shall be separated from on-site buildings by walkways at least 4 feet wide.
5. One canopy tree shall be provided for each four parking stalls in a surface parking area.
6. Surface parking areas shall be screened from view of access driveways and adjacent public streets according to the following standards:
  - i. Screening, consisting of walls, fences, plant materials, or berms, shall be at least 3 feet high; and
  - ii. Walls may be brick, stone, stucco, or other similar materials and include a decorative cap or top finish.

- iii. Open fences may be wrought iron or similar material combined with plant material to form an opaque screen.
  - iv. Plant materials must achieve a minimum height of two feet within 18 months of initial installation.
- 7. At least 10 percent of the parking spaces for faculty and staff use shall be designed to meet the standards for electric vehicle (EV) parking spaces established in the California Building Code.
  - 8. Surface parking areas with 10 or more spaces shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candles of lighting over the parking surface during the hours of use from one-half hour before dusk to one-half hour after dawn.
    - i. Lighting fixtures shall be full-shielded.
    - ii. Lighting design and location shall be coordinated with the campus landscape plan to ensure that vegetation growth will not impact the intended illumination.
- F. Fences and screening: The following standards are in addition to the requirements of Section 18.40.080:
- 1. Wood fencing and metal fencing is allowed, including open wire fencing to accommodate planting. Use of chain-link or vinyl fencing is prohibited.
  - 2. All exterior mechanical equipment, whether on the roof, on the side of a structure, or on the ground shall be screened from public view from the main access driveway and adjacent public streets.
  - 3. Screening walls and enclosures shall be built with the same materials and finishes as in the main structure.
  - 4. When screening with plants, evergreen types of vegetation shall be planted and maintained. Plant material sizes and types shall be selected and installed so that, at the time of building occupancy, such plants effectively screen their respective equipment.
  - 5. Roof-mounted equipment screening shall be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements will not be permitted). The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment.

6. Ground-mounted equipment that faces the main access driveway or a public street shall be screened to a height of 12 inches above the equipment, unless such screening conflicts with utility access, in which case reasonable accommodation shall be allowed. For screen walls that are three feet high or lower, vegetative materials may be substituted for 50 percent of the screening device.
7. Wall-mounted equipment, including, without limitation, electrical meters, electrical distribution cabinets, service entry sections, and valves and cabinets that face a main access driveway or public street and are not recessed and/or separated from the driveway or street by intervening building(s) or walls or gates, shall be screened. Screening devices shall incorporate elements of the building design (e.g., shape, color, texture, and material). For screen walls that are three feet in height or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to fire-related elements.

# ATTACHMENT 4

## Ross 2023-2031 Housing Element Revised Draft Comments

Bob Dickinson <bob.dickinson@hotmail.com>

Tue 10/31/2023 10:37 AM

To:dwoltering@townofross.org <dwoltering@townofross.org>

Cc:towncouncil@townofross.org <towncouncil@townofross.org>;Catherine Pedneault <catpedneault@hotmail.com>

📎 6 attachments (32 MB)

Assessor Record Detail - Search Assessor Records & Maps - County of Marin.html; 41 Glenwood Property - north property line with insufficient setback access given carport.JPG; 41 Glenwood Property - north property line with insufficient setback access given carport 2.JPG; 41 Glenwood Property - south property line with insufficient setback access given house and creek on other side of fence.JPG; 41 Glenwood Property - property lines with insufficient setback access given heritage oak trees on each side.JPG; 41 Glenwood Property - back access to the north with steep hillside.JPG;

Dear David,

Thank you for what you do as the Planner for our Town of Ross. The spirit of the Housing Element makes sense for planning purposes, so I appreciate you, your team, and the consulting firm's efforts.

I am the property owner at 41 Glenwood Avenue in Ross. Upon reviewing the revised draft of the Housing Element sent out by the Town yesterday, I wanted to point out the following errors in the report:

### Access and Setbacks

On page 3-15, our property is listed as eligible for rezoning and incentive under SB9 housing. Page 3-14 states that "[e]ach of the 34 candidate parcels was analyzed to confirm [that] adequate lots size, setback, and access can be provided." Characteristics of a candidate property include:

- "The resulting parcels...will have access to the public right-of-way..."
- "...access would be sufficient to allow development on the parcel to comply with all applicable property access requirements..."
- "The resulting parcels would all allow for minimum 4-foot side and rear yard setbacks."

Based on the attached photographic evidence, our property does not fulfill these characteristics:

- Attachment 1. This photo shows the north property line (see this side of tall pittosporum hedge and lower hedge) to which our carport (see roof) backs right up against.
- Attachment 2. This photo shows the carport abutting a fence on the north property line.
- Attachment 3. This photo shows the proximity of the house to the south property line (see fence).
- Attachment 4. Two large heritage oak trees stand in the middle of the narrow paths on the north and south sides of the house.

The evidence shows that there is no room for access to the public right-of-way on Glenwood or access to allow development on the parcel along the north or south property lines.

- Attachment 5. This photo shows the steep hillside to the back of the property. Our property map also shows a large creek along the south side of the property.

Access to the public right-of-way on Upper Road through the back of the property would be up a very steep hill or over a protected creek and through properties owned by other parties.

As it states on page 4-5 of the report, "The Town...will discourage the demolition of residential units." Based on no access along the north and south of the property lines from Glenwood; no access to the back from Upper Road without going through other properties, steep terrain to the north, and a protected creek to the south; and insufficient access to allow development in the back of the property; our home would have to be reconstructed or demolished to provide access to a subdivided property.

Acreage (and FAR)

On page 3-15, 41 Glenwood Avenue parcel number 073-071-06 is listed with a Site Size of 0.74 acres which is incorrect:

- Attachment 6. The final attachment to this email is a link to the County of Marin Assessor Record Detail for our parcel.

The record shows Land Sq. Ft of 36,400. If an acre is 43,560 square feet, then the Site Size should be 0.8356 or 0.84 acres. Such a correction changes the FAR posted on page 3-15 as well.

\* \* \* \* \*

This evidence leads me to wonder if the analysis was done correctly by the consulting firm. If facts about our parcel are not reported accurately, how many others do as well? The Housing Element report should be corrected and reviewed again for errors.

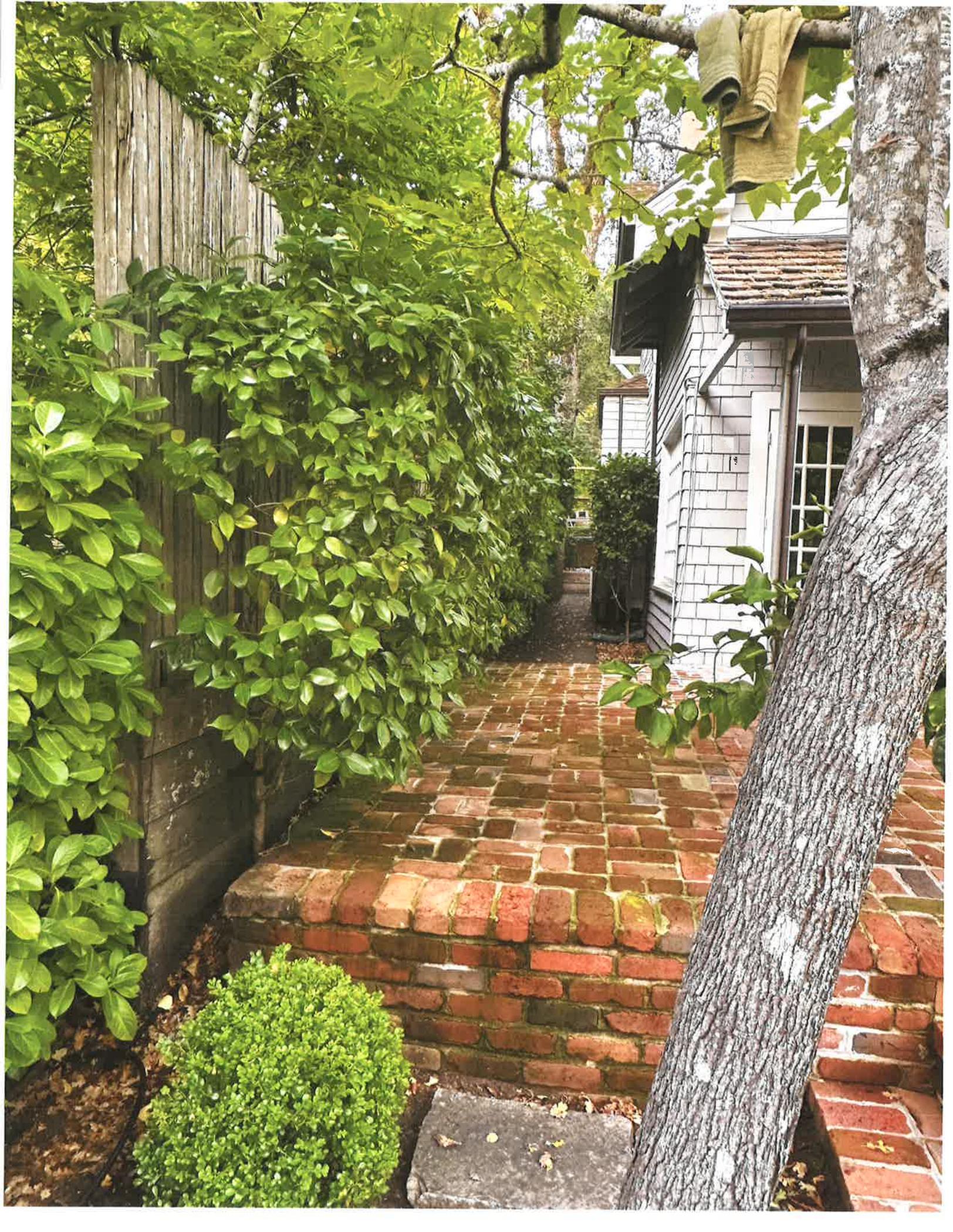
I look forward to hearing how the errors will be corrected and how our property based on the evidence is reevaluated for candidacy. Thank you for your consideration.

Best regards,

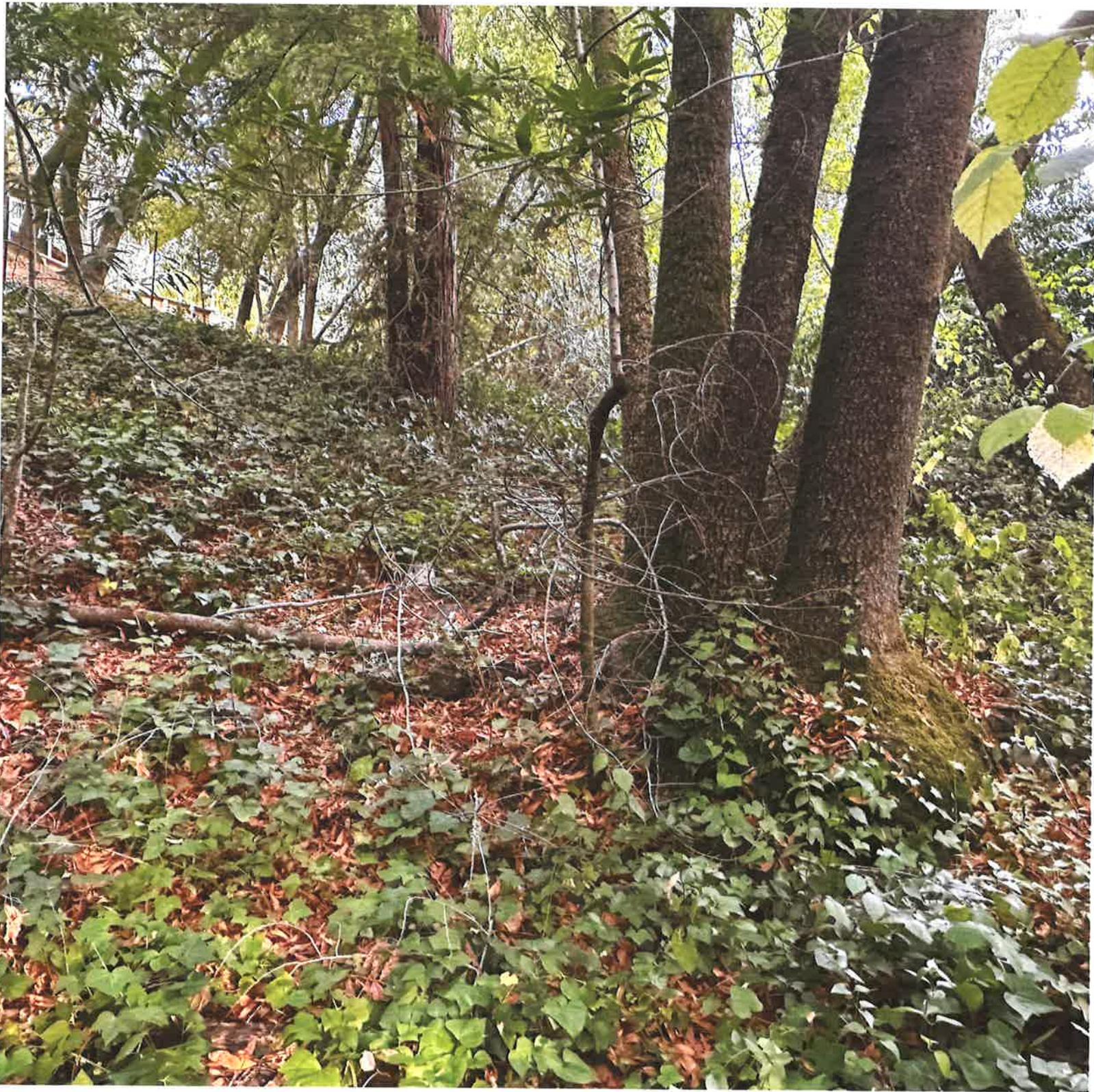
Bob Dickinson  
41 Glenwood Avenue  
Ross, CA 94957  
(c) 415-971-7327

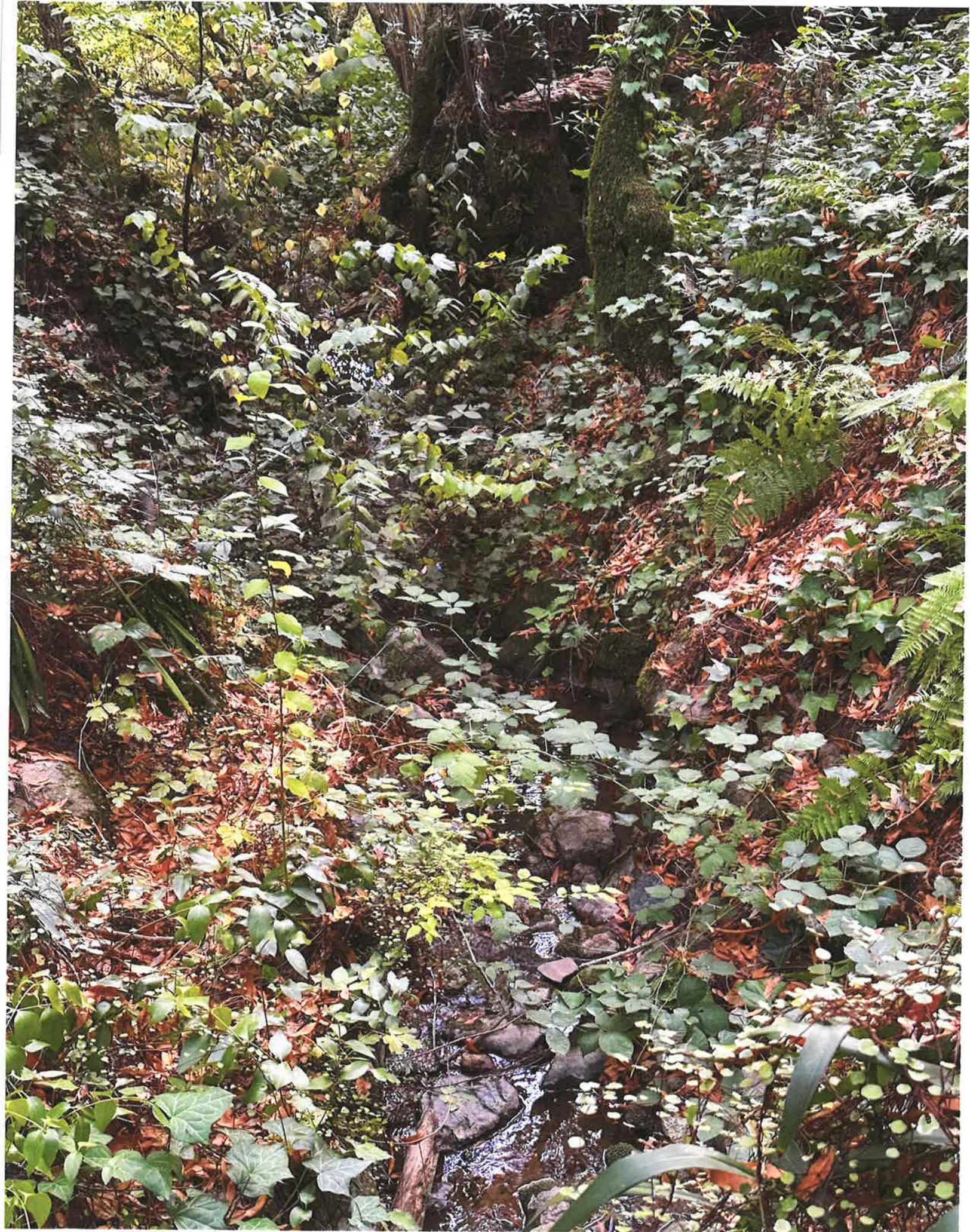












The information on this screen is for Tax Roll Year 2023: July 01, 2023 to June 30, 2024

### Parcel and Deed Information for Tax Roll Year: 2023

Parcel Number	Deed Reference Id	As of Date
073-071-06	12-011328	01/01/2023

[View Assessor Map \(opens a new window\)](#)

### Ownership Information for Tax Roll Year: 2023

Owner Name
DICKINSON/PEDNEAULT REVOC LIVING TRUST ETAL
DICKINSON ROBERT A /TR/ & ETAL

### Location Information for Tax Roll Year: 2023

Tax Rate Area	006-000
Assessment City	ROSS

### Total Assessed Value for Tax Roll Year: 2023

Land		\$2,636,812
Improvements		\$1,012,848
<b>Total Assessed Value</b>		<b>\$3,649,660</b>

### Exemptions for Tax Roll Year: 2023

HOMEOWNER EXEMPTION		\$7,000
<b>Total Exemptions</b>		<b>\$7,000</b>

### Net Assessed Value for Tax Roll Year: 2023

Total Assessed Value		\$3,649,660
Less Total Exemptions		(\$7,000)
<b>Net Assessed Value</b>		<b>\$3,642,660</b>

### Property Characteristics for Tax Roll Year: 2023

Use Code	11
Use Code Description	Single-Resid. - Improved
Living Units	1

#### NOTE:

The above information has been extracted from the Assessor's 2023 Equalized Assessment Roll.

### Property Characteristics as of 10/30/2023

Use Code	11
Use Code Definition	Single-Resid. - Improved
Living Units	1
Land Sq. Ft.	36,400
Construction Year	1906
Living Area Sq. Ft.	2,582
Number of Bedrooms	5
Number of Bathrooms	2.5
Garage Sq. Ft.	0
Deck/Patio Sq. Ft.	85
Pool Sq. Ft.	800
Unfinished Sq. Ft.	0

See [California Revenue and Taxation Code §408.3](#): Property Characteristics Information; Public Records.

### Property Tax Information

Use the following link to view the property tax information for this parcel number, [Property Tax Detail \(opens a new window\)](#).

Page Accessed: 10/30/2023 9:16:17 PM

## Disclaimer

---

The Legislature finds and declares that information concerning property characteristics is maintained solely for assessment purposes and is not continuously updated by the assessor. Therefore, neither the county nor the assessor shall incur any liability for errors, omissions, or approximations with respect to property characteristics information provided by the assessor to any party pursuant to this section. Further, this subdivision shall not be construed to imply liability on the part of the county or the assessor for errors, omissions, or other defects in any other information or records provided by the assessor pursuant to the provisions of this part. California Revenue and Taxation Code section [408.3\(d\)](#).

By continuing to use this application you are agreeing to this disclaimer.

## Assessor's Mapbooks

This information has been scanned by the Mapping Division of the Marin County Assessor's Department.

If you have a problem with the mapping information as shown, please [email Mapping](#).

In an effort to enhance public access to Assessor Parcel Maps, The Marin County Assessor-Recorder, in conjunction with the Marin Information Services and Technologies Department, has redesigned this webpage. All Assessor Parcel Maps have been changed from TIFF images to PDFs which should no longer interfere with your computer's applications. Please note that you must have Adobe Acrobat Reader installed on your computer.

If you do not have this application, one can be downloaded for free at [this site \(opens a new window\)](#).

## Revised Housing Element Posting Comment from Teri Dowling

**From:** dowlit2@comcast.net <dowlit2@comcast.net>

**Sent:** Monday, November 6, 2023 4:59 PM

**To:** David Woltering <dwoltering@townofross.org>

**Subject:** Housing Element update

Hi David,

I just reviewed the Ross Housing Element and really like the additions.

Especially like the 10 units of workforce housing at Branson and the potential housing in the back of 27 Ross Commons (just down the street from where I live).

I really like your adding creative housing options like Co-housing (I've seen this work in Indiana with family members), working with our congregations, and I especially like Home Sharing option. (I know the staff at Home Match and have seen the excellent matches they've made that benefit both the homeowner and the renter.)

Such a lot of work!! Well done. I hope these additions and edits are accepted and the report will be approved by the State.

Best regards,

Teri Dowling

55 Poplar Ave/Ross

## Revised Housing Element Posting Comment from Wendel Nicolaus

**From:** Wendel Nicolaus <wnicolaus@msn.com>  
**Sent:** Wednesday, November 1, 2023 12:08 PM  
**To:** David Woltering <dwoltering@townofross.org>  
**Subject:** Fw: Appendix F

Hi David -

If you could email me a copy of Schedule F related to the 27 Ross Common ADU submission, I would appreciate it.

I neglected to request a copy in the email below which I sent a couple of days ago.

Thanks,  
Wendel Nicolaus  
69 Shady Lane  
415-847-2139

---

**From:** Wendel Nicolaus  
**Sent:** Monday, October 30, 2023 4:10 PM  
**To:** dwoltering@townofross.org <dwoltering@townofross.org>  
**Subject:** Appendix F

David -

I did not see Appendix F referred to with the 27 Ross Common submission.

Thanks,  
Wendel Nicolaus  
415-847-2139

[?](#) Reply

[?](#) Forward