

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

February 24, 2014

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

Re: February 25, 2014 BOS Public Hearing Agenda Item #16 - Modifications to the County Priority Development Area related to the Strawberry Community

Dear Marin County Board of Supervisors,

We wish to reiterate our support for the Strawberry residents to decide whether or not Strawberry should remain in the County's Hwy 101 Corridor Priority Development Area (PDA).

In addition, we wish to relay information related to the County's Hwy 101 Corridor Priority Development Area, which Staff failed to mention in the Staff Report prepared for your February 25<sup>th</sup> Public Hearing regarding the potential modification of the County PDA. We also wish to bring clarity to some other messages related to the PDA, which the County sent out to the public.

**I. The History of the County's Growth Strategy:**

When major land areas in Marin were set aside to preserve open space and agriculture and the City Centered Corridor was designated for residential and commercial development, no one ever envisioned the kind of urbanization and high-density development that is being proposed today. It was expected that the character of Marin's small towns and semi-rural communities would remain intact.

On page 1 & 2 of the Feb 25<sup>th</sup> Staff Report, Staff states that for over 40 years, the County's General Plan (Marin Countywide Plan) has established a strong growth control strategy of directing future development to the City Center Corridor. However, Staff failed to point out that for the same period of time, the Countywide Plan, including the CWP adopted in 2007, never contemplated the intense growth rate that Plan Bay Area projects in the County's Hwy 101 Corridor Priority Development Area. According to the attached County Staff Report for the May 17, 2011 Board of Supervisor public hearing, the concentration and intensity of growth expected in the Hwy 101 Corridor PDA wasn't established until your board accepted the Initial Vision Scenario's (the first draft of Plan Bay Area) assignment of a "Transit Neighborhood" place type for the County PDA in 2011.

Excerpts From The County Staff Report prepared for the 5-17-11 BOS Public Hearing re: the Initial Vision Scenario (the first draft of Plan Bay Area):

"The development areas along the Urbanized 101 Corridor have been defined as a "Transit Neighborhood" place type in the Initial Vision Scenario.... An increase of 710 future housing units have been projected in the Urbanized 101 Corridor PDA, which represents a total growth rate of 35% and an annual growth rate of 1.4% over the next 25 years. **Because housing is being focused in a limited number of areas, the projected growth rates of the Initial Vision Scenario are considerably higher than the actual total growth rate of approximately 10.5% and annual growth rate of 0.4% that Unincorporated Marin as a whole has experienced over the past 25 years.**" ...

"The Initial Vision Scenario's total estimated growth for housing units and jobs in Unincorporated Marin over the next 25 years is similar to the total buildout projections in the Countywide Plan. **However, the Initial Vision Scenario focuses more housing growth within the Urbanized 101 Corridor PDA and San Quentin Growth Opportunity Area (GOA) than is currently contemplated by the Countywide Plan.** The Initial Vision Scenario assumes 710 units (34% growth) in the PDAs as compared to approximately 450 units (10.2% growth) allowed in these areas by the Countywide Plan."

## **II. The Development and Population Growth Expectations Associated with the County PDA:**

Supervisor Sears' office sent out some incomplete information, which down played the development and population growth expectations associated with the County PDA. For instance, Supervisor Sears' most recent communication stated; "Having the current PDA does not change the zoning (what and how much can be built) of any property or mandate building in exchange for transportation funding. What is currently allowed stays in place."

Due to the fact that the current status of the County PDA is that of a "Potential" PDA rather than a "Planned" PDA, the County is not currently obligated to adopt more specific development guidelines which would essentially up-zone the entire PDA. However, specific planning for future increased development potential would be necessary if and when the County PDA is converted from a "Potential" to a "Planned" designation. Moreover, the expectations of intensification of growth in the County PDA are clear, as demonstrated in another excerpt from the Staff Report prepared for the 5-17-11 BOS Public Hearing.

Excerpt From The County Staff Report prepared for the 5-17-11 BOS Public Hearing re: the Initial Vision Scenario:

"On the basis of land use intensity the Countywide Plan density ranges for the Urbanized 101 Corridor are either within or below the typical Transit

Neighborhood density range of 20-50 units per acre. **Therefore, accommodating the focused growth in the Initial Vision Scenario would require increasing densities above the maximum number of housing units currently allowed by the Countywide Plan.”**

The April 25, 2013 Transportation Authority of Marin (TAM) Report re: the Marin Transportation Investment Strategy corroborates the fact that the County PDA is expected to accommodate intense growth.

4-25-13 TAM Report, Addendum - "Marin Transportation Investment Strategy", Page 17: (To view this report, please visit: <http://www.tam.ca.gov/Modules/ShowDocument.aspx?documentid=5997> )

### **Marin’s PDAs**

**"PDAs are projected to take on a significant share of Marin County’s growth over time. ABAG and MTC use PDAs as the foundation for identifying areas of future population and employment growth in Sustainable Communities Strategy (SCS), also known as Plan Bay Area. According to the projections for 2040, Marin County's three PDAs are expected to accommodate 34% of the county's projected growth in housing units and 23 % of its growth in jobs."**

Yet, the PDAs consist of a tiny amount (less than 5%) of the developable land in the County. Therefore, intense growth is expected in the PDAs.

### **III. Effectiveness of Regulatory Tools that Limit Growth:**

The Staff Report prepared for your February 25<sup>th</sup> BOS hearing states; “The City Center Corridor encompasses the existing County PDA. The actual amount of unincorporated growth in the City Center Corridor has been limited by a number of regulatory tools already in place, including land use restrictions, density limits, building height restrictions, ridgeline protection standards environmental protections, Urban Service Area boundaries and design guidelines.” However, the report failed to mention all the State and County laws and regulations that have reduced or eliminated such regulatory tools. Examples include:

- A State Density Bonus can increase density up to 35% and waive height limitations, set backs and parking regulations;
- The 2012 CWP Amendment regarding Policy CD-1.3 “Reduce Potential Impacts” greatly reduced Ridgeline protections and allowed for high-density housing within the Ridge and Upland Greenbelts and other environmentally sensitive sites;
- The 2012 Marin County Housing Element Program 1.p “Adjust Height Limits for Multi-family Residential Buildings” amended the Development

- Code to increase the allowable height for multi-family residential development; and
- Many more State and County regulations which give exceptions and exemptions to affordable housing

#### **IV. Local Control:**

The Staff Report prepared for the February 25<sup>th</sup> BOS hearing states; “Local jurisdictions are not obligated to change their local general plans or zoning rules to comply with the development guidelines used to characterize PDA place types.” However, the report failed to mention that, under the Regional Housing Needs Allocation (RHNA) state law, a local government is still required to amend its Housing Element (and amend its General Plan if necessary to be internally consistent) and rezone its land in order to accommodate the quantity of housing it is assigned under the RHNA — and SB 375 requires that the RHNA be consistent with the Sustainable Communities Strategy (SCS) – AKA Plan Bay Area, which includes the Priority Development Areas. In that sense, local governments will still be called upon to implement major aspects of Plan Bay Area (which could include increasing the densities in the County PDA to 20 to 50 units per acre to be consistent with the “Transportation Neighborhood” place type) via RHNA, whether or not they want to.

Correspondingly, at the May 17, 2011 public hearing, Brian Crawford stated; “We expect that the next RHNA allocation will be influenced by the Sustainable Communities Strategy. We would not be surprised if our RHNA stays the same as the current cycle or perhaps increases as a result of the County’s nomination of the PDAs back in 2006 and now that designation being relied upon by ABAG to assign future growth.”

#### **V. California Environmental Quality Act (CEQA) Streamlining and Exemptions:**

The Staff Report prepared for the February 25<sup>th</sup> BOS hearing went into some detail describing the streamlining of environmental review allowed by Plan Bay Area and SB 375. However, the report failed to mention the California Environmental Quality Act (CEQA) streamlining and exemptions allowed by SB 743 and the CEQA law itself, which could apply to projects in the County PDA. We strongly recommend that you ask Staff to provide you with a thorough understanding of these other CEQA streamlining laws too.

#### **VI. Funding Opportunities for Priority Development Areas**

The Staff Report prepared for the February 25<sup>th</sup> BOS hearing gave information about transportation funding provided by the One Bay Area Grant program (OBAG) but failed to mention other transportation funding sources available to Marin communities. We suggest you ask Staff to provide you with a list of the various other sources of transportation funding, such as:

- Transportation Funds for Livable Communities
- State Bicycle Transportation Account
- Transportation Funds for Clean Air Program (TFCA)
- Transportation Development Act (TDA) Article 3
- Safe Routes to School
- State Transportation Improvement Program (STIP)
- Bay Trails
- Sales Tax
- Congestion Mitigation and Air Quality (CMAQ)
- Surface Transportation Program (STP)
- Transportation Enhancements

We hope this information is helpful to you and that you conclude that the Strawberry Residents should be given the power to decide whether or not to remain in the Hwy 101 Corridor Priority Development Area.

Very truly yours,

/s/

Sharon Rushton

Chairperson

**Sustainable TamAlmonte**

Enclosure