

**Summary of the Marin County Board of Supervisors' Public Hearings
re: the 2007 to 2014 Marin County Housing Element
September 24, 2013**

To view of video of the Board of Supervisors' September 24th Public Hearing re: the Housing Element, please follow the below link, click on 2013, and then click on "video" for 9-24-13:

<http://www.marincounty.org/depts/bs/meeting-archive>



Marjorie Siegel holds a handful of signs as she talks to Margaret Lindsay at a Marin Board of Supervisors meeting on Tuesday, Sept. 17, 2013, in San Rafael, Calif. (IJ photo by Frankie Frost)

Dear Sustainable TamAlmonte Friends,

Unfortunately, the Marin County Board of Supervisors ignored our concerns and unanimously voted to adopt the 2012 Marin County Housing Element with very few changes from when it was originally drafted in 2012.

For the most part, the Board of Supervisors' Housing Element public hearings were a sham. First of all, by only scheduling two public hearings within a one-week time period for such an important and complex topic, the Supervisors showed that they didn't want to hear from their constituents. The short time frame also didn't allow the Supervisors themselves to thoroughly study the 196 page Housing Element or the 366 page Housing Element's Supplemental Environmental Impact Report (SEIR) or thoroughly understand the impacts of development on 49 proposed Affordable Housing Opportunity Sites.

At the first hearing (9-7-13) regarding the Housing Element, during time for testimony, they only let each person (including representatives of organizations)

speak for 2 minutes.

At yesterday's (9-24-13) second and last hearing, they tried to limit testimony only to those who hadn't spoken at the first hearing. (At the first hearing, Supervisor Arnold had stated that they didn't want repeat speakers at the second hearing because - "We just have to get this done.") Reluctantly, they let a few repeat speakers speak for one more minute. Supervisor Arnold seemed down right annoyed that she had to let any residents voice their concerns during yesterday's hearing, giving the impression that she considered public input irrelevant.

The Question and Answer dialogue between the Supervisors and Staff seemed rehearsed and scripted to support the Housing Element. When answering questions about how much review the proposed Affordable Housing Opportunity Sites would receive, Staff failed to mention California Environmental Quality Act (CEQA) exemptions and streamlining allowed by State laws. When answering questions about whether or not development at the proposed Sites could end up being out of scale with Marin, Staff failed to mention the State Density Bonus law that guarantees an increase in the number of allowable units for affordable housing projects that meet certain criteria or other potential affordable housing incentives that allow exceptions to development standards, such as height limits, set backs, parking standards, etc.

Moreover, on July 22nd, we had sent Planning Director Brian Crawford a list of questions we had about the Housing Element. Brian gave the assignment to Planner Leelee Thomas, who on July 25th contacted me to state she was too busy to answer the questions in writing but would be glad to speak with me on the phone. I immediately emailed back stating that it was important that the answers be in writing so that there wouldn't be any confusion and that I would wait until she had more time to answer them in writing. She sent me answers to a few of the questions on September 13th, 4 days before the first public hearing (9-17-13). Brian sent me answers to two more questions, late the last night (9-23-13 @ 6:45 pm) before the last public hearing (9-24-13 @ 9:30 am). I am still waiting for answers to the rest of our questions and the hearings regarding the Housing Element are over.

More particulars about the second and last (9-24-13) Board of Supervisors' hearing regarding the Housing Element:

Supervisor Sears did try to remove the Strawberry Golden Gate Seminary Site from the Affordable Housing Zone (AH Zone - a program that up-zones sites to 30 units per acre and allows for clustering) but was voted down by the other Supervisors, especially Supervisor Kinsey. Yet, low and behold, the AH Zone was removed from agricultural lands, which sit primarily in Kinsey's district. Due

to our advocacy, Supervisor Sears also requested and got a Countywide Plan protection for the Tam Valley/Almonte area, to be reiterated in the Housing Element. The protection prohibits the Floor Area Ratio in the Tamalpais Area Community Plan area to be exceeded and relates to “Housing Element Program 1.m. d. Codify Affordable Housing Incentives - Allow housing for low and very low income households to exceed the FAR on mixed-use sites”. (Although this protection clause may not be consistent with the State Density Bonus law and therefore may be overruled in court.) Supervisor Sears and Supervisor Judy Arnold also inserted language to try to ensure environmental review. (Unfortunately, such language will not prevent CEQA exemptions/streamlining allowed by State laws.)

However, Supervisor Sears never directed Staff to find alternative sites for the Tam Junction Sites, which would have been the first step to removing the sites from the inventory. She never voiced any criticism of any of the Housing Element’s programs (except the AH zone in relationship to Strawberry). She also gave a speech that, for the most part, applauded the Housing Element; ignored existing California Environmental Quality Act (CEQA) exemptions and streamlining allowed by SB 375, the CEQA law itself and proposed SB 743; ignored the State Density Bonus law and other affordable housing exemptions and incentives; and ignored our community’s concerns. She relayed that the Housing Element counts 10 units at the Armstrong Nursery Site toward the Regional Housing Needs Allocation (RHNA) but failed to mention that the Housing Element’s more detailed description of the Armstrong Site states; “The Countywide Plan Land Use (Neighborhood Commercial) would allow 20 dwelling units per acre, which would allow 10 units of market rate housing **or 35 units of affordable housing**” at the site. Although, if an affordable housing developer becomes interested in the site, it is highly likely he/she will seek the highest density possible. (Please scroll down to read an excerpt from the Housing Element, which describes the Armstrong Site.) She read a letter from a Fireside resident, which touted the virtues of affordable housing, but failed to read any of the hundreds of letters/emails from constituents explaining the dangers of the Tam Junction/Manzanita area or mention children hit by cars on Hwy 1. It appears residents have been housed at the Fireside without full disclosure of health and safety hazards.

The Chevron Site, the Armstrong Nursery Site and the Manzanita Site will remain in the 2012 Housing Element’s Inventory of Affordable Housing Opportunity Sites.

The 2012 Housing Element Programs, which treat affordable housing differently than market-rate housing, were all approved unanimously, giving affordable housing even more incentives and exemptions than it already had. Please scroll down to view a list of a number of such programs.

In addition, the Housing Element's Program Supplemental Environmental Impact Report (SEIR) evaluated proposed sites to be considered for the next Housing Element cycle, which begins next year (2014- 2022). These include: 1) the Tam Junction Shopping Center site, which consists of two acres and is proposed to be included in the Affordable Housing Zone (which would up-zone the site to 30 units per acre & allow for clustering); and 2) the Manzanita/150 Shoreline Hwy Site, which is 1.48 acres next to Richardson Bay. These latter sites were evaluated by the SEIR for potential development of 105 dwelling units, which didn't include consideration of possible additional units due to State or County Density Bonuses.

We put up a good fight!

We put up a good fight! We submitted over 1700 signatures on petitions requesting the Supervisors to: 1) remove Tam Junction Sites be removed from the Housing Element's inventory and 2) Ensure thorough environmental review. We submitted expert evidence from technical experts and well researched letters from environmental attorneys, environmentalists and dedicated local residents, which demonstrated that, due to the environmental constraints and hazards of the area, targeting Tam Junction Sites with housing would increase the risk of harm to the environment and jeopardize public health and safety. We demonstrated that including the Tam Junction Sites in the Housing Element's inventory would increase the probability that the sites would be developed and developed with high-density housing. Moreover, we identified numerous State Government Codes that allow CEQA exemptions and streamlining that could apply to future development in Tam Junction and increase the risk of future peril.

Local residents (many of YOU!) also sent in hundreds of personal letters/emails/comments and took time off from work to attend the Housing Element hearings. **Thank you so very much for donating your time and effort!**

At this point, we will have to sustain our efforts, stay vigilant, and deter local over-development on a project by project basis.

In common concern,
Sharon

Sharon Rushton

Chairperson

Sustainable TamAlmonte

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HOUSING ELEMENT PROGRAMS:

- 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:

- 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

- 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”

-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”

- Housing Goal 1 – Use Land Efficiently –
1.c Establish an Affordable Housing Combined Zoning District:

- 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

- 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

- 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 Traffic Level of Service D, E, and F”

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

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

PAGE IV-19 OF THE HOUSING ELEMENT:

SITE #14 ARMSTRONG NURSERY

This 1.77-acre underutilized site is located near transit, services, including a pharmacy, retail and recreational facilities. The lot is disturbed with asphalt paving and sits on the south edge of a neighborhood retail center. The Countywide Plan land use is Neighborhood Commercial (1-20 du/ac, .05-.4 FAR), which would allow 10 units of market rate housing **or 35 units of affordable housing**. The property owner has expressed support for the inclusion of this site in the Housing Element. Affordable housing providers have expressed interest in this site for future development. Because the allowable density per zoning (up to 20 units per acre) is less than the County's default density, the site is not represented in the lower income category of the Site Inventory (Figure IV-6). The Residential Multiple-Family Planned Commercial (RMPC) zoning district would require a precise development plan or design review for a residential project. A mixed use project would also be allowed on this site with similar review process. This site is in a 100-year flood zone and therefore the design would have to include appropriate features such as avoiding habitable space below the base flood elevation.

Development and Funding Opportunities and Incentives

The permitted density would accommodate the minimum number of units identified as feasible by larger regional non-profits. The site is under the same ownership as site #4 and a scattered site development could be pursued to increase feasibility. There is existing infrastructure on the site. The location is impacted by severe traffic conditions; and a program in the transportation section of the Countywide Plan limits development to the low end of the density range. However, as a way to encourage affordable housing, deed restricted housing for low and very low income households is exempt from this provision. The Armstrong site offers an excellent location for a larger non-profit affordable housing developer for a 4% tax credit development or if a new grocer is identified, a 9% tax credit development. Other funding could include local sources including Housing Trust, CDBG and HOME funds.

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Sharon Rushton

Chairperson

Sustainable TamAlmonte

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