



February 28, 2022

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Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
Attention: Leelee Thomas, Deputy Director,
Housing & Federal Grants Division
Submitted via email: housingelement@marincounty.org

RE: Unincorporated Marin County Housing Element 2023-2031

Dear Ms. Thomas,

Since 1971, the Environmental Action Committee of West Marin (EAC) has worked to protect the unique lands, waters, and biodiversity of unincorporated coastal West Marin County. Since our inception, we have advocated to protect the irreplaceable natural resources and environment while balancing the needs of our coastal communities and villages.

Over the last fifty years, we have worked to support A-60 zoning to protect Marin's agricultural lands; supported collaborative efforts to address water quality issues, preventing sewage from being discharged into our watersheds; worked collaboratively within our coastal communities and with the County to identify sustainable pathways for development and growth; participated extensively in the Local Coastal Program Amendment update; and supported countywide efforts to adapt, mitigate, and build community resilience to the effects of the climate crisis.

Since 1973, the Marin Countywide Plan has called for the protection and development of communities characterized by accessibility, mixed use, and amenities for shopping, services, and public spaces. The prevailing character of

new development in Marin County continues to be focused on single use, urban sprawl, and vehicle dependence. Future growth in Marin should be planned in accordance with standards for protection of the environment and the availability of services and resources.¹

Today, EAC submits our comments on behalf of our 1,200 members (specifically, 700 members who reside in the County of Marin) regarding the Housing Element update that proposes to create 3,569 new housing units in unincorporated Marin County.

Our comments are focused on West Marin, an area we define by the coastal watersheds that discharge to the Pacific Ocean, Tomales Bay, and Bolinas Lagoon including the villages of Tomales, Dillion Beach, Inverness, Marshall, Point Reyes Station, Nicasio, Olema, San Geronimo Valley, Bolinas, Stinson Beach, and Muir Beach.

Careful planning to develop housing on the scale contemplated needs to be completed through thoughtful and meaningful community participation to avoid unnecessary negative impacts that include environmental degradation and continued displacement of residential community members. The planning should also recognize and include the decades of community engagement to develop long-range plans that allow for sustainable housing development.

Given this compressed timeframe, we are attempting to submit comprehensive comments. However, we may need to supplement our comments.

This letter is organized by our concerns with the current housing site proposals and questions on the allotment totals and includes discussion of the following six concerns: 1) Community Engagement, 2) Housing Crisis Concerns, 3) Regional Housing Needs Allocation and Sustainable Communities Strategy, 4) Environmental Impacts, 5) Agricultural Lands, and 6) Freshwater Resources.

1. Community Engagement

The public engagement process has been very short and existed primarily in a virtual landscape. The meetings took place amidst the holidays and a surging pandemic. The first West Marin-focused meeting occurred January 20th as a webinar that provided initial information about the Housing Element and a pre-release of the mapping tools (though not all the maps and information were fully online at that point). Community level meetings have only occurred via Zoom² that limits participation to people with the ability to participate online. This format

¹ Community Marin, A Vision for Marin County, Policy Recommendations. 2013.

² The Zoom online virtual meeting format allows for meetings and webinars, but limits public peer-to-peer interactions and is inaccessible to people without appropriate internet connection. Diversity of participation is limited by this method of communication.

misses' portions of the population who have important information to share on the topic of housing and access to housing.

The lack of in-person meetings is detrimental to both the community and the County as it inhibits the ability of interested parties to engage, understand the scope of the proposals, and build consensus in a logical manner.

In-person public meetings allow for conversation and exchange of ideas that are impossible in an online meeting or webinar format. The County should be able to conduct in-person public meetings with appropriate public health standards to ensure that the public fully understands the proposed plans.

- *We request the County conduct in-person meetings when the draft proposals are ready for public review that include informational posters, printed maps, and other materials to inspire public discussion and expand the number of participants in the process.*
- *We request the County evaluate how to equitably apply the data collected from the Balancing Act tool with an appropriate margin of error, as the online maps are not user-friendly for many population groups, many people do not have access to the internet, it is only available in English, and it is an incomplete list of potential locations.*

2. Housing Crisis Concerns

We recognize the importance and need for more housing, and more importantly, affordable housing in unincorporated Marin County including West Marin, which is the regional focal area for our organization. However, this type of planning needs to be done thoughtfully to protect natural resources and our rural community values.

Creating thousands of units of new development is not guaranteed to solve the housing crisis. It is important this housing discussion is thoughtful and considerate of the unintended outcomes that could arise by just adding more housing stock in West Marin.

Developed housing needs to be for the residential community members. There is a severe shortage of housing in West Marin, primarily due to second homes (vacation homes that drive up the cost of housing³), and housing being converted to income properties through short-term rentals and corporate timesharing corporations.

³ Sale of 398 Ocean Pkwy, Bolinas, CA 94924. 640 square feet that sold for \$1.75 million dollars, or \$2,734 per square foot which will now have a primary use as a vacation home and is removed from available housing stock.

We want to understand first and foremost how this proposal to develop 3,569 homes in unincorporated Marin County will actually address housing concerns and prevent newly developed housing that will only serve the wealthy, be converted into vacation homes, and/or be turned into income properties like short-term rentals.

- *If a property is sold as a vacation home, is the County counting that as a loss of housing stock inventory?*
- *If a property is converted into a short-term rental, is the County counting that as a loss of housing stock inventory? And conversely, if a property is converted from a short-term rental to a leased long-term rental is that property added back to the housing stock inventory?*
- *As more community members are constructing Accessory Dwelling Units (ADU) on their properties, are those totals being factored into the total housing need allocation? For example, is the County able to project an average number of permits for ADU construction over the 2023-2031 timeframe and include that into the total housing allocation? If so, what is that figure and does it lower the total of 3,569? If not, why?*
- *Are there any changes needed to ensure Marin's ADU ordinance is in compliance with Senate Bill 9 (SB 9)⁴? If there are additional changes needed to comply with SB 9, will that allow for development of additional ADUs in unincorporated areas of Marin County that are not currently being factored into the housing totals?*
- *To protect housing stock from being removed from the residential community, we request that the County create a new zoning ordinance, in the form of overlay or combining districts, that prohibits short-term rentals in areas where new housing development is being considered.*

3. Regional Housing Needs Allocation and Sustainable Communities Strategy

We would like to better understand how the 3,569 figure of the housing allocation was created for unincorporated Marin County in relationship to the requirements of the Regional Housing Needs Allocation (RHNA), the *Sustainable Communities and Climate Protection Act (SB 375)* and the regional Sustainable Communities Strategy (SCS).⁵

⁴ State of California, Senate Bill 9, Housing Development: Approvals. Available at: https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=202120220SB9&showamends

⁵ The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments, Plan Bay Area 2050. Available at: <https://www.planbayarea.org/finalplan2050>

Our understanding is these regulations and requirements are to assist with synchronization of transportation and development planning to encourage local jurisdictions to implement pathways for smart growth strategies that help to meet California’s greenhouse gas emission reduction targets. Reviewing the Draft Inventory Site Map, it appears that these considerations are not being integrated into the planning process in any way that is clear to the public.

We also understand there is not a compliance requirement for the County to follow the guidelines of the SCS or the RHNA development by income level. That being said, the SCS was just approved in October 2021 and should be applied to the maximum extent possible to honor the long-term planning vision outlined in that plan.

The SCS Housing Chapter⁶ highlights the importance of developing housing with three strategies: Protect and Preserve Affordable Housing; Spur Housing Production for Residents of All Income Levels; and Create Inclusive Communities. The integration of these strategies into Marin’s Housing Element proposal is unclear to the public. Are they being considered or incorporated into the plan? Below we discuss two of these critical SCS topics in detail:

3. A. Protect and Preserve Affordable Housing

We have a housing crisis in Marin County. In the last RHNA cycle (2015-2023), unincorporated areas of Marin County were required to develop 185 new housing units across four income levels. This goal was well-achieved with the development of 264 new housing units. Unfortunately, the Very Low and Moderate income level goals were not achieved (Very Low income level was short by 25 housing units).

The County exceeded the housing allocation requirement, thanks to excess development in the Above Moderate by developing an additional 110 units in this category.⁷ The County noted in their annual update:

...racial disparities in housing, largely tied to the impacts of historic housing policies and practices that prevented equal opportunity in housing accessibility, quality, and financing. Marin County presents the starkest racial inequities in housing tenure throughout nine Bay Area counties...to address equity issues in housing, it will be critical to expand the County’s overall housing stock...affordable rental housing...monitor the development of

⁶ The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments, Plan Bay Area 2050, Chapter 2. Housing. Available at: <https://www.planbayarea.org/2050-plan/final-plan-bay-area-2050/chapter-2-housing>

⁷ County of Marin, Board of Supervisors Meeting, 2020 Housing Element Annual Progress Report, March 16, 2021. Available by searching Board of Supervisors Meeting archives at: <https://www.marincounty.org/depts/bs/meeting-archive>

affordable housing across four income levels against the goals set by the Regional Housing Needs [Allocation] over a cycle of eight years.⁸

We are concerned since the County is not required to meet the income level requirements outlined in the RHNA that a large percentage of the new housing development will occur in the Above Moderate income level that will only exacerbate the housing shortage and displacement issues in West Marin.

- *Missing from the Housing Element proposals to the public are considerations on protections of current affordable housing, including proposals for rent protections and preservation of existing affordable housing through deed restrictions, for instance. If the County has plans to address these issues as an integrated process of the Housing Element long-range planning, that should be made clear to the public at this stage.*
- *We request the County integrate “Very Low Income” and “Low Income” housing into every high-density housing development proposal with deed restrictions or a new zoning ordinance to ensure that those properties are accessible and affordable for working families and to avoid displacement concerns.*
- *We request the County explain how they developed the 3,569 number of new housing units for unincorporated Marin County and if the SCS, the Countywide Plan, and individual Community Plans were considered when determining this housing number allocation.*
- *We request the County ensure the recommendations in the March 16, 2021 Housing Element Annual Progress staff report in the equity section is implemented proactively review housing development applications against the RHNA income brackets. The public must be made aware of how the County will undertake this task before the Housing Element is completed.*

3. B. Spur Housing Production for Residents of all Income Levels

The current draft inventory of potential housing locations, for lack of a better metaphor, is like the kitchen sink. There are too many maps and online interactive tools that are overwhelming for the general public to understand or make sense of the potential development locations. One has to mine for information from different maps to understand the basics (locations, ownership, number of proposed sites, income levels, infrastructure needs, environmental hazards, etc.).

We are particularly concerned about high-density housing projects being proposed in rural areas without appropriate transportation infrastructure or availability of nearby job centers. None of

⁸ County of Marin, Board of Supervisors Meeting, 2020 Housing Element Annual Progress Report, March 16, 2021. Page 3.

the locations in unincorporated West Marin are listed on the SCA Growth Geographies as Priority Development Areas.⁹ Adding thousands of housing units to rural areas will increase the number of Vehicle Miles Traveled (VMT), undermining Marin and California’s greenhouse gas emission reduction goals.

Rather than adding thousands of houses in rural areas away from public services, infrastructure, lack of water resources, and in environmentally hazardous areas, the County should be prioritizing infill opportunities, and especially in rural areas, propose other creative ways to maximize low-density development that is not focused on development of single-family homes.

The selected locations and focus of community input at this stage rests on potential development capacity and mass identification of parcels defined as eligible for development by the State of California, rather than integration of the Countywide Plan, Community Plans, or feedback from local nonprofits and community groups about appropriate locations for housing development. In many cases, parcels are identified in inappropriate areas that do not meet the fundamental guidelines of the SCS Housing Chapter.

One concern with the allocation of more than 3,500 houses in unincorporated Marin County is that the potential housing locations are not in Priority Development Areas¹⁰ that fail to meet the criteria for sustainable development that does not create urban sprawl and increase greenhouse gas emissions.¹¹

The Draft Inventory map does not include these important designations, overlays that would help the public and the County understand where development projects should be sited. Several proposed locations are outside the urban growth boundaries, are not near any public transportation or infrastructure, and in some cases, parcels are identified as current functioning businesses that provide necessary employment to the residential population.

- *We request the County review the 3,569 housing allocations in unincorporated West Marin County and exclude locations identified as high-density development in areas*

⁹ The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments, Plan 2050, Chapter 1. Growth Geographies. Available at: <https://www.planbayarea.org/2050-plan/final-plan-bay-area-2050/chapter-1-introduction-and-growth-geographies>

¹⁰ Association of Bay Area Governments, Priority Development Areas. Available at: <https://abag.ca.gov/our-work/land-use/pda-priority-development-areas>

¹¹ Priority Development Areas are defined as: 1) Infill to be in existing urban areas that are not to extend beyond urban growth boundaries and that are not Priority Conservation Areas. 2) must have a completed plan for significant job and population growth. 3) Either A) Transit-Rich, at least 50% of the area is within a 1/2 mile of ferry, rail, or bus service that runs every 15 minutes, or b) Connected Community, entire area within 1/2 mile of bus stop with peak service of 30 minutes or less or 1/2 mile of high quality transit and must be in an area identified by the California Department of Housing and Community Development as High Resource or has in place two policies to reduce Vehicle Miles Traveled (bicycle and pedestrian planning projects).

identified in the SCS as 1) Priority Conservation Areas, and 2) that are located outside the urban growth boundaries, some examples below.¹²

- *San Geronimo Valley: proposing a total of 131 new homes (127 Above Moderate Income and 4 Moderate Income units).*
- *Novato, Bowman Canyon: proposing a total of 247 Above Moderate Income units and requires rezoning A-60 parcels.*
- *Inverness: proposing a total of 156 homes (96 Above Moderate Income units).*

- *We request the County review the housing allocation and remove any properties that are a functioning local business (example, Bolinas Hardware Store) unless they have received specific consent from the property owner that they are open to potential housing development.*

- *We request the County remove any housing allocations from properties that are currently owned by conservation land trusts that will not be willing to sell to a housing developer to reduce public confusion. (example, the Trust for Public Land Property in San Geronimo Valley).*

- *We request the County remove any high-density single-family home, apartments, and condominium development from areas that are outside of the County defined High Growth Geographies¹³ as they are not near transportation corridors or job centers and will increase the number of VMT and require costly upgrades to roads and infrastructure to accommodate the increased single car trips.*

Allowing the public to weigh in on housing in inappropriate areas (including areas that are identified as conservation areas or functioning businesses) makes it hard for the public to provide informed and useful feedback.

4. Environmental Impacts

Several proposed parcels identified for development are in inappropriate locations for development. For instance, some identified parcels are within 100-feet of a creek, in an identified flood zone, within a wildfire hazard zone, or along a shoreline that will be at risk from rising sea levels in the next 30 years and likely already subject to seasonal flooding.

¹² The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments, Plan 2040, Priority Development Areas and Priority Conservation Areas Map. Available at: https://www.planbayarea.org/sites/default/files/marin_pda_map-4.26.pdf

¹³ The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments, Plan 2050, Chapter 1. Growth Geographies, See Map on Page 21. Available at: <https://www.planbayarea.org/2050-plan/final-plan-bay-area-2050/chapter-1-introduction-and-growth-geographies>

Parcels near important habitat areas must also be considered and due to the negative consequences of development. Development permanently degrades and destroys habitat areas. It's not difficult to see the examples of urban sprawl where development is slowly whittling away forests, open meadows, filling wetlands, damaging riparian corridors, and ending agricultural uses.

Preserving the balance between development and conservation of habitats that support biodiversity and provide ecosystem services (clean air, clean water, sequestration of greenhouse gasses) is critical. For more than 50 years, community members in Marin County have worked in partnership with elected leadership and public agencies to protect and conserve habitat areas and identify areas for smart growth that limits habitat loss.

The County maps that overlay environmental hazards and sensitive resources (for example creeks or flood zones) are one way to review and exclude Draft Inventory Sites from consideration. With the County focusing on adaptation and mitigation efforts to respond to the climate crisis, we should focus on smart and proactive planning when considering where to site potential housing developments to reduce future risks.

- *We request the County remove any developments of housing that are within 100-feet of a creek, shoreline, wetland, floodplain, and other sensitive habitat areas where significant risks with wastewater treatment through septic systems could create pollution and public health issues.*
- *Development should not be proposed in areas that are Special Flood Hazard Areas (defined by FEMA as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones VI-V30).*
- *We request the County to explain how high-density development will occur on small parcels of land with the current regulations required for single-family home wastewater (septic systems).*
- *Does the County have plans for development of a centralized wastewater treatment (sewer systems)? If so, that information should be disclosed in this planning process including the potential taxpayer expenses associated with plans.*
- *How is the County incorporating the draft stream conservation area ordinance, the local coastal program, and other development codes that constrain development near sensitive environmental resources to accommodate the number of housing units proposed in this plan?*

5. Agricultural Lands

The County should not rezone A-60 agricultural lands for development. This zoning designation was put into place to reduce the risks of urban sprawl that would be harmful to Marin's vibrant agricultural economy and local food shed.

The County has worked in partnerships for decades with local communities, ranchers, farmers, and environmental groups to protect agricultural lands from development to ensure a rich and vibrant food shed. Rezoning A-60 lands is a slippery slope, especially near urban corridors and areas that are outside of the urban growth boundaries that may result in a constant chipping away of agricultural lands as we are witnessing in other areas of California.

- *We request that the County not rezone any A-60 parcels to maintain Marin County's local food shed.*

6. Freshwater Resources

The unincorporated areas of West Marin County have limited access to clean drinking water.

In September 2021, the Marin Municipal Water District (or Marin Water) notified the public that if we did not receive rainfall the district would run out of water by summer 2022. The communities of Bolinas and Inverness required dramatic conservation of their customers, and Point Reyes Station's community well operated by North Marin Water District has salt water intrusion issues, leaving the community members ingesting salt and needing to have clean freshwater trucked in. Wells in Nicasio frequently go dry.

Fortunately, thanks to an unusually wet October and November in 2021, we have a slight reprieve on the urgency of lack of water. However, drought conditions persist and the lack of access to freshwater resources is very real.

The development of thousands of new homes significantly increases the demand for clean drinking water. This is something that our current water systems will not be able to support.

Considerations of integrating and linking the water districts has been discussed, but those are short-term solutions that are subject to the availability of water in other areas and does not solve the lack of clean drinking water in the long-term. The entire West is suffering from drought conditions. Marin and Sonoma Counties were fortunate this fall for rainfall, but that is not the case throughout the State and the impacts of a changing climate make our predictions based on historical data unreliable. The climate crisis is exacerbating this issue, and projection models indicate longer and more frequent drought patterns.

- *We request the County consider a review of West Marin villages ability to support additional housing stock with clean drinking water and disclose any plans to connect water districts as this planning process proceeds.*
- *We do not support adding thousands of new households to areas where there is not access to clean drinking water.*

Thank you for considering our comments and for the County’s work on this complex challenge. We look forward to additional engagement with the County on this issue and to ensuring that our membership community is aware of the opportunities for public comment.

We will continue to share information about the progress of this planning effort and hope that there will be an opportunity for an in-person meeting in the near future for the community to fully participate in this critical planning process.

Sincerely,



Morgan Patton
Executive Director



Bridger Mitchell
Board President

CC: Marin County Board of Supervisors, Marin County Planning Commission, Assemblymember Marc Levine, Senator Mike McGuire