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August 10, 2014

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

Re: 2015 to 2023 DRAFT Marin County
Housing Element's NEW Programs

Dear Marin County Planning Commission,

Sustainable TamAlmonte has the following comments and recommendations regarding the 2015 to 2023 DRAFT Marin County Housing Element's proposed new policies and programs:

1. Program: Evaluate Multi-family Land Use Designation.

a. Adjust zoning maps as appropriate and redistribute multi-family zoning to locations suitable for multi-family development.

b. Avoid designating or rezoning multi-family residential land for other uses or to lower densities without rezoning equivalent land for higher density multi-family development.

Discussion:

Excerpt from the "Discussion" of this program: *"...The location of multi-family zoning is often on sites with sloped topography, sensitive habitat or species, and other development constraints..."*

The above excerpt from the "Discussion" is an acknowledgement that current multi-family land use designations/ zoning are often not in areas appropriate for such continued development planning.

Furthermore, according to the Marin Countywide Plan's EIR, implementation of the Marin Countywide Plan would result in 42 significant UNAVOIDABLE adverse impacts. Therefore, the Marin Countywide Plan allows more build-out than is safe and sustainable. This should be rectified and this program could help move Unincorporated Marin in the right direction by reducing the potential build-out of dwelling units to a level that is sustainable.

For example, in the Tamalpais Area Community Plan area, besides the dwelling units allowed in the commercial/mixed use areas, there are hundreds of additional units (including multifamily units) allowed in the residential areas, which have not yet been built. This is too much allowable build-out for what the community can sustain.

If multifamily zoning in the hazardous Tam Junction commercial/mixed use areas were moved into safer nearby residential areas, some potential adverse impacts from development would be avoided but many adverse impacts, such as those associated with hazardous traffic congestion, water, public infrastructure, and public services (E.g. overcrowded schools), would remain the same. All roads in our area lead to highly congested, gridlocked Hwy 1. So, more development in the residential areas would also exacerbate the dangerous conditions on Hwy 1. Additionally, the residential hills have other constraints/hazards, such as high fire danger and steep slopes.

Moreover, high-density multifamily development is incompatible anywhere in our semi-rural community and would be especially inappropriate in the residential areas.

Designate or rezone current multi-family residential land use for other uses or to lower densities or eliminate current multifamily residential land use when appropriate but do not redistribute multi-family land use designations/ zoning to other locations:

We agree that it is important to conduct a comprehensive evaluation of multi-family land use designations/ zoning to determine if they are suitably designated. However, if the analysis proves that a current multi-family land use designation/ zoning is inappropriate, then designate or rezone the current multi-family residential land use for other uses or to lower densities or else eliminate the current multi-family residential land use but do not redistribute the multi-family designation/ zoning to another location. By reducing the number of areas designated/ zoned for multi-family use, the potential build-out of dwelling units would be reduced. This would lower the number of potential significant UNAVOIDABLE adverse impacts from allowable development and head Unincorporated Marin toward a more sustainable future.

Definition of a “Suitable Location”

A “suitable location” should be defined as a location that can accommodate the designation/zoning’s number of allowable units and FAR without harming the environment; jeopardizing public health and safety; overburdening public services, infrastructure, and/or utilities; increasing traffic, or clashing with the character of the neighborhood.

RECOMMENDATION:

Replace the Program “Evaluate Multi-family Land Use Designation” with the following:

A. Conduct a comprehensive analysis of multi-family land use to evaluate whether multi-family land use designation/ zoning is suitably located.

B. If the current multi-family land use designation/ zoning is inappropriate (or unsuitable), then designate or rezone current multi-family residential land use for other uses or to lower densities or else eliminate current multifamily residential land use but do not redistribute multi-family land use designations/ zoning to other locations.

C. Define “Suitable Location” as a location that can accommodate the designation/zoning’s number of allowable dwelling units and FAR without harming the environment; jeopardizing public health and safety; overburdening public services, infrastructure, and/or utilities; increasing traffic, or clashing with the character of the neighborhood.

2. Require Multifamily Residential Development in Multifamily Zones. -

Require multifamily development in multifamily zones, including R2, RMP, and RMPC. Prohibit the development of single-family dwellings in multi-family zones unless the Director finds that multifamily development is infeasible or impractical based on physical site constraints, environmental constraints or in the case of the loss of an existing home due to emergency or natural disaster.

Multi-family homes should be required to be consonant with existing neighborhood and building standards and designs (E.g. a duplex instead of a four story apartment building). R2, RMP and RMPC zoning were designed to allow flexibility in planning decisions. Requiring multifamily development in these zones would take away this flexibility.

RECOMMENDATION:

Eliminate this program, as directed by the Planning Commission's straw vote at the July 28th public hearing.

3. Study Residential Density Equivalents. – Evaluate options for calculating density through adjusted density equivalents based on bedrooms count or square footage rather than total number of units. Such an amendment to the Development Code would encourage development of smaller units, which corresponds to the demographic trend of increasing numbers of small households.

a. Conduct an analysis to determine the feasibility of a density equivalent program.

Future housing for families should not focus on creating small units that make multigenerational living more difficult as this trend is increasing and has historically provided the social safety net and cultural survival model for low-income families, including senior support systems.

Calculating studios and one-bedroom units as fractions of units would essentially up-zone parcels zoned for multifamily units by allowing more units per acre than currently allowed. This would increase the intensity of development and therefore would most likely result in more adverse impacts. Greater intensity of development would also probably not fit in with the neighborhood character. Greater densification would not be congruous with suburban and semi rural areas.

RECOMMENDATION:

Eliminate the Program "Study Residential Density Equivalents" from the Housing Element programs.

b. Analyze how such a program might interact with inclusionary requirements, parking standards, and density bonuses.

We have already observed the inequity of inclusionary being a percentage of total units without consideration of disproportionate size of small units as the 'affordable' and much larger units for moderate and above while all of which are treated as if they were equivalents ("...equity issues of smaller versus larger units"). This results in reduction of square footage available for lower income residents.

RECOMMENDATION:

Developers should not be allowed to profit from building a token percentage of tiny affordable units in exchange for incentives including parking, height, density, financial subsidies, and environmental shortcuts while profiting from many more larger market-rate units. Inclusionary units should be equitable.

4. Program: Expand the Scope of Project Review. Consider requiring a socioeconomic analysis (SEA) for larger developments of more than 10 units to assess the costs and benefits of different potential development scenarios to support rational, transparent and consistent decisions regarding land use.

We support this Program. However, unless there is an economic analysis of 'cradle to grave' costs of depletion of resources in recognition of limits to growth, then the review will not reflect

the actual costs vs. benefits but rather continue to support short-term objectives while ignoring long-range adverse unintended consequences. It erroneously presumes continued growth (especially large development) is sustainable.

RECOMMENDATION: Include a “cradle to grave” cost analysis in the socioeconomic analysis (SEA).

5. Build Support for Affordable Housing.

Excerpt from the “Discussion” of this program: *“...one of the most predominant barriers identified was the lack of community support for providing homes for moderate and lower income families.”*

The discussion related to this program restates the false information circulated by 'housing providers and supporters' that denigrates communities by accusing them of lack of support for affordable housing. In fact, communities have consistently acknowledged the need for, supported provision of and proposed suggestions for affordable housing. What they have opposed is the tokenism and the high-density over-developments, which the developers and policy-makers have proposed. They have asked for integration without application of the double standards that increase profitability while compromising the environment, public health and safety and livability for current and future residents. This program is unnecessary and diverts attention from the real concerns.

RECOMMENDATION: As there is already broad support for affordable housing, this program “Build Support for Affordable Housing” is unnecessary.

6. Establish a Housing Equity Commission – Consider adding a Housing Equity Commission whose role would be to advise on how to respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, prices and designs. The Commission would ... take action to develop support for housing for low and moderate income households in Marin.

Excerpt from the “Discussion” of this program: *“The Commission could also encourage public and private partnerships in promoting housing preservation and production.”*

There seems to have been ample advice given by communities, organizations, developers and funding agencies. There have also been publicly funded community development department employees and an economic forum promoting housing production.

The County has already existing commissions and councils offering relevant advise such as the Human Rights Commission, Commission of Aging, Children and Families Commission, the Disaster Council, Fish and Wildlife Commission, Health Council, Planning Commission, Workforce Investment Board and all the Design Review Boards. The challenge is for the planning department to respond to equitable solutions proposed which are consonant with environmental and social needs as well as local public input.

RECOMMENDATION: A Housing Equity Commission is unnecessary. We agree with the Planning Commission’s straw vote to eliminate this program.

7. Conduct Site Assessments on Housing Element Sites – The County will consider conducting a detailed biological site assessment of sites in the Housing Element.

Excerpt from the “Discussion” of this program: *“This program is intended to provide additional information which could be used to identify any existing constraints on a site. The analysis could be used to reduce up front predevelopment costs and determine development feasibility for lower income housing.”*

For the sake of the environment and current and future residents there is a need to eliminate Housing Element Sites such as in the Tam Valley area, which are well known to have significant multiple constraints. A biological analysis should prevent sites like those in Tam Valley from being selected as Housing Element Sites.

Unfortunately the current tier policies allow for superficial programmatic review, which then obviates or streamlines thorough CEQA review at the project level. There should be no reduction of development costs entailed in full CEQA review. This is the responsibility of the developer.

There should be no incentives for reduction of standards (social injustice) based on low income of future residents or the financial feasibility required for the profitability of the developer.

RECOMMENDATION:

Biological Analysis should be used to eliminate constrained sites from development potential but the analysis should not be used to streamline environmental review or as a substitute for the full CEQA process. As we recommended during the Countywide Plan hearings in 2007, a biologist should be added to the Planning Staff in order to carry out this preliminary analysis.

NEW PROGRAMS ADDED BY PLANNING COMMISSIONERS ON JULY 28TH:

8. Study Housing Needs and Solutions in West Marin:

We agree that housing needs in West Marin should be addressed and Housing Element Sites should be identified in West Marin. East Marin is mostly built-out and West Marin includes low-income workers in agriculture, recreation and service industries whose housing needs should be addressed. This would help to achieve geographic equity and housing diversity.

RECOMMENDATION:

Until we see the exact wording of this proposed program, we withhold judgment. However, we agree with the concept of this program, provided it does not change Ag-60 Zoning.

9. Find Ways to Increase Housing That Accepts Section 8 Vouchers:

Provided this program doesn't encourage new development but rather focuses on encouraging more of Unincorporated Marin's existing residential development to accept Section 8 vouchers, we support this program. Such a program could provide direct support for those who most need it.

RECOMMENDATION:

Until we see the exact wording of this proposed program, we withhold judgment. However, we agree with the concept of this program.

Thank you for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte

Cc: Marin County Board of Supervisors