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Protecting Marin Since 1934

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Subject: City of Mill Valley Draft Housing Element

Dear Ms. Staude:

Thank you for the opportunity to review and submit comments on the City of Mill Valley Draft Housing Element. The Marin Conservation League (MCL) acknowledges that development and adoption of a Housing Element is critical and important in this pivotal time of balancing the need for housing and the growing consequences of climate change.

MCL is an environmental organization, and housing is not its principal focus. Nonetheless, MCL follows its current policy position on housing, which is to: a) support a balance of commercial development and workforce employment with needed housing; b) avoid sprawl; c) correspond to the service capacity of Marin's infrastructure; and d) protect specific areas of environmental importance. As a result of the State's housing crisis, in the past five years there have been dramatic changes in mandated housing laws to promote housing development. These new laws prescribe public review processes that promote streamlining and "by-right" (ministerial) permitting processes. To fully understand these new housing laws, in January 2022, MCL hosted "MCL After Hours – The Impacts of the New State Housing Laws." This event was intended to educate interested attendees on the recent State housing laws and how they affect the review and development of housing at a local level in Marin County. Consequently, with the many changes in the housing laws, MCL is in the process of updating its housing policy position.

MCL has reviewed the Draft Housing Element for alignment with its adopted policy positions on, among others, housing, flooding/sea level rise, greenhouse gas emissions, and wildfire management. Further, the draft document has been reviewed for alignment with MCL's longstanding mission, which is, "*To preserve, protect and enhance the natural assets of Marin in a changing environment.*" MCL respectfully submits the following comments, which factor in the recent changes in State housing law:

1. Introduction/Background Report (Chapter 1). This comprehensive chapter includes background information on census data, housing by geographic area, resident income levels, and rent and sales price trends. This chapter reports that there is a disparity in the existing housing inventory and the present workforce, particularly for low-paid service workers. As

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discussed below under #2 (Housing Needs), MCL supports efforts and measures to increase housing opportunities in Mill Valley for the existing, lower-income workforce.

This chapter reports that Mill Valley has done well with permitting and developing Accessory Dwelling Units (ADUs) during this past Regional Housing Needs Allocation (RHNA) cycle (118 ADUs permitted and developed between 2014-2021). MCL congratulates Mill Valley for this achievement as ADUs have proven to provide infill housing that can be sized and designed to be affordable to lower-income households and the workforce, within an existing, developed footprint.

2. Housing Needs (Chapter 2 + Appendix A). The Needs Assessment is telling, as it confirms that the greatest housing need in Mill Valley is for the low-, very low-, and extremely low-income households. For the next RHNA cycle, Mill Valley’s allocation is to plan for the development of 865 units of which 413 units (48%) must be earmarked for low-, very low-, and extremely low-income households. These income levels support a high percentage of Marin’s workforce that is required to travel far for affordable housing. Planning for housing opportunities to accommodate these households will promote a more sustainable balance in jobs and housing within the County, which will help address the impacts of climate change.

3. Housing Plan – Goals, Policies & Programs (Chapter 4). This chapter is well-written and easy to comprehend. MCL supports the four overarching “Housing Strategies,” and the eight Housing Element Goals, which include, among others: a) enhance affordability to provide housing for the workforce; b) provide sufficient amount of land to accommodate RHNA but ensure that new development is compatible with small town character of Mill Valley and its environmental and scenic attributes; c) promote fair housing for residents; and d) promote a healthy and sustainable city through supporting existing and new housing that minimizes reliance on natural resources and automobile use. Acknowledging that Mill Valley is a relatively built-out community, MCL agrees with and expresses support for the following policies and programs as they promote reuse of existing resources and sustainability:
 - a. Policy 2.1. Encourage mixed-use by incorporating residential housing in commercial buildings.
 - b. Policy 2.32. Diversity single-family residential neighborhoods through ADUs and duplexes,
 - c. Policy 2.4. Create Housing Opportunities through adaptive reuse.
 - d. Program 5. Mixed-use zoning in commercial districts.
 - e. Program 20. Rezoning to accommodate RHNA/Housing Overlay Zoning District with particular support for rezoning underutilized commercial and publicly owned opportunity sites, and the adoption of an office conversion housing overlay district.
 - f. Policy 7.1. Promote smart growth. Preserve open space, watersheds and environmental habitats while accommodating new growth that minimizes reliance on use of the automobile.
 - g. Policy 7.2. Create healthy, sustainable buildings through green building design.

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- h. Policy 7.4. Transportation alternatives and walkability. Incorporate transit and other transportation alternatives including walking and bicycling into design of new developments, particularly within ½ mile of transit stops.
- i. Policy 7.5. Jobs/housing balance.
- j. Program 30. Prioritization of sustainable housing projects.
- k. Program 31. Green building and energy conservation. Evaluate adoption of reach codes. While supported, heightening the green building and energy standards will increase the cost of housing development.
- l. Program 32. Addressing natural hazards. Support for housing development in areas that are outside hazard zones (see comments below regarding constraints).

Program 18 (Residential Design Guidelines) recommends updating the currently adopted design guidelines so that they are developed into “objective standards” for “by-right” development approvals (allowed through SB330, SB35, SB9). While MCL supports this effort as the current design guidelines have been a very useful tool, we reserve the opportunity to comment on these “objective standards” when they are available for public review.

- 4. Sites Capacity Analysis and Inventory (Appendix C). This appendix is thorough, presents excellent graphics, provides a methodology for site screening that is clear, and thoughtfully considers critical factors. MCL presents the following comments, questions, and requests:
 - a. The site inventory considered and assessed City-owned and tax-exempt parcels, but many were dismissed because of environmental constraints. However, a handful of sites were found to be suitable for multiple-family residential use as they are larger sites, relatively free of environmental constraints and close to transit. MCL generally agrees with this conclusion. The #1 Hamilton site (Mill Valley Rec Center) is a good example of a site that meets the criteria as being suitable for multiple-family residential use.
 - b. Of the 89 vacant single-family residential lots included in the inventory, it has been concluded that only 10 of these lots would be eligible for the SB9 “by-right” and development process. However, these potentially eligible lots are not identified on inventory. Please add and/or clarify.
 - c. MCL supports the inclusion of underutilized commercial sites for mixed-use or redevelopment with multiple-family housing. This is a wise re-use of property that is developed with commercial or retail uses, where demand for these existing uses has been declining. It should be noted that while specific criteria were used to demonstrate the potential readiness for redevelopment of these eligible sites, timing for redevelopment will depend upon other factors (e.g., financing, building materials, and labor) that are outside of and beyond the control of the City.
 - d. MCL supports the concept of office conversions or expanding mixed-use on office-developed sites.

- e. The inventory assumes a production of 20 ADUs per year based on the past approval/development trend. While this annual production assumption might be ambitious, MCL supports measures to enhance or facilitate their development.
 - f. The inventory tables identify housing opportunity sites that are being “carried over” from the current and past County Housing Elements. It is our understanding that the State housing laws require that sites “carried over” from the current Housing Element are automatically eligible for the “by-right” process. Please clarify.
5. Constraints Analysis (Appendix F). The Constraints Analysis is comprehensive and well written. MCL is pleased that this analysis acknowledges and includes not only the governmental and non-governmental constraints that are required for this analysis, but environmental constraints too. Acknowledged and discussed are environmental conditions related to flooding/subsidence, seismic hazards, fire hazards, pre-historic cultural resources, and endangered/threatened species. Further, the impact of these constraints on development is helpful. It is recommended that the Appendix C- Sites Inventory table be revised to include known environmental conditions and constraints for the individual opportunity sites. Some of the opportunity sites are located in areas that are vulnerable to increased flooding/sea level rise and high fire hazard. Adding this information to the Sites Inventory table will assist the public and decision-makers to: a) better understanding the conditions and challenges of certain sites; and b) confirm site development capacity and feasibility for development/redevelopment.

Future Review of Draft Environmental Impact Report

MCL looks forward to the future release of the Draft Environmental Impact Report (DEIR) addressing California Environmental Quality Act (CEQA)/environmental review of these documents. With the changes in housing legislation that would streamline future development review, and in some cases exempt CEQA/environmental review, MCL will be reviewing the DEIR to assess the adequacy of this document.

Thank you for this opportunity to comment this critical policy planning document.

Yours truly,



Robert Miller
President



Paul Jensen
Board Member