

July 9, 2007

Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Re: Staff Report in preparation for the July 9th Public Hearing with Topics: Baylands Corridor,
Transportation and Land Use Categories

Dear Marin County Planning Commissioners,

In regard to the Staff Report made in preparation for the July 9th Public Hearing, the Almonte District Improvement Club wishes to make the following comments and recommendations:

Regarding ITEM 2, GOAL BIO-5, Page 9, Paragraph 2:

This paragraph states; "Within the Baylands Corridor, potential residential density and commercial floor area ratios shall be calculated at the low end of the applicable ranges. This provision does not apply to small parcels (two acres or less in size) which were legally created prior to January 1, 2007"

Recommendation:

In order to protect the small commercial parcels on the East Side of Shoreline Blvd. in the Almonte District, this paragraph should be changed to the following language: ""Within the Baylands Corridor, potential residential density and commercial floor area ratios shall be calculated at the low end of the applicable ranges. This provision shall apply to all large parcels (larger than 2 acres) and to small commercial parcels (two acres or less in size). This provision does not apply to small residential parcels (two acres or less in size) which were legally created prior to January 1, 2007"

Regarding ITEM 2, GOAL BIO-5, Page 9, Paragraph 4:

This paragraph states; "Detailed resource mapping and biological analysis should be undertaken to determine whether it is appropriate to include additional associated habitats located on large primarily undeveloped lands within the Baylands Corridor particularly those areas north of Novato."

Recommendation:

In order to protect the historic marshlands and habitats on the East Side of Shoreline Blvd. in the Tamalpais Community Plan Area, this paragraph should be revised to include the following language: "Detailed resource mapping and biological analysis should be undertaken to determine whether it is appropriate to include additional associated habitats located on large primarily undeveloped lands within the Baylands Corridor particularly those areas north of Novato as well as to determine whether it is appropriate to include additional associated historic marshlands and

habitats, located on large & small commercial parcels which are undeveloped & developed lands, within the Baylands Corridor particularly those situated East of Shoreline Blvd. in the Tamalpais Community Plan Area.”

Regarding ITEM 6, TR-1.e, Uphold Vehicle LOS Standards, Page 12 & 13:

The section states; “...Densities higher than the low end of the applicable residential density/commercial floor area ratio may be considered for the following:...” This sentence is followed by a list of acceptable situations.

The following phrase has been deleted from the list:

- *“Minor improvements or renovation of existing neighborhood serving retail uses provided the total square footage is not increased and community serving uses are retained.”*

We disagree with this deletion. The above phrase should be kept and revised so that existing businesses will keep their establishments in top condition. Otherwise, the plan would pave the way for dilapidated and run down neighborhoods. It would also pave the way for a loss of neighborhood serving retail.

We fear that an owner of a commercial development would prefer to keep the existing commercial space and let it fall into disrepair, rather than remodel, improve or renovate and thus be required to lose commercial square footage. Upon renovation, the owner would have to downsize to the low end of the applicable density range (OR) the owner would have to convert commercial space into residential space in order to be considered a “mixed use project developed in accordance with Policy CD-8.7”.

Recommendation:

We recommend that the above referenced phrase be kept and be slightly revised to include all existing commercial and state:

- Minor improvements or renovation of existing commercial uses provided the total square footage is not increased and neighborhood serving uses are retained.

Regarding CD-8.7 Establish Commercial/Mixed Use Land Use Categories and Intensities, Page 13:

The first sentence states; “Commercial/mixed use land use categories are established to provide for a mix of retail, office, and industrial uses as well as medium to high density mixed use residential development in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban design.”

This sentence is inappropriate for the commercial areas of the Almonte and Tam Valley districts. The Almonte and Tam Valley districts are **semi rural** communities which require **low density** development in order for any development to fit in with the character of the communities.

Recommendation:

This sentence should be changed to state: “Commercial/mixed use land use categories are established to provide for a mix of retail, office, and industrial uses as well as low or medium to high density mixed use residential development in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban or semi rural design.”

Regarding CD-8.7 Establish Commercial/Mixed Use Land Use Categories and Intensities, Page 13:

This sections states:

“The following criteria shall apply to any mixed use development:

1. For parcels larger than 2 acres in size, a maximum of 50% of the total amount of new floor area may be developed for commercial uses provided an equal amount of square footage of new housing is developed.

For parcels 2 acres and less in size, a maximum of 75% of the total amount of new floor area may be developed for new commercial uses provided an area equal to 25% of the new commercial floor area shall be developed for new housing.”

The above limitation on commercial development is inappropriate for the commercial areas of the Almonte and Tam Valley Districts. Due to the hazardous conditions of the Tamalpais Valley lowlands (high seismic activity, high liquefaction, 100 year flood plain, subject to sea level rise) and the proximity of the commercial parcels to sensitive natural habitats, the commercial areas of Almonte and Tam Valley are inappropriate for residential living, especially high density residential living. The only appropriate uses for these parcels are low density commercial uses, particularly neighborhood serving commercial. Therefore, 100% commercial should be allowed.

Recommendation:

Our preferred recommendation is that a unique Land Use Category for the Almonte and Tam Valley commercial parcels should be created and incorporated into the Draft CWP. The new Land Use Category should prohibit residential development and allow 100% commercial development, particularly neighborhood serving commercial, in the Almonte and Tam Valley commercial areas. The new Land Use Category could also provide for other “tailor made” solutions to our area’s unique features and conditions.

Otherwise, as a second choice alternative, we recommend that the Draft CWP allow a full range of commercial development (allowing 0 to 100% commercial uses) and a full range of residential development (allowing 0% to 100% residential uses) on the commercial/mixed use parcels. This would allow each individual community to decide what is appropriate for its commercial areas. Community plans and specific zoning would then guide the type of development and the allowable uses. This would allow unique solutions to each community’s particular needs.

Regarding CD-8.7 Establish Commercial/Mixed Use Land Use Categories and Intensities, Page 14:

Please note that under the section, The following FAR limits shall apply to mixed use developments, the first paragraph states:

“In areas with unacceptable Levels of Service, mixed use projects shall not exceed the maximum permissible Floor Area Ratio for each site pursuant to the Land Use Policy Maps **except for housing units authorized under the state density bonus.**”

As the above paragraph indicates, the State Density Bonus could apply to parcels situated in areas with unacceptable Levels of Service. Planning Staff has confirmed that owners of commercial parcels in Almonte and Tam Valley may apply for the State Density Bonus. This means that in the commercial areas of Almonte and Tam Valley where the LOS is “F”, the State Density Bonus could authorize the Floor Area Ratio (FAR) of residential and mixed use development to be raised up to an additional 35% FAR. Moreover, many “concessions or incentives” reducing development standards could be granted. **This is unacceptable.**

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/developer properly applies for the state density bonus).

Recommendation:

Due to the State Density Bonus, residential development on commercial/mixed use parcels must NOT be allowed in areas of unacceptable Level of Service.

Please incorporate our comments and recommendations into your decision making.

Thank you for your kind consideration.

Very truly yours,

Sharon Rushton
President
Almonte District Improvement Club

Cc: Marin County Board of Supervisors
Cc: Alex Hinds, Director, CDA