

Tam Design Review Board

C/O Alan Jones, 304 Laurel Way, Mill Valley, CA 94941 ajarchitect@comcast.net

AGENDA - Public Hearing - May 5, 2021-via Zoom link below

Call to order: 7PM

Approval of minutes of April 21, 2021

Correspondence and Notices

Public comment on items not on the agenda

- 1. Review and approve Statement of Guiding Principles v2.** Draft is posted on website for review.
- 2. Review and approve Housing Bills Statement.** Discuss whether the board chooses to send a letter forwarding this statement to State and Local officials and, if so, outline the contents of the letter.

Alan Jones is inviting you to a scheduled Zoom meeting.

Topic: Tam Design Review Board 5-5-21

Time: May 5, 2021 07:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88306877300>

Meeting ID: 883 0687 7300

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Tamalpais Design Review Board

Guiding Principles for Advocacy in Land Use and Development

1. The Tamalpais Design Review Board (“Board”) relies on guidance as set forth in the Tamalpais Area Community Plan and EIR (“Tam Plan”) in its deliberations.
2. The Board affirms that a program of public advocacy based on the Tam Plan is consistent with the intended purpose of the Tam Plan, and that the Board represents the voice of the community on issues related to local development.
3. The Board places the highest value on public participation and the community’s voice on matters relating to the quality of life, and sustaining the natural and human environment in the Tam area. The Board will oppose laws, ordinances, and regulations that limit reasonable opportunities for public review and comment on proposed projects and plans.
4. The Board supports a holistic approach to land use planning that addresses predicted sea level rise, increased wildfire threats, impacts on neighboring communities, and the avoidance of stranded infrastructure investment as the region adapts to climate change. This would include “no regrets” decisions on land use that are resilient in a variety of future scenarios, and that preserve and enhance the unique character of the Tam area. The Board will take projections of sea level rise into consideration when considering the viability of new commercial and residential projects in low-lying areas. Similarly, the Board will oppose projects that exacerbate fire risk in the wildland-urban interface.
5. The Board welcomes the development of affordable housing at appropriate locations that take into account the unique challenges of the Tam area, including traffic congestion, visitor volume, impacts on sensitive habitats, and vulnerability to flooding and fire risk. The Board believes that affordable housing can be gracefully accommodated into the area, provided that local perspectives and expertise are brought into the planning and design process.
6. The Board urges that new development in the commercial corridor at Tam Junction be designed with a “light footprint” that can accommodate predicted sea level rise in

Richardson Bay, and future changes in Bothin Marsh access. A light footprint also means buildings that can easily be relocated or elevated above predicted flood levels.

7. New proposed development should investigate alternative strategies, including the repurposing of existing structures to address current and future needs.
8. Consistent with the Tam Plan, the Board seeks to retain the neighborhood character that distinguishes the Tam area. While no specific style is prescribed, the Board attempts to maintain this character through choice of materials, setbacks, scale and color of the proposed buildings.
9. In addition to environmental preservation and enhancement, the Board will prioritize public safety in terms of the growing threat of wildfire and the need for safe evacuation routes and plans.

DRAFT

Tamalpais Area Design Review Board
Position on Proposed CA Housing Bills 2021-04-28

The Tamalpais Design Review Board has performed research on the spate of short-sighted housing bills that have recently flooded the legislature. Many of these bills, however well-meaning they may be, would have an enormously negative impact on California's future and inhabitants, through an immediate cavalcade of unregulated, high-density housing located in improper locations. All of the offending bills apply across-the-board solutions and do not allow for consideration of unique situations, such as we personally experience in ours - an area vulnerable to wildfire and sea-level rise, with inadequate infrastructure and a limited water supply. If we fail to oppose the proposed bills that favor unfettered development, we will all regret it. When considering or creating bills devoted to the creation of new housing, long-term impacts must be considered.

Rather than write a response to every bad bill that comes up for a vote, this document outlines the shortcomings of many of the proposed bills and point out what must be included for any bill to be worthy of consideration of becoming law. Although many of our concerns listed here are based on our location's unique challenges, our concerns reach across local boundaries and are relevant to communities throughout the state. Our comments are not complex or rely on deep data, they are instead based on common sense.

In October 2019, Governor Newsom signed into law many bills that reward developers with freedom to construct ADU's, density and height bonuses, exemptions to CEQA, permit streamlining and restriction of local controls to Objective Design Development standards, when developing dense housing, near major transit points. Before more bills are made law, the fruition of these recently passed bills must have time to produce results. We need to press pause on approving more legislation.

The Tamalpais Design Review Board is a diverse group, with experience that includes Urban and Multi-family, high-density and affordable housing design, Historic preservation and Community development, Residential real estate sales and County and State-level bureaucracies and infrastructure projects. Our comments as presented here do not represent a NIMBY attitude, rather, they come from a place of expertise in the areas concerning housing affordability, environmental sustainability and governmental oversight, abilities and limitations, all of which are crucial in finding a realistic solution to our present housing crisis. Included below, is a summary sheet listing the main points of our arguments, followed by more in-depth analysis. We hope that members of the public will find this information helpful in voicing their opinions in favor or opposition to various proposed legislation.

-Tamalpais Design Review Board: Chair: Alan Jones. Secretary: Doug Wallace. Members: Logan Link and Andrea Montalbano

Good and Bad Housing Bills - What do they include?

- 1) **Higher density should be located where it does not cause the destruction of sensitive, natural resources.** Evisceration of CEQA, removal of lot coverage maximums, and removal of tree protection ordinances and stream setbacks will have a tremendously negative impact on the environment.
- 2) **Higher density should not be located in a wildfire or flood hazard zone, or on roads that are inadequately sized for density.** Consideration of existing conditions must be a part of any densification. New housing should not be located in areas that endanger the lives of inhabitants.
- 3) **New higher density should not be overlaid indiscriminately over our existing, flawed, suburban model of development.** Across-the-board densification only builds on our existing unsustainable development pattern and must be discouraged and avoided.
- 4) **Higher density should be located near mass transit and provide adequate on-site parking.** Urban density needs to avoid automobile dependence. Where mass transit does not exist, parking and immediate access to freeways must be provided for the occupants.
- 5) **New higher density must have or provide the infrastructure to support it.** Bills that exempt developers and the state from paying for the infrastructure upgrades new density requires is subsidizing private developers and shifting costs to the tax payers.
- 6) **Higher density should not destroy the property investments of the working and middle class.** By allowing higher density ubiquitously, properties of very high value will remain unchanged, and investment focused in the poorest areas will fallaway. Housing developers will tend towards working and middle class neighborhoods, where lower property values, pre-existing infrastructure and elements of gentrification, attractive to the wealthier tenants they desire, already exist. The impact to these communities will be the most destructive.
- 7) **New higher density should provide truly affordable housing, and be built only if it is truly needed.** New housing bills should not depend on flooding the market with market-rate housing to bring down the cost of housing overall. Bills should instead foster truly affordable, rent controlled units. A temporary ban on short term rentals would have an overnight impact on the housing crisis. Bills that focus on retrofitting and redevelopment of empty office buildings and retail centers, brownfield sites, should be promoted.
- 8) **Higher density should be concentrated in areas guided by local Community plans and input.** Local communities should be held responsible for specifying locations for higher density, affordable housing, but should not be imposed upon by having carefully studied and thoroughly thought-out Community plans and public input, disregarded.

Good and Bad Housing Bills: In-depth Analysis

1) Higher density should be located where it does not cause the destruction of sensitive, natural resources.

Many of the proposed high-density housing bills (such as AB 672) include an automatic exemption to CEQA. To dispose of CEQA protections would be to take a major step backward on the path of environmental preservation and progress, and would remove one of the most powerful tools for keeping the public apprised of what is happening in their communities.

Prior to CEQA, construction occurred everywhere rather than in targeted, vetted locations. Cultural and natural landscapes were destroyed, native species were decimated or made extinct, and buildings in wildfire and flood zones, far from transit, were constructed. The enactment of CEQA was necessary to counter the free-for-all of unfettered development of the second half of the twentieth century.

To eviscerate CEQA would be to return to the past, with construction too near to creek-beds, on steep hillsides with drainage issues, and within sensitive marshlands. Construction would occur in locations that should be restored, not destroyed. Bills that create a CEQA exemption do not account for the environmental degradation that will result from the urbanization of what is presently rural or semi-rural areas. The devastating consequences of removing CEQA protections can not be overstated, and once the damage is done, that land can never be returned to its previous state.

2) Higher density should not be located in a wildfire or flood hazard zone, or on roads that are inadequately sized for density.

Many of the proposed bills (as well as the ADU bills already signed into law) do not take into account densification in areas prone to wildfire or flooding. There is no requirement for the roads to be wide enough to support the traffic that would occur in a natural disaster. This is an extremely dangerous and unwise direction to head in, as climate change increases flooding, bringing wetter storms and sea-level rise, and increases incidents of wildfire.

Bills that promote the reduction of construction in these locations should be gaining ground, instead. Rather than allowing increased density everywhere, a system of Transferred Development Rights should be considered, that would allow a developer to purchase a property in an area vulnerable to wildfire or sea-level rise and restore it to its natural state, in exchange for a density, height, or parking reduction bonus that can be applied at a more appropriate development location.

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3) New higher density should not be overlaid indiscriminately over our existing, flawed, suburban model of development.

In response to the increased demand for housing following World War II, undeveloped or agricultural land at the perimeter of our towns and cities were available to developers at a low cost. Then, as now, helping these developers build was considered necessary.

Thoughtful planning for the full impact of this development was short-sighted, and resulted in local communities were left to provide transportation, streets, utilities, parks, schools, and all the needs that accompanied this development. The developers walked away with their pockets full and the local communities were left holding the bag. As the years passed local zoning rules were implemented, in large measure, to temper this devastating impact. Floor area ratios, height limits and setbacks were established to ensure significant green space remained where there once was a pristine natural environment. The continuous sprawl that developed from the lack of long-term planning resulted in “unforeseen” environmental impacts of the automobile and freeways. It was then too late to concentrate density and development around transit. Many of the bills in the legislature ignore this history and hope to build on this seriously flawed model. History should be learned from, not ignored. Mistakes should not be repeated.

Now is not the time to overlay higher density on a matrix which has already broken the rules of environmental sustainability. While ubiquitous single-family zoning may be a deterrent to affordability, ubiquitous densification is not the answer. While there is some history of zoning being exploited to discriminate against certain groups, it has been on the whole an effort to mitigate the undesirable results of earlier unregulated development. Single family zoning’s negation and wholesale repeal will result in much more damage than benefit.

4) Higher density should be located near mass transit and provide adequate on-site parking.

Many of the proposed bills (such as AB 682) allow for high-density housing to be constructed beyond an acceptable pedestrian-accessed distance to transit AND exempt new developments from being required to provide any on-site parking for the occupants. Individually, these are bad ideas. Together, they are irresponsible urban planning.

In locations where future transit points are not yet determined or designated, choosing the location of high-density housing is an unwise guessing game that will only result in greater automobile dependence and traffic.

The cost and environmental footprint of the much-needed mass transit infrastructure can be decreased with consideration of alternative transit options, such as light rail, water taxis, and aerial trams. The construction of mass transit takes far longer than the construction of housing units and must be put into place, so that logical locations of higher density housing, where car dependence can be avoided, can be established.

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5) New higher density must have or provide the infrastructure to support it.

Many places in California don't have enough water to provide for an increased population. Existing roads lack the necessary width and quality to support densification. Transit is lacking. Typically, when new housing is added, either the developer, the local community, or the state must provide for these needs.

Many of the proposed bills (including AB 602) include a caveat of exemption. Developers are bound to make tremendous profits from these developments, especially when so many do not provide much affordable housing in their development plans. For-profit developers should not be subsidized at the expense of California taxpayers.

6) Higher density should not destroy the property investments of the working and middle class.

High-density housing is much more expensive to build per square foot because of the fire and noise separations and protections that are required by the building code. Presently, locations with low land values that are close to job centers (like Richmond and East Oakland in the Bay area) are having an influx of money and redevelopment. By allowing higher density development ubiquitously across the state, desirable redevelopment will quickly fall away from these locations and developers will shift their focus to already established areas with higher income, leaving the areas that are in the most need of investment, behind.

The communities that are bound to see the most development and suffer the most from these bills are working and middle-class neighborhoods. These communities sit at the developer's sweet spot: the land is inexpensive enough to afford a teardown and rebuild, but the community is established enough to attract a wealthier tenant. These middle-class homeowners do not want their neighborhoods densified, urbanized and their property values destroyed by greedy developers who are exempt from design oversight and are interested in density, rather than design quality and neighborhood cohesion. Through bills like SB-9 and 10, The wholesale densification of all single-family neighborhoods will devastate working and middle-class communities, far more than wealthier communities, where land values are so high that purchase of the land for redevelopment is not profitable. By getting rid of single-family zoning entirely, middle and working-class neighborhoods are bound to suffer the most.

7) New higher density should provide truly affordable housing, and be built only if it is truly needed.

There are far too many housing bills proposed that attempt to create affordable housing by flooding the production of enough market-rate housing to bring down demand, rather than creating truly affordable, rent controlled units. In this desperate rush to create housing, the state

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is overlooking that which it already has. There are already tens of thousands of pre-existing housing units presently functioning as short-term rentals (STR's). There have been numerous studies examining if STR's drive up the cost of housing, with mixed conclusions, but the fact remains: putting a two-year ban on short-term rentals would free up tens of thousands of already existing housing units, and would have an immediate, overnight impact on our housing crisis. A temporary ban would provide us with time for the state's expanded housing supply to be built, in the right way, in the right locations, through the housing legislation that has already been put into place.

Our society is standing at a pivotal moment of cultural change, brought on by the pandemic. Many employers are allowing full-time work from home and the long-term effects of this will be dramatic. Preexisting office space will undoubtedly become available for retrofit as housing. Before we enact badly thought out housing bills, efforts should be made to promote retrofit and conversion of this already built space that will open up for development over the course of the next year or so. Retrofitting existing buildings would speed up construction time, and reduce construction cost as well as carbon footprint. In addition, most of these locations are already accessible by public transportation.

Another cultural shift we are facing is a lack of need for retail commercial space. Bills that allow for the conversion or retrofit of unwanted/needed commercial spaces that will provide housing locations, without disrupting locations that are zoned at lower density are worthy of consideration. Putting forth more bills that allow high-density housing on greenfield sites will only weaken the desirability of the redevelopment and densification of these brownfield sites.

8) Higher density should be concentrated in areas guided by local Community plans.

Most, if not all, Community plans and General Plans have already, clearly identified the proper locations for higher density development, and most of those locations are in agreement with the points of this letter. Any housing bill that throws these carefully studied plans away is misguided and undemocratic.

As members of the Tamalpais Design Review Board we often see the opportunity to find common ground among disputing neighbors and prospective developers. Most members of our community, developers included, value the diversity we presently have and would welcome the inclusion of a broader range of income and race. In our experience it is through local conversation and actions that a community is built and can grow. Mandates imposed from the State will only result in more conflict and a tendency for communities to dig in their heels and turn, in desperation, toward more exclusionary actions.

The character of a place may be considered secondary when one is weighing it against homelessness, species extinction, dangers of natural disasters, and the destruction of the middle-class home equity, but it is not to be disregarded. Neighborhood character and development

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patterns were developed over time, in response to climate, cultural influences and reflect the availability of local materials. The uniqueness of place is somewhat of a rarity in our country, where so much of the built environment is interchangeable, nondescript, and lacks local, cultural characteristics. The erasure of local character and identity through widespread development without careful planning or community guidance can have a tremendous negative effect on community cohesion.

Certainly, there is a way that the future of the built environment can allow for densification in the right places, in the right ways, without having an irreversible detrimental impact on cherished communities. Following the guide of a Community plan is the path that can lead California there.