

**Recap of the December 9th Board of Supervisors' Hearing
Regarding Marin County's Housing Plan
By Sharon Rushton**

December 13, 2014

Hi Neighbors and Friends,

THANK YOU! to all of you who sent letters and emails to the Supervisors and the County Planning Commission, signed the online petition and attended the public hearings regarding Marin County's Housing Element! We gathered **OVER 1800 SIGNATURES** on our petition in just two weeks! **THAT IS ABSOLUTELY PHENOMENAL!** We also received some good press coverage. Our political clout helped convince the Supervisors to remove ALL THREE Tam Junction Sites from the Housing Element's Site Inventory, reduce the density at the selected Inventory sites from 30 units per acre to 20 units per acre (We'll need to confirm this when we see the final site list.), eliminate the most grievous of the Housing Element Programs - Program 1.c "Study Residential Density Equivalents", and change Program "Affordable Housing Combining District". **YAY!** We also helped to educate the public and bring important issues to the light of day. **TOGETHER, WE MADE A DIFFERENCE!**

HOUSING ELEMENT SITE INVENTORY

To understand which Sites were selected, dropped or changed in the Housing Element's Site Inventory, please read Nels Johnson's article; "County Oks Housing Program After Making Cutbacks." Here's the link:

http://www.marinij.com/News/ci_27104925/County-OKs-housing-program-after-making-cutbacks

By being removed from the plan's Inventory, the Tam Junction sites are less likely to be developed and we now have the possibility of lowering the densities at the sites. Also, there is now more flexibility in planning decisions regarding the sites.

SUPERVISORS APPROVED THE ADDENDUM TO THE SEIR

Unfortunately, the Supervisors approved the Housing Element's environmental review document - the Addendum to the Supplemental Environmental Impact Report. Per Environmental Attorney Ed Yate's comment letter, in order to fully comply with CEQA, the County should have prepared a subsequent Environmental Impact Report that addresses the increase in environmental impacts due to new circumstances and information. Moreover, even Sites that were removed from the Housing Element's Inventory, like the Tam Junction Sites, were NOT excluded from evaluation in the Addendum.

Due to the sites being evaluated by the Addendum, there is greater possibility that the environmental review of future specific development projects at the sites would be streamlined. The County's certification of the Addendum allows developers to rely on the Addendum as a programmatic California Environmental Quality Act (CEQA) document to which the environmental review of future development projects may be tiered. According to Attorney Graff, Addendum certification confers what is essentially a CEQA free pass on future programmatic issues relating to cumulative impacts and alternatives.

HOUSING ELEMENT PROGRAMS

Numerous programs were passed that are leading our County in the wrong direction. I shall now describe the outcome of the programs we were most concerned about.

Housing Element Objectives:

Please note that the underlying purpose of these programs is to help developers and ensure the financial success of their developments, as described in Section 2.2 "Project Objectives" of the Housing Element Addendum to the 2013 Supplemental Environmental Impact Report.

Although Section 2.2.1 "Primary Project Objective" of the Addendum states; "The primary objective to the Housing Element is to plan sustainable communities by supplying housing affordable to a full range of Marin County's diverse community and workforce", a deeper understanding of the plan's intent is exposed in Section 2.2.3 "Interpretation of Project Objectives". The "interpreted" project objectives are to "facilitate development" and:

- "Provide clear development standards and incentives of affordable housing development **to minimize risk to funders and developers;**
- **Minimize discretionary review; Streamline the permitting process;** and
- Establish programs appropriate to various Marin locations (**Urban** vs. Rural) and be responsive to the local community."

We question whether the third interpreted objective was given much consideration. Also, why do they refer to Marin as "**Urban**"?

Here's the link to the Addendum:

http://www.marincounty.org/~media/files/departments/cd/planning/housing/housing-element/attachment_2_exhibit_a_addendum.pdf?la=en

Please also note that we advised the Supervisors that variances already allow development standards to be reduced on a case-by-case basis. There was no

need to make sweeping changes throughout all of Unincorporated Marin. Also, the State Density Bonus Law could require further reduction in a site's development standards on top of whatever the County's Development Code allows.

THE GOOD NEWS FIRST...

1. Program – “Study Residential Density Equivalents”:

The Supervisors eliminated Program 1.c “Study Residential Density Equivalents”. YAY! This program could have greatly increased density by changing the definition of a “unit” and calculating a studio as 50% of a unit, a one-bedroom as 66% of a unit, a two-bedroom as 1 unit, and 3 or more units as only 1.5 units.

2. Program – “Affordable Housing Combining District”:

The Program “Affordable Housing Combining District” allows clustering of housing units at 30 units per acre. It applied to all land use designations except agricultural designations. The Supervisors agreed to remove this program from single-family neighborhoods. YAY!

THE Bad NEWS...

3. Program – “Adjust Height Limits for Multifamily Residential Buildings”:

The Supervisors approved Program 1.k – “Adjust Height Limits for Multifamily Residential Buildings”, which is intended to raise height limits of multifamily buildings up to 45 feet. Remember that current height limits of multifamily buildings are 25 feet in the Coastal Zone and 30 or 35 feet in the Interior. They did add language to try to soften the impact of this huge height increase but our concerns remain.

Here’s the new language:

“Consider 45 feet if have 15 yard setbacks, while preserving the essential design characteristics that define the quality and livability of adjacent neighborhoods.” County Planning Director Brian Crawford stated that this new language “signifies we won’t be setting this height limit in a vacuum, we will be examining how any change would affect the adjacent residential areas.”

We will be dependent on the County’s subjective interpretation of whether two or more stories – meaning a total of 5 stories - would affect adjacent residential areas.

Moreover, the State Density Bonus Law can require the County to allow heights above whatever the County height limit is.

Yet, our Community Plans may come to our rescue for some of our parcels. Brian

Crawford stated; “Community Plans that have site specific heights would trump the County Development Code.” and “Changes to height standards need to be considered in the context of a Community Plan.” Also, a zoning amendment could be created for a particular area. Our Community Plan, the Tamalpais Area Community Plan, has strict height guidelines for commercial/mixed use properties in Manzanita, on the East Side of Shoreline Hwy (which are limited to 15 feet high), and on the West Side of Shoreline Hwy in the shopping mall (which are limited to 30 feet high). Issues may arise where multifamily buildings are allowed in our residential neighborhoods, like those parcels near the Church on Tennessee Valley Rd, further up Shoreline Hwy and others along Almonte Blvd.

4. Programs that Reduce Parking Requirements:

Unfortunately, the Supervisors approved all the programs that reduce parking requirements. These include:

- Program 1.f Undertake Adjustments to Second Unit Development Standards/ c. Development standards to allow flexibility of second unit parking requirements;

- Program 1.g Review and Update Parking Standards:

“Analyze the parking needs of infill, transit- oriented, mixed-use, special needs, group homes, convalescent homes, multi-family, senior, and affordable housing developments. In order to facilitate these housing types and to reduce vehicle dependence, amend Marin County Code Title 24 to reduce parking standards wherever appropriate. Possible amendments could include but are not limited to:

- **Reduction of onsite vehicular ratios for multi-family housing;**
- **Allowance of tandem parking and other flexible solutions, such as parking lifts;**
- **Allowance of off-site parking, such as on-street parking and use of public parking, to satisfy a portion of the parking needs for new housing units, particularly affordable units; and**
- **Establishment of parking standards for mixed-use developments such as shared parking”;**

- 1.h Codify Affordable Housing Incentives Identified in the Community Development Element/ b. Adjust parking requirements for senior and affordable housing using criteria established in the URBEMIS model to encourage transit-oriented development.

Supervisors Kate Sears and Katie Rice expressed concern that these programs should not be one size fits all. Sears said that we should take a close look at the impacts of this program lot by lot. Rice stated; “The program should be very clear that it’s not one size fits all and that there is different latitude and capacity for parking in different areas of Unincorporated Marin. This goal would be to see if

there is any place it can be relaxed that fits with the kind of housing that's there. Parking and traffic are huge issues in the County and warrantably so. There is not enough off-street parking. So, people park on the street and it creates problems."

As a result, they are adding the following language; "Ensure that parking impacts are not created in adjacent neighborhoods." Yet, if the Supervisors really want parking to be decided on a case-by-case, lot by lot, then we don't need these new regulations. Variances already allow reduction of parking spaces on a case-by-case basis. Also, once again, the State Density Bonus law could allow even further reduction of whatever parking standards are set by the County.

5. Programs that Promote Streamlined and Ministerial "over-the-counter" Permit Review:

A number of Housing Element programs promote streamlined and ministerial "over-the-counter" permit review. These include:

- Policy 1.3 Promote Development Certainty and Minimize Discretionary Review for Affordable and Special Needs Housing Through Amendments to the Development Code;

- Program 1.e Study Ministerial Review for Affordable Housing;

- Program 1.j Simplify Review of Residential Development Projects in Planned Districts – "Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects"; and

- Program 2.p. Expedite Permit Processing of Affordable and Special Needs Housing Projects.

Unfortunately, the Supervisors approved these programs with virtually no discussion.

The County has touted that proposed development would receive thorough public review. However, these programs, the State Density Bonus Law that trumps County law, as well as numerous State laws that allow for streamlining and exemption of the California Environmental Quality Act (CEQA) and environmental review chip away at and, in some cases, deny public review.

Our viewpoint remains...

Streamlined and ministerial "over-the-counter" permit review of housing projects would hinder thorough and accurate review, constrain valuable public input on planning decisions, and reduce transparency, thereby diminishing the quality and safety of the developments.

6. Program 1.q – “Clarify Applicability of State Density Bonus”:

Program 1.q “Clarify Applicability of State Density Bonus” is intended to solve the issue that the 2007 Countywide Plan CAPs on housing units conflict with the State Density Bonus Law. We agree that this issue should be solved. However, we urged the Supervisors to give greater specificity to this program and require that the program state; “Housing unit CAPS established by the 2007 Countywide Plan shall not be exceeded.” The Supervisors did not even discuss this additional language.

We will need to remain vigilant as the final version of these programs are brought to the Supervisors to be added to the County Development Code.

Thank you again for your support and taking action. **YOU MADE A DIFFERENCE!**

Best regards,
Sharon

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