

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

July 13, 2015

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

Re: Proposed Amendment for the Affordable Housing (AH) Combining District affecting three sites located at 1) St. Vincent's Drive (North San Rafael), Seminary Dr. (Mill Valley) and 441 Drake Ave. (Marin City) to be discussed on July 21, 2015.

Dear Marin County Board of Supervisors,

We have the following comments and recommendations regarding the proposed Amendment for the Affordable Housing (AH) Combining District.

I. Lower density at Housing Element sites to reflect the reduced default density

We commend the County on proposing changes to the Affordable Housing Combining District (AH Zone) to reflect the reduced default density of 20 units per acre allowed by Assembly Bill 1537 for lower income housing sites identified in the Housing Element. A lower residential density would not only help to preserve the traditional character of Marin County but would also lower potential adverse environmental impacts resulting from high-density development. Furthermore, by lowering the density at Housing Element sites, Marin County would be able to show the California State Department of Housing and Community Development (HCD) that the County can provide affordable housing at lower densities. Such a history would help Marin County officials renew Assembly Bill 1537 when it expires. However, we are opposed to increasing the area of the AH Zones.

II. Prohibit increasing the area of the AH Zones

We are opposed to increasing the area of the AH Zones in order to maintain the same number of housing units listed in the 2015-2023 Housing Element Sites Inventory.

We recognize the statute – **No Net Loss Law** (GC Section 65863), which among other things, states that no local government action shall reduce, or require or permit the reduction of, the residential density of a parcel to, or allow development of any parcel at, a “lower residential density” for any parcel identified in the site inventory unless the local government makes written findings.

We are confident that Staff would be able to provide such written findings, which would demonstrate that the residential density reduction is consistent with the adopted General Plan and the remaining sites identified in the element are adequate to accommodate the County's share of the regional housing need that support the reduction.

The Marin County 2015 to 2023 Housing Element Site Inventory plans for **over 200%** more housing units than required by law. The State required the County to plan for 185 housing units but the County's Housing Element plans for 378 units. These are 193 more units than necessary! With such a large buffer, the County can easily reduce the number of units identified at Housing Element sites that are also included in the AH Zone.

The St. Vincents / Silveira site is a highly constrained and environmentally sensitive area and never should have been included in the Housing Element. As stated in the Community Marin 2013 Report; "The desired outcome for St. Vincent's / Silveira continues to be acquisition for resource protection, restoration of Miller Creek, protection of wildlife habitat, agricultural preservation, and protection of public health and safety, rather than development."

Moreover, the County never resolved the fact that if a State Density Bonus of 35% would be applied to the St. Vincent's site, then the number of allowable dwelling units could rise up to 298 units, far exceeding the CWP CAP of 221 units.

Therefore, the number of acres included in the AH Zones, particularly the AH Zone at the St. Vincents / Silveira site, should not be increased if the zoning is lowered to 20 units per acre. Rather, the potential development at these sites should be lowered.

III. Remove the Golden Gate Seminary property from the Affordable Housing (AH) Combining District

The Golden Gate Seminary property in Strawberry is no longer in the Housing Element and therefore should be removed from the AH Zone.

Page V-3 of the 2007 to 2014 Marin County Housing Element (adopted September 24, 2013) states the following:

"1.c. Establish an Affordable Housing Combining District.

- A. Amend the Development Code to establish an affordable housing combining zoning district that increases residential density on **certain sites specified in the housing element** to 30 dwelling units per acre, in

order to meet future RHNA need. Incentives are available consistent with Chapter 22.24.

- B. Amend the Countywide Plan land use section to add a cross-reference to the combining district.”

The Marin County Development Code describes the Affordable Housing Combining District as follows:

"22.14.090 - Affordable Housing (AH) Combining District.

- A. Purpose. This district will allow affordable housing development up to 30 units per acre and offer development incentives on sites that are otherwise governed by a lower density zone. This approach will allow compact development to occur on portions of parcels and encourage affordable housing over market rate housing on key sites.
- B. **Application of combining district. The AH zone shall apply to those eligible sites named in the Housing Element of the Countywide Plan.**
- C. Permitted Uses. Affordable housing pursuant to Chapter 22.22 is permitted in an AH zoning district and if consistent with a community or specific plan.
- D. Incentives. Incentives shall be offered pursuant to those established in Chapter 22.24(Ord. No. 3602, § II(exh. A), 2013)"

Based on the above descriptions of the Affordable Housing Combining District, it is clear that the designation was intended to only apply to sites listed in a Housing Element. Since the Golden Gate Seminary property is not listed in a Housing Element, the AH Zone should not apply to the site.

IV. Amend Additional County Development Codes

While the County is considering amending the Affordable Housing Combining District of the Marin County Development Code and lowering potential multifamily residential density to 20 units per acre in order to maintain the traditional character of the County and lower potential adverse environmental impacts resulting from high-density development, we recommend other similar amendments to the Marin County Development Code.

A. Amend County Development Code 22.24.020 (A) and 22.24.020 (B)

On January 24, 2012, the County amended its zoning code to:

- 1) Allow for affordable housing “in any zoning district provided that the review authority first find that residential uses are allowed by the applicable Countywide Plan land use designation,” See County Code 22.23.020 (B); and

- 2) Establish that for “affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range.” See County Code 22.24.020 (A).

Ideally, the Marin County Development Code 22.24.020 (A) and 22.24.020 (B) should be eliminated from the Development Code. These zoning codes were adopted without any CEQA review, despite the HUGE increase in potential buildout that they allow. At minimum, the County Code 22.24.020 (A) should be changed to the following:

County Code 22.24.020 (A): Establish that for **“affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range or 20 dwelling units per acre, whichever residential density is lower.”**

B. Amend all residential zoning in the Marin County Development Code, which allows more than 20 dwelling units per acre.

Amend the Marin County Development Code so that any residential zoning, which allows more than 20 dwelling units per acre, shall be lowered to 20 dwelling units per acre or lower.

V. Conclusion

In order to maintain the traditional semi-rural character of Marin County and lower potential adverse environmental impacts resulting from high-density development, we urge you to enact our above recommendations.

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte