

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
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September 4, 2013

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Merits of the 2012 Draft Marin County Housing Element's Programs (to be discussed at the September 10th Board of Supervisor Public Hearing)

Dear Marin County Board of Supervisors:

Sustainable TamAlmonte has the following comments and recommendations regarding the merits of the 2012 Draft Marin County Housing Element's Programs:

**Regarding Housing Goal 1 – Use Land Efficiently –
Program 1.d Streamline the Review of Affordable Housing; Program 1.e Study Ministerial Review for Affordable Housing; & Program 1.o Simplify Review of Residential Development Projects in Planned Districts:**

AND

**Housing Goal 2 – Meet Housing Needs Through a Variety of Housing Choices -
Program 2.p. Expedite Permit Processing of Affordable and Special Needs Housing Projects:**

Permitting affordable housing projects and Special Needs Housing Projects through a streamlined and expedited process should NOT be allowed. Moreover, ministerial review should NOT be allowed for affordable housing, for residential development projects in planned districts, or for review of subsequent development projects, consistent with a Master Plan.

We see no problem with establishing specific criteria in order to minimize the level of code interpretation required by decision makers. However, we are opposed to any streamlining or expediting of the permit review process or any ministerial review process. Streamlining and fast-tracking permit review (with specific timelines) and ministerial review would hinder thorough and accurate review, constrain public input on planning decisions and reduce transparency. This is in direct opposition to looking out for the best interests of Marin residents and the environment.

Time and time again, the planning department has demonstrated a lack of knowledge of the Tam Valley and Almonte communities, where environmental constraints and hazards abound. Only with local input, did the department become aware of crucial information. Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety. For best planning decisions, ample input from the local residents should be encouraged, rather than denied.

Regarding Housing Goal 1 – Land Use Efficiently-

1.d Streamline the Review of Affordable Housing – b. “Allow the deed restricted housing developments that are affordable to extremely low, very low or low income households to be established by the maximum Marin Countywide Plan density range in zones that allow residential uses, subject to all applicable Countywide Plan policies”:

We are opposed to allowing the density of affordable housing developments to be automatically established by the maximum Marin Countywide Plan density range with no regard for whether or not the maximum density would be appropriate at a given location. The purpose of density limits is to regulate development so that its size is consistent with the scale of development in the surrounding neighborhood, while allowing reasonable expansion under certain conditions. Affordable housing located in unique and different areas across the County should be assessed differently. Due to each area’s uniqueness, the density of affordable housing should follow the density limits of the land use category and zoning of the specific site in which the housing is located.

Regarding Housing Goal 1 – Land Use Efficiently -

1.o Simplify Review of Residential Development Projects in Planned Districts. b. “Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects subjects”:

Regarding ministerial review of development projects subject to a Master Plan, many factors may change in the years following the establishment of a Master Plan, such that site specific criteria set by a Master Plan may no longer be appropriate once the subsequent project is applying for a permit. (For instance, it is now known that sea level rise will come sooner and higher than previously known at the time that the CWP was adopted.) Therefore, development projects that are subsequent to Master Plans should be thoroughly reviewed and not allowed permitting through ministerial review.

RECOMMENDATION:

- Establish specific criteria of affordable housing, planned districts, and special needs housing projects in order to minimize the level of code interpretation required by decision makers. However, do NOT allow any streamlining of permit review or ministerial review.
- Do NOT allow the density of affordable housing developments to be established by the maximum CWP density range. Rather, require affordable housing densities to follow the density limits of the land use category and zoning of the specific site in which the housing is located.

Regarding Housing Goal 1 – Use Land Efficiently –

1.c Establish an Affordable Housing Combined Zoning District:

We are opposed to establishing an Affordable Housing Combined Zoning District, which increases densities of potential housing opportunity sites from lower density levels to 30 units per acre. Sites from unique and different areas across the County should not be lumped together. Due to each area’s uniqueness, sites should be evaluated on a case by case basis.

In regard to the Tam Junction Retail Site #19, which according to the Land Use Inventory is to be included in the AH Zone, 30 units per acre is especially grievous due to the area’s unacceptable traffic levels of LOS “F” and many other hazards and constraints, as

delineated in our other letter regarding the merits of the Tam Junction Affordable Housing Opportunity Sites. Furthermore, a density of 30 units per acre is incongruous with the neighborhoods' semi-rural character.

**Regarding Housing Goal 1 – Use Land Efficiently –
Program 1.i Review and Update Parking Standards & Program 1.m Codify
Affordable Housing Incentives Identified in the Community Development Element
– b. Adjust parking requirements:**

Rather than reduce parking standards, parking standards should be maintained and enforced. Public transit is severely lacking in Marin County, resulting in all residents needing the use of cars on a daily basis and the use of easy access parking spaces. To reduce parking standards for the less fortunate is a form of social injustice.

Many streets throughout Marin are narrow with little or no room for off-street parking. In times of emergency ingress and egress, this is a safety issue. There have been instances when emergency vehicles have not had room to pass by parked cars on narrow streets.

There is often a shortage of parking spaces at our park and ride locations. Retail stores need ample parking to ensure patronage. Public parking is needed for the public and should not be relied on for regular private usage.

RECOMMENDATION:

- Do NOT reduce but rather maintain on-site vehicular ratios for multi-family housing.
- Do NOT allow off site parking, such as on-street parking and the use of public parking, to satisfy the parking needs for new housing units.

**Regarding Housing Goal 1 – Use Land Efficiently –
Program 1.m Codify Affordable Housing Incentives Identified in the Community
Development Element, d. Allow housing for low and very low income households
to exceed the FAR on mixed-use sites:**

Please include a reference that Program 1.m-d does NOT apply to any mixed use site in the Tamalpais Area Community Plan area due to the Countywide Plan's section CD-8.7 "Establish Commercial/Mixed-Use Land Use Categories and Intensities" quoted below:

"The following criteria shall apply to any mixed-use development:"

"...5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.

6. Residential units on mixed-use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update. **The 100 unit cap includes any applicable density bonus and such units are not subject to the FAR exceptions listed in #5 above due to the area's highly constrained (week and weekend) traffic conditions, flooding, and other hazards...."**

**Regarding Housing Goal 1 – Use Land Efficiently –
Program 1.m Codify Affordable Housing Incentives Identified in the Community Development Element, f. “For affordable housing projects, mixed-use projects that include affordable housing, second units, and projects developed in accordance with the Housing Overlay Designation, allow densities above the low end of the range in areas with LOS D, E, and F”:**

When the Level of Service is unacceptable, such as LOS D, E, and F, densities should NOT be allowed to be above the low end of the range. To allow higher densities in such poor conditions would put the environment at risk and jeopardize public health and safety.

**Regarding Housing Goal 1 – Use Land Efficiently –
Program 1.p Adjust Height Limits for Multi-family Residential Buildings:**

A height of 45 feet should NOT be exceeded. One of the treasured aspects of Marin is the small town and rural character of its communities. This feature would be lost if multi-family residential buildings were allowed heights greater than 45 feet. A height greater than 45 feet would not blend with Unincorporated Marin’s neighborhoods and definitely not with neighborhoods in the Tamalpais Community Plan Area. Furthermore, existing height restrictions were created to protect neighbors’ views, sunlight, and privacy. As such, raising height limits would potentially lower the quality and value of neighboring properties.

RECOMMENDATION:

- Eliminate Program 1.p and do NOT adjust height limits for Multi-family Residential Buildings; and
- Do NOT amend the Development Code to increase the allowable height for multi-family residential development.

Regarding Housing Goal 2 - Meet Housing Needs Through a Variety of Housing Choices - Program 2.q. Consider CEQA Expedited Review:

The Housing Element’s Program 2.q. “Consider CEQA (California Environmental Quality Act) Expedited Review” states; “Consider an area-wide Environmental Assessment or Program EIR assessing area-wide infrastructure and other potential off-site impacts to expedite the processing of subsequent affordable housing development proposals.”

Program 2.q “Consider CEQA Expedited Review” has the potential to undermine and negate provisions that protect the environment and public health & safety.

The Importance of the California Environmental Quality Act (CEQA)

CEQA has accomplished what no other law before it could: comprehensive, multidisciplinary assessment of environmental impacts of projects before they could be approved; full disclosure of impacts, mitigations, and alternatives on which to base informed public decisions; and a tool for the public to understand and comment on the intentions of an applicant’s project and to hold elected officials accountable for their decisions. CEQA should not be tampered with.

It is our understanding that if Program 2.q is pursued, the County may use the Environmental Impact Report (EIR) of the Countywide Plan along with the Housing Element SEIR to streamline an Environmental Impact Report for a future specific

affordable housing development project that is consistent with the Countywide Plan and/or the Housing Element. This conflicts with sound public policy, is unwise and potentially dangerous and should not be considered. The Marin Countywide Plan's EIR and the Housing Element SEIR may play a role in but should not govern the review process of future individual development projects.

The Marin Countywide Plan's EIR and the Housing Element's SEIR are programmatic in scope and did not conduct as much in-depth research of each and every development site as an EIR specific to one site would. Nor did they allow for each and every development site to receive the same amount of public scrutiny and input as that of a site-specific environmental review.

Moreover, site conditions and scientific findings are constantly evolving. Many years may pass before a developer applies for a permit at a site, at which point, the CWP's EIR and the Housing Element's SEIR may be outdated.

Many locations (including infill locations) sited for development in the Countywide Plan have numerous environmental constraints and hazards. Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety.

More specifically, many sites in the lowlands of Tam Valley and Almonte are identified as Affordable Housing Opportunity Sites. It would be unconscionable if CEQA were streamlined for a development project in the Tam Valley and Almonte lowlands, where the following perilous conditions are prevalent:

- Natural hazards (seismic activity, liquefaction, subsidence, flooding, and threat of sea level rise);
- Potential health risks from proximity to major highways and toxic contaminants;
- Severe traffic at an LOS of "F" (with local roads accommodating over a million visitors each year); and
- Close proximity to sensitive wetland habitat with endangered species.

RECOMMENDATION:

- Eliminate Program 2.q and oppose expediting or streamlining CEQA.
- Require all development in Unincorporated Marin to go through a thorough site-specific environmental review process, including full compliance with CEQA guidelines and ample public input.

Thank you for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

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