

December 4, 2014

Marin County Board of Supervisors
3501 Civic Center Dr.
San Rafael, CA 94903



Protecting Marin Since 1934

President Kate Sears and Board of Supervisors:

We ask you to consider revising the Draft Housing Element to lower the number of units allocated to the St. Vincent's/Silveira properties in the Housing Element site inventory. This is necessary to achieve consistency with the total 221 unit maximum specified in the 2007 Countywide Plan ["CWP"] after application of the state density bonus. The total number of units in the Housing Element site inventory should be lowered to 164. Application of the 35% State mandated density bonus to 164 units would add 57 units for a maximum of 221 units, as allowed by the CWP.

Good faith agreement. Decades of debate, controversy, special task force groups and public hearings resulted in consensus of a broad range of stakeholders in support of the CWP 221 unit maximum. Traffic, a primary constraint, along with others including the presence of oak savanna and woodland, Miller Creek riparian corridor, marsh and wetlands, fresh and brackish creeks, habitat supporting diverse and plentiful wildlife, a sizable floodplain, seismic instability, a historic chapel and school and the presence of Indian middens determined the 221 maximum.

Over the course of 20 hearings on the CWP, the Planning Commission and your Board upheld the consensus determination. Your Board should not allow state density bonus law to trump your good faith contract with the land and the public. Revising the numbers in support of that contract will renew public trust. Not doing so may promote bitterness, dissension and a future expectation of government bad faith.

Density bonuses are real. Staff has pressed the fact that density bonuses have rarely been applied for or achieved, and therefore are not a real concern. This argument is blind to changing economic conditions and the growing pressure for affordable housing. It also does not factor in the significant incentives provided by the density bonus law and growing developer education about them.

Flexibility overkill. Staff has urged inclusion of units above the 185 RHNA requirement to provide flexibility. We support reasonable flexibility. However, subtracting 57 units from the St. Vincent's/Silveira properties would still leave almost twice the required number of units in the Housing Element.

We urge you to support the hard won community consensus you endorsed with your approval of the 2007 CWP. Please correct the numbers in the Housing Element to be consistent with that approval. This would entail lowering the maximum number of units in the Housing Element site inventory from 221 to 164. This correction would still allow up to 221 units with application of the state mandated density bonus.

Sincerely,

A handwritten signature in blue ink that reads "Jon Elam".

Jon Elam, President

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