

Explanation of Section CD-8.7, entitled “Commercial/ Mixed Use Land Use Categories”, of the Draft Countywide Plan

Question: Please give an overview of CD-8.7 – “Commercial/ Mixed Use Land Use Categories” of the Draft Countywide Plan

Answer: CD-8.7 changes the permitted uses of commercial parcels. New development on Commercial properties can no longer be 100% commercial. New development on parcels over 2 acres must be at least 50% residential and may go up to 100% residential*. New development on parcels 2 acres or less in size must be at least 25% residential and may go up to 100% residential*. On all mixed use parcels, a minimum of 20% of the Residential units built must be affordable units, as required by the "Marin County Inclusionary Regulation". In addition, employee housing for 25% of the number of new very low, low, or moderate income jobs that would be generated by the commercial development must be provided for as required by the "Marin County Jobs/Housing Linkage Regulation".

New development on Commercial/ Mixed Use parcels are allowed to be 100% affordable residential, provided that no existing neighborhood serving retail is lost. (Neighborhood serving services and offices may not be preserved.)

Grandfather Provision: Existing commercial buildings which are 100% commercial may make **minor** repairs and improvements (no major renovation) and stay 100% commercial as long as they don't increase the square footage of the building.

Question: How is the allowable build out of residential units in the Commercial/ Mixed Use parcels restricted in the proposed plan?

Answer: The maximum number of mixed-use market and affordable residential units would be limited by the Floor Area Ratio (FAR) in areas of unacceptable Vehicle Levels of Service (LOS)** and also by the Countywide cap of 1,036 units. However, affordable units authorized under the State Density Bonus Law may exceed the Floor Area Ratio (FAR) even in areas of unacceptable Vehicle Levels of Service (LOS) and may be built on commercial/mixed use designated parcels.

*****An area with a Vehicle Level of Service (LOS) “D” or worse is considered unacceptable. The Tam Junction Area is an area of Unacceptable Vehicle LOS because it has a LOS “F”.***

Question: How will the State Density Bonus Law affect development in the commercial areas of the Tamalpais Community Plan Area?

Answer: Owners of commercial parcels in Tam Valley and Almonte may apply for the State Density Bonus. In so doing, the State Density Bonus Law may authorize an exorbitant increase in allowable residential buildout above the Floor Area Ratio (FAR) and a subsequent population surge.

Explanation: Currently commercial development in the Almonte and Tam Valley commercial areas is greatly restricted by the Tamalpais Community Area Plan. For example, the Tam Junction Shopping Center on the West side of Shoreline Blvd. is limited to 30 feet high and the marsh side of Shoreline Blvd is limited to 15 feet high. We believe the development standards of the Tam Plan do not allow commercial development to reach the maximum Floor Area Ratio.

Unfortunately, the combination of the residential development encouraged by the proposed Mixed Use Designations, the Marin Inclusionary Regulation and the State Density Bonus Law would throw these development constraints out the window.

An owner can apply for the State Density Bonus by providing a mere 5% affordable residential units. The State Density Bonuses reach the maximum density bonus of 35% additional Floor Area Ratio (FAR) when a project provides either 11% very low income units, 20% low income units, or 40% moderate income units. The "*Marin County Inclusionary Regulation*" requires that new residential development of 2 or more units consist of 20% affordable units. (Projects resulting in a fraction of a unit may pay a fee in lieu of building an affordable unit.) Therefore, any new residential development in Unincorporated Marin which builds the 20% affordable units required by Marin County automatically qualifies for the State Density Bonus Law (provided the owner properly applies for the state density bonus).

This means that in the commercial areas of Almonte and Tam Valley, where there are extreme hazardous conditions (flooding, high liquefaction, high seismic activity, expected sea level rise), sensitive natural habitats, a severe lack of infrastructure & public services, and a traffic Level of Service **F**, the State Density Bonus could authorize the Floor Area Ratio of residential and mixed use development to be increased by an additional 35% FAR. Moreover, many concessions reducing development standards could be granted. **This is unacceptable. The area simply can not sustain such overdevelopment and the subsequent population surge.**

Question: How much of the residential buildout allowed to be built in Unincorporated Marin's commercial/mixed use designations is destined for the Tamalpais Community Plan Area?

Answer: County Planning has not yet supplied specific statistics for the Tamalpais Community Plan Area (Almonte, Tam Valley, Homestead, and Muir Woods Park). However, we do have statistics for the Richardson Bay Planning Area, which includes the Tamalpais Community Plan Area. The Richardson Bay Planning Area (Unincorporated Mill Valley, Unincorporated Sausalito, Unincorporated Tiburon and Unincorporated Belvedere) will be housing 60% of the housing units that are allowed to be built in the commercial/mixed use areas of Unincorporated Marin. This is an extremely disproportionate burden for one planning area, considering there are 7 planning areas in total.