

VIA EMAIL AND US MAIL

October 29, 2014

Re: Implementation of AB 1537

Dear Supervisor Sears,

First of all, I want to thank you for your active and effective support of AB 1537. Assemblymember Levine's bill corrects the anomaly of Marin's designation as a metropolitan county, with a "default density" of 30 units per acre--higher than the density prevailing in most of San Francisco.

However, as you know, the new legislation is not self-executing. In order to actually obtain the benefit of the new law, the Board of Supervisors must act. Specifically, the provisions of the County's Development Code which apply the 30 units/acre density to three sites (St. Vincent's/ Silvierra, Drake Ave. in Marin City, and the Golden Gate seminary) must be amended to reduce the permissible density to 20 units per acre. Therefore, I would ask that you (as a supporter of AB 1537, as the President of the Board, and as the representative of the district in which two of the three affected sites are located) introduce the necessary ordinance and press for its prompt enactment.

On a related matter, may I suggest that you also reevaluate the continued necessity of the Affordable Housing Combining District (AHCD), at least as applied to the seminary site? You may recall that at a Board of Supervisors meeting early this year, when the Board was considering the Housing Element (HE) covering 2007-14, you asked Brian Crawford if the newly-proposed AHCD needed to be applied to the seminary. Mr. Crawford's reply was equivocal; he thought that the HE should be acceptable to the State HCD even if the AHCD designation was removed from the seminary but couldn't give you an absolute assurance. And given the approaching January 31, 2014 deadline for submission of the HE to the State HCD, your colleagues were unwilling to approve your motion to delete the seminary from the AHCD.

The situation is now very different. Unlike the prior HE, the draft HE for 2015-23 submitted to HCD by the Planning Commission contains a **huge** surplus of low-income units over and above what is required by state law and regional policies. While the RHNA established by ABAG/MTC for low and very low income units in unincorporated Marin is 87, the draft HE anticipates 268 units in that category: a "buffer" of 181 units. While some might have viewed the prior HE as a "close call," with the seminary units critical to HCD approval, this is a "slam dunk"; the contribution of the seminary is minor and irrelevant. Moreover, while the draft HE mentions in passing that the seminary site is subject to the AHCD 30 unit/acre zoning, it doesn't actually rely on the AHCD at all. Instead, the site analysis in the draft HE anticipates only 20 "affordable" units being provided at the seminary. Accordingly, I request that when amending the Development Code provisions to be consistent with AB 1537, the Board remove the seminary site from the AHCD entirely.

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As I have tried to make clear in previous letters, I have no objection whatsoever to the provision of affordable housing in Strawberry generally and at the seminary site in particular. I support the requirement in the County's inclusionary housing rules that at least 20% of any residential units that may ultimately be built at the seminary be affordable to persons and families of limited incomes. And, as before, I urge the County to insist that the developer of the seminary site actually build those units on-site, rather than simply buying its way out via a cash contribution to the County.

Thank you again for your support of AB 1537 and for your thoughtful consideration of the requests in this letter.

Sincerely,

Ray McDevitt

cc: Supervisor Susan Adams, Supervisor Judy Arnold, Supervisor Steve Kinsey, Supervisor Katie Rice, Supervisor-elect Damon Connolly