Final Subsequent EIR

City of Mill Valley 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

SCH#2013052005

May 2, 2023







Prepared by

EMC Planning Group

FINAL SUBSEQUENT EIR

CITY OF MILL VALLEY 2023-2031 GENERAL PLAN HOUSING AND LAND USE ELEMENT UPDATE AND ZONING AMENDMENTS

Subsequent to the 2013 City of Mill Valley 2040 General Plan EIR

SCH# 2013052005

PREPARED FOR

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1.0 Introduction

The City of Mill Valley (hereinafter "City"), certified a program EIR (State Clearinghouse Number 2013052005, herein "Program EIR") in 2013 for its comprehensive General Plan update referred to as the *Mill Valley 2040 General Plan*. Since that time, the City has updated its General Plan, including a comprehensive update to its Housing Element for the 5th cycle (2015-2023), adopted in May 2015.

The City is now preparing its 2023-2031 Housing Element Update, which includes a comprehensive update to the Housing Element. To address the goals, policies and programs contained in the Housing Element updates to the Land Use Element of the General Plan along with amending Title 20 (Zoning) of the City of Mill Valley Municipal Code are also required. The proposed project (hereinafter "proposed project") includes amendments to the City of Mill Valley 2040 General Plan (general plan) elements (including amending the Housing Element and Land Use Element); map amendments, (including the General Plan Land Use Map and Zoning Map); and amend the City of Mill Valley Municipal Code (including Title 20, "Zoning").

Because the proposed project could result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064, beyond those discussed and mitigated in the Program EIR, the City prepared a draft subsequent environmental impact report (hereinafter "SEIR") to evaluate the potentially significant adverse environmental impacts of the proposed project. The City circulated the draft SEIR for public review from January 17, 2023 to March 3, 2023 and received written public comments. The City also held a public meeting on February 28, 2023 to accept oral public comments. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

Together, the draft SEIR and final SEIR constitute the complete City of Mill Valley 6th Cycle (2023-2031) Housing Element Update SEIR. This final SEIR has been prepared to address comments received during the public review period and, to make minor corrections and provide additional information that clarifies and amplifies content in the draft SEIR.

The final EIR is organized into the following sections:

- Section 1 contains an introduction to this final SEIR;
- Section 2 contains written comments on the draft SEIR and the responses to those comments; and
- Section 3 contains changes to the draft SEIR.

2.0
Comments on the Draft SEIR

2.1 CEQA Requirements

CEQA Guidelines section 15132(c) requires that the final SEIR contain a list of persons, organizations, and public agencies that have commented on the draft SEIR. A list of the correspondence received during the public review period is presented in the following section below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the final SEIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments be provided. A copy of each comment letter or other form of correspondence received during the public review period is provided. The number of each letter is included at the top of the first page of each letter. Numbers inserted along the margin of each comment letter identify individual comments for which a response is provided. Responses corresponding to the numbered comments are presented immediately following each letter.

Where required, revisions have been made to the text or graphics of the draft SEIR. Comments that trigger changes to the draft SEIR are so noted as part of the response. Revisions to the draft SEIR are included in Section 3.0, Revisions to the Draft SEIR.

2.2 List of Commenters

The City of Mill Valley received both written comments (letters and emails) and verbal comments at a Planning Commission hearing on the draft SEIR. For those individuals commenting more than once, the date of correspondence is provided.

Letters/Emails

The following written correspondence was received during the 45-day public review period for the draft EIR:

1. Kevin McGrath;
2. Simin Batroff;
3. David Kennedy;
4. Elena McClain;

5. Judith Staples;
6. Grant Morris;
7. Gabrielle Tierney;
8. Gillian Emblad;
9. Karen Shapiro;
10. Mike Shapiro;
11. David Wygant;
12. Michael Stern;
13. Eric Bindelglass;
14. Ann Ritchie;
15. Stephanie Breitbard;
16. Carolyn Heyder;
17. Regina Filippi;
18. Jeralyn Seiling, J.D.;
19. Paula Weaver;
20. Gunnel Strom;
21. Patrick M. Soluri, Soluri Meserve (Letter - February 27, 2023);
22. Rod Eshelman;
23. Gail Katz;
24. Elizabeth O'Donnell;
25. Carrie Sherriff;
26. Carlin Long;
27. Elspeth Seddig;
28. Pei Chin Chiang;
29. Carlos Montalvan (Email - February 28, 2023);

30. Brian Mcarthy (Email - February 28, 2023; 3:17 pm);
31. Conan Putnam;
32. Brian Mcarthy (Email - February 28, 2023; 2:08 pm);
33. Patrick McCarthy;
34. Patrick M. Soluri, Soluri Meserve (Letter - March 3, 2023);
35. Mary McGerity;
36. Carolyn Heyder;
37. Kristen and Adnan Chaudhry;
38. Dennis H. Klein, PE AICP GISP, Mill Valley Affordable Housing Committee; and
39. Carlos Montalvan (Email - January 23, 2023).

Verbal Comments

The following comments were received at the Planning Commission meeting held on February 28, 2023, in the City Council Chambers at City Hall.

1. David Wygant;
2. Kathleen Clifford;
3. Kristen Chaudhry;
4. Paula McGrath;
5. Jeralyn Seiling;
6. Carolyn Heyder;
7. Kate McGarity;
8. David Levin;
9. Anita Scott;
10. Mary McGarity;
11. Gary Batroff;
12. Karen Holly;
13. Dennis Klein;

14. Carlos Montalvan;

15. Clayton Smith; and

16. Nancy McQuilkin.

2.3 Written Comments on the Draft SEIR and Responses to Comments

Written correspondence on the draft SEIR is included in the section below. Responses to CEQA and environmental-related comments are provided after each comment letter/e-mail.

On Feb 26, 2023, at 1:18 PM, Kevin McGrath <kevin@weavermcgrath.com> wrote:

To the Mill Valley Planning Commission:

1 Since the 1 Hamilton proposal was first sprung on the neighborhoods east of Camino Alto, the City has consistently failed to be transparent about its plans for this project. The latest example is in Agenda Item #1 which seeks to change the land use designation for the site without a full project-level environmental review. Legal counsel for our neighborhood group has explained that this approach violates CEQA.

A further example of the City's lack of transparency is its refusal to erect story poles to illustrate the proposed development on the 1 Hamilton site. The reasons given for this refusal at various times have been that the poles would be "too expensive", "too tall" and/or would inconvenience users of the parking lot on the site. The irony is thick, since the project itself would have the identical consequences.

It is not too late to get this right. The proposed change in the land use designation for 1 Hamilton to allow residential development should be excised from the other matters proposed for action and left to be decided after a full "project-level" environmental review which is specific to the proposed development and its environmental impacts. I urge the Planning Commission to recommend this action.

Kevin J. McGrath
154 Kipling Drive

Response to Letter 1, Kevin McGrath

1. This comment is about property owned by the City of Mill Valley, identified in the draft SEIR as the Publicly-owned Site (1 Hamilton Drive), a housing site included in the draft Housing Element Update sites inventory. The Housing Element Update includes changing the land use designation for this site from Community Facility (CF) to Multi-Family Residential (MFR-2) and, in a future action, will also require changing the zoning from Open Space (O-A) to Multi-Family Residential Bayfront (RM-B). As explaining in Table 4-6, Summary of Land Use Map and Zoning Map Amendment, rezoning will occur as part of a project-level development review application. The allowed residential density would change from 0 to "17 to 29" units per acre. For purposes of environmental analysis, the draft SEIR assumed 50 units could be built at this location.

   The commenter is requesting that the City prepare a "project-level" environmental review of the 1 Hamilton Drive residential project as part of the environmental analysis of the this SEIR. However, at the time of issuing the Notice of Preparation (NOP) for this SEIR, the proposed housing at 1 Hamilton Drive was still in only a preliminary conceptual design phase–and the City did not have a stable project description. City Council direction to assemble a development application for proposed housing at 1 Hamilton Drive also occurred after the release of the NOP for this SEIR.

   The City appropriately prepared a "community-level" (also referred to as "program-level") EIR, in accordance with Public Resources Code (CEQA) § 21159.20, which states that a community-level EIR is appropriate for a housing element of the general plan, if the EIR analyses the environmental effects of the density of the proposed project (refer to page 1-4 of the draft SEIR for a full discussion of a community-level EIR).

   The draft SEIR evaluates the reasonably foreseeable cumulative environmental effects of the cumulative density of the Housing Element Update (i.e., the cumulative impact of development of all of the housing sites in the Housing Element Update) in the areas of air quality, energy, greenhouse gas emissions, noise, public services, transportation, and utilities. The draft SEIR also evaluates potential impacts associated with aesthetics light and glare, biological resources, tribal cultural resources, and wildfire. The draft SEIR concluded that the following topics were adequately covered in the community level general plan EIR: agricultural and forestry resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and mineral resources. Therefore, the draft SEIR evaluates the broader environmental concerns associated with the physical development of the housing sites identified in the draft Housing Element Update. In accordance with CEQA Guidelines 15144, as presented in Section 1.2, Methodology, in the draft SEIR, the City used its best efforts to evaluate and disclose parcels located within city

limits that could reasonably be redeveloped based on the stringent requirements of state law and State Department of Housing and Community Development (HCD) Housing Element Site Inventory Guidebook Government (Code Section 65583.2).

Regarding story poles, the City does plan to erect story poles on the 1 Hamilton Drive site to assist with the City's development review process. The 1 Hamilton project-level EIR will also include a visual impact assessment of the proposed development for the site. Release of the 1 Hamilton draft EIR for public review is anticipated in summer 2023. No changes to the draft SEIR are necessary.

From: Simin Batroff
To: Danielle Staude
Subject: [External] 1 Hamilton: Asbestos
Date: Monday, February 27, 2023 8:52:25 AM

Dear Ms. Staude:

1 The city of Mill Valley has selected the only site, 1 Hamilton, in all of Mill Valley where there is naturally occurring asbestos to build affordable housing. It's a scientifically proven fact that asbestos can cause mesothelioma cancer if disturbed by construction. The City claims that EAH will perform costly "mitigation" of the asbestos during construction, but mitigation doesn't mean elimination, it only means to reduce. There is no guaranteed health safety during any mitigation process. The EPA also says that ANY level of asbestos in the air is unhealthful.

The City of Mill Valley is putting the health of our community at risk. This has created high levels of anxiety and distress to the people of Enchanted Knolls and surrounding neighborhoods. Please remember that you are vested with leading the City's affairs for the entire community, not a selected (wealthy) neighborhoods.

Sincerely,

Simin Batroff

90 Keats Drive

Response to Letter 2, Simin Batroff

1. This comment is regarding naturally occurring asbestos at the 1 Hamilton Drive project site. See response to Letter 1. The City will address naturally-occurring asbestos in the project-level EIR for the 1 Hamilton Drive project. No changes to the draft SEIR are necessary.

From: David Kennedy
To: Danielle Staude
Subject: [External] 1 Hamilton
Date: Monday, February 27, 2023 8:36:46 AM

Danielle,

I have the following feedback and concerns about the 1 Hamilton project:

1

1. When will the city erect **story poles** to provide decision makers and neighbors a visual tool to evaluate the proposed construction?

2. Please make available as soon as possible the results from testing for **naturally occurring asbestos** at the site. According to the link below, there is known serpentine rock in the 1 Hamilton hillside:
https://www.marinmap.org/Html5Viewer/Index.html?viewer=smmdataviewer&layerTheme=&scale=4800&basemap=&center=5978493.883023422%2C2155474.234319469&layers=07f1w60zRT%2F%2B3HAZSz0424e203VLnh1j94Gx1LjczC2hvw0D0YTqbP2gk0b82BRK%2F7009lLz2uDLhl0oketH1bWVgD0KL3Cf0X7Iup0%2FT025

3. Please have representatives of EAH Housing and the city explain to the public how they plan to mitigate the health hazards that will result from excavating the 1 Hamilton hillside. The link below is an example of an **Asbestos Dust Mitigation Plan** for the Port of San Francisco. I would expect at least this level of mitigation be applied to the 1 Hamilton site given the proximity to the park, public safety buildings and neighbors.
https://sfport.com/files/2022-04/1.4.6%20Example%20ADMP.pdf#:~:text=Asbestos%20is%20a%20naturally%20occurring%20mineral%20that%20is,the%20operation%20has%20been%20approved%20by%20the%20BAAQMD.

Thank you,
David Kennedy
26 Keats Dr.
Mill Valley CA 94941

Sent from Mail for Windows

Response to Letter 3, David Kennedy

1. This comment is regarding story poles and naturally occurring asbestos at the 1 Hamilton Drive project site. See responses to Letter 1 and Letter 2. No changes to the draft SEIR are necessary.

From: Elena McClain
To: Danielle Staude
Subject: [External] 1 Hamilton
Date: Monday, February 27, 2023 8:28:12 AM

Dear Ms. Staude:

1 It has come to my attention that the City does not want to erect story poles at 1 Hamilton. The City's own policy states that the purpose of the story poles is to provide the decision makers and neighbors with a visual tool to evaluate the proposed construction. Not providing story poles denies surrounding neighbors of a "visual tool to evaluate the proposed construction".

In addition, another major concern is the presence of natural occurring asbestos at 1 Hamilton, which can cause an unnecessary risk to anyone using the park. The City has made a very poor choice of selecting the only site in all of Mill Valley where there is natural occurring asbestos, without any regard to surrounding neighbors, or people using the park for recreation. In addition, the EPA has also stated that any level of asbestos in the air is unhealthful, but the city has chosen to ignore this.

I strongly oppose the city moving forward with 1 Hamilton,, because it continues to push this project through, without any regards for the surrounding neighbors and/or the countless number of people who use the park.

Sincerely,

Elena McClain
16 Tennyson Drive
Mill Valley, Ca. 94941

Response to Letter 4, Elena McClain

1. This comment is regarding story poles and naturally occurring asbestos at the 1 Hamilton Drive project site. See responses to Letter 1 and Letter 2. No changes to the draft SEIR are necessary.

From: Judith Staples
To: Planning
Cc: Danielle Staude
Subject: [External] Planning Commission Meeting Agenda Item 1 on 2/28/2023
Date: Sunday, February 26, 2023 9:25:32 PM

Dear Planning Commission Members,

1 I am writing to urge you to vote "NO" on changing the land use designation at 1 Hamilton. No project for 1 Hamilton has been approved as of now and therefore it is not necessary to change the land use designation for this site from common facility to multi-residential until there is an approved project. Please pause on this process until a full project level EIR is done and balanced neighborhood input can be evaluated.

Thank you for your valued consideration.

Judith Staples
Mill Valley

Response to Letter 5, Judith Staples

1. This comment is regarding the proposed land use designation change at the 1 Hamilton Drive site. See response to Letter 1.

   Additionally, the commenter requests that land use designation at the 1 Hamilton Drive site not be changed until a project is approved at this location. However, to maintain internal consistency within the General Plan the City intends amend the land use designations in the General Plan Land Use Element concurrent with the adoption of the Housing Element update. See Government Code Section 65302(a) and 65583(c)(7).

   No changes to the draft SEIR are necessary.

From: Grant Morris
To: Planning
Cc: Danielle Staude
Subject: [External] Planning Commission Meeting Agenda Item 1 on 2-28-23
Date: Sunday, February 26, 2023 8:52:22 PM

Dear Planning Commission Members,

1 I am writing with grave concerns about the upcoming vote you will be faced with. I am urging you to vote "NO" on changing the land use designation at 1 Hamilton. No project for 1 Hamilton has been approved as of this date. It is not necessary to change the land use designation for this site from common facility to multi-residential until there is an approved project. The City is violating CEQA and is opening itself to costly litigation. There is substantial neighborhood opposition to the approach the City has taken so far and level-headed voices are not being heard. I understand the site has serpentine rock and the risk of asbestos exposure is a health risk to inhabitants of nearby homes and the children who play sports and use the playground facilities. Mitigation of asbestos is an extremely costly endeavor and even then, mitigation does not eliminate the risks. Please pause on this process until a full project level EIR is done and balanced neighborhood input can be evaluated.

Thank you for your due consideration and please vote "NO".

Grant Morris
Mill Valley resident for 28 years.

Response to Letter 6, Grant Morris

1. This comment is regarding the proposed land use designation change and the risk of asbestos at 1 Hamilton Drive. See responses to Letter 1, Letter 2, and Letter 5. No changes to the draft SEIR are necessary.

From: Gabrielle Tierney
To: Danielle Staude
Cc: Gabrielle Tierney
Subject: Re: [External] Feb 28th Planning Commission Meeting on 1 Hamilton
Date: Sunday, February 26, 2023 8:26:08 PM

Dear Danielle and Planning Department,

1 I am sorry not to be able to attend the Planning Commission meeting on Tuesday night.

I am writing to reinforce the request for story poles to be put up for 1 Hamilton and to delay the vote on the land use designation until there is a project level EIR. A land use change is premature until the planning commission and the public can assess the environmental impacts of the project including the extent to which asbestos is present. Voting on a land use change appears out of order with normal project level approvals. Why is it up for a vote tonight?

This is city land and your responsibility is that it is developed responsibly in all ways possible. Thank you in advance for the care and due diligence you devote to such an important, long term decision for our community.

Thank you for your service.

Sincerely,

Gabrielle Tierney

Response to Letter 7, Gabrielle Tierney

1. This comment is regarding story poles at the 1 Hamilton Drive site. See responses to Letter 1, Letter 2, and Letter 5. No changes to the draft SEIR are necessary.

From: Gillian Emblad
To: Danielle Staude
Subject: [External] Asbestos at the Hamilton project site
Date: Sunday, February 26, 2023 8:04:33 PM

Hello Ms Staude,

1 I live near Hawke park and it has come to my attention that there is concern that the project may unearth some asbestos. Asbestos causes cancer and I do not want myself or my family to have cancer. Do you have a report or plan that can assure me that we will not be exposed to asbestos because of this project?

Thank you.

Gillian Emblad
50 Millay Place
Mill Valley

Response to Letter 8, Gillian Emblad

1. This comment is regarding asbestos at the 1 Hamilton Drive site. See response to Letter 2. No changes to the draft SEIR are necessary.

From: KAREN SHAPIRO
To: Danielle Staude
Subject: [External] 1 Hamilton - Asbestos
Date: Sunday, February 26, 2023 8:01:55 PM

Dear Ms. Staude

1 The city has made the very poor choice of selecting the only site in all of Mill Valley where there is naturally occurring asbestos.

Please make sure the city runs an asbestos test to the area for asbestos.

Sincerely,
Karen Evans

Response to Letter 9, Karen Shapiro

1. This comment is regarding asbestos at the 1 Hamilton Drive site. See response to Letter 2. No changes to the draft SEIR are necessary.

From: Mike Shapiro <mikeashapiro@gmail.com>
Sent: Sunday, February 26, 2023 7:50 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: [External] 1 Hamilton- story poles & Asbestos Risk

Dear Ms. Staude

1 I understand that the City seeks to avoid erecting story poles at 1 Hamilton. Under the City's own policy—as noted on the City of Mill Valley Planning Department's "Story Pole Certification"*—the "purpose" of the story pole requirement is "[t]o provide the decision makers and neighbors with a visual tool to evaluate the proposed construction."
*See https://www.millvalleylibrary.org/DocumentCenter/View/573/Story-Pole-Certification-PDF#:~:text=To%20provide%20the%20decision-makers,to%20evaluate%20the%20proposed%20construction.&text=Install%20story%20poles%20or%20site,addition%20to%20an%20existing%20building.

The only credible reason that I can fathom for why the City would exempt itself from the sensible obligation it imposes on members of this community to provide "neighbors with a visual tool to evaluate the proposed construction" is that the City Council is concerned about the reaction of the community.

Please remember that you are vested with leading the City's affairs for a short period of time relative to the life of the proposed project, and that your personal support of this project must not blind you to the views of the entire community, including those most directly affected by it. The community has a right to see, in advance, the mass of the structure that is being proposed so that the community can provide informed feedback to you about what is (or is not) appropriate for this site.

A reasonable request has been made for story poles. You should honor it.

Also, the city has made the very poor choice of selecting the only site in all of Mill Valley where there is naturally occurring asbestos.

Please make sure the city runs an asbestos test to the area for asbestos.

Sincerely,
The Shapiro Family

Response to Letter 10, Mike Shapiro

1. This comment is regarding story poles and naturally occurring asbestos at the 1 Hamilton Drive site. See responses to Letter 1 and Letter 2. No changes to the draft SEIR are necessary.

From: David Wygant
To: Danielle Staude
Subject: [External] Feb 28 agenda eComment: 1 Hamilton - asbestos
Date: Sunday, February 26, 2023 7:34:46 PM

Hello Danielle,

1 I am writing again with a concern shared by many nearby residents regarding the release of health threatening asbestos into the air of a frequently used park and surrounding area.

According to a leading health resource: "Laboratory studies and studies of asbestos workers show us that asbestos can make you sick. If you breathe asbestos fibers, you may increase the risk of several serious diseases, including asbestosis, mesothelioma and lung cancer...No amount of asbestos is considered safe...All of the asbestos diseases are difficult to treat. Most are impossible to cure. Stopping asbestos fibers from ever entering your lungs is important. The only cure for most asbestos diseases is to prevent them."

Underneath the Hauke parking lot runs a fault line which has rubbed together rocks to create a version of serpentine called slickenside, which is a more fibrous version than normal. The bedrock is more brittle and would require deep drilling to hold a four-story building in place. My kids walk to school everyday through Hauke Park. Besides the toxins endangering kids with developing lungs and park visitors with respiratory conditions, it would risk the health of the site workers. It could also invite PR and legal risk for the City.

Neither the planning commission nor the public can assess the environmental impacts without a full project EIR first. Changing the land-use designation for 1 Hamilton is premature.

Thank you, David Wygant

108 Kipling Dr.

Response to Letter 11, David Wygant

1. This comment is regarding naturally occurring asbestos and the proposed land use designation change at the 1 Hamilton Drive site. See responses to Letter 1 and Letter 2. No changes to the draft SEIR are necessary.

On Feb 26, 2023, at 5:50 PM, Michael Stern <sternweb@googlemail.com> wrote:

Hi Danielle,

1 Hope all is well. I understand there's a Planning Commission meeting this Tuesday, so I wanted to resend my note to you from a month ago. I know how hard you work to meet the needs of your varying constituents in MV (as you have on our projects in the past), and want to ask as strongly as I can for you to please seriously consider this request. It seems pretty obvious that seeing the size of an upcoming project is in everyone's interest - hope you agree.

Thanks for your help in the past on our development projects. And thanks in advance for your consideration of my request.

Best Regards,

Michael Stern
Southern Marin Properties, LLC
415-730-4885 (c)

Begin forwarded message:

From: Michael Stern <sternweb@googlemail.com>
Subject: 1 Hamilton story poles
Date: January 22, 2023 at 9:47:07 AM PST
To: "dstaude@cityofmillvalley.org" <dstaude@cityofmillvalley.org>, "cityclerk@cityofmillvalley.org" <cityclerk@cityofmillvalley.org>, "jwickham@cityofmillvalley.org" <jwickham@cityofmillvalley.org>, "mperrey@cityofmillvalley.org" <mperrey@cityofmillvalley.org>, "sburke@cityofmillvalley.org" <sburke@cityofmillvalley.org>, "ucarmel@cityofmillvalley.org" <ucarmel@cityofmillvalley.org>, "pkelly@cityofmillvalley.org" <pkelly@cityofmillvalley.org>

Mayor, City Council Members and Planning Department,

I'm writing to request that story poles be installed for the 1 Hamilton project. It's my understanding that the developer does not want them installed. It's also my understanding that story poles for new construction are a requirement under the city code; as a developer in Marin I've been required to put them up on every

1 cont'd

project we've done in Mill Valley. The size of the proposed structure makes it even more important to install the poles, just as they're been installed on your large 575 East Blithedale project, as it's unfair for our community to have no idea of the scale of the project based on looking at drawings alone. It seems that's the whole purpose of story poles, and it would be a great disservice to the city's residents to have the project move forward without complete information on the project.

If you are being told that the poles can't be put up in that location,'I'll be happy to provide contact information for a reliable company that can and will do the work. Given its hillside location it should be no problem to put them up.

This is an important project for the City, and I strongly recommend that it is handled properly, openly and with complete respect for the residents of Mill Valley. Thanks very much for your consideration. I look forward to seeing those story poles.

Michael Stern
415-730-4885 (c)

Response to Letter 12, Michael Stern

1. This comment is regarding story poles at the 1 Hamilton Drive site. See response to Letter 1. No changes to the draft SEIR are necessary.

On Feb 26, 2023, at 5:22 PM, Eric Bindelglass <ebindelglass@hotmail.com> wrote:

Danielle,

1

I will be unable to attend the 2/28 Planning Commission Meeting, but wanted to once again request/urge the City to have story poles installed at One Hamilton.

One of the most important objectives of the EIR process at One Hamilton is to evaluate the visual impact of the project with regard to building height and bulk/mass. Having story poles installed at the site (as they were at 575 E.

Blithedale) will enable aesthetic impact to be properly evaluated by the City and the Public.

Erecting story poles is standard practice and consistent with the City's Residential Design guidelines. Seeing the actual massing of the building will provide essential input as you and your colleagues make such an important long-term decision for our community. Please do not let EAH talk you out of taking this responsible and valuable step on this project.

Thank you for your consideration and for your continued leadership and work.

Regards,

Eric Bindelglass
126 Kipling Drive

Response to Letter 13, Eric Bindelglass

1. This comment is regarding story poles and visual impacts at the 1 Hamilton Drive site. See response to Letter 1. No changes to the draft SEIR are necessary.

From: Ann Ritchie
To: Danielle Staude
Subject: [External] Re 1 Hamilton Drive, Mill Valley- Planning Commission Drive Meeting February 28, 2023
Date: Sunday, February 26, 2023 5:15:57 PM

To Whom It May Concern,

1 We are sending this email to the City of Mill Valley and its Planning Commission Members for two very important issues regarding the 1 Hamilton Project.

The first is the lack of concern the City has taken over the presence of the naturally occurring asbestos (serpentine rock) at the 1 Hamilton Site.

It is, and always has been, very clear that there is naturally occurring asbestos present when one looks at the County Hazard map.



It has been almost a year since Friends of Hauke Park did their own test and alerted Mill Valley to its presence, yet the City has continued to ignore this problem until recently. Why did it take Friends of Hauke Park to find out about it?

Everyone around the world knows the health hazards of asbestos. The United States banned asbestos mining in 2002 for very good reasons. Why didn't the City of Mill Valley do their homework well before the 1 Hamilton site was chosen. Because of their laziness, if this project does go ahead, additional money will be needed in the overall cost of the job. The City of Mill Valley says that they will perform "costly" mitigation of asbestos during construction. Mitigation by the way does does not eliminate the problem, it merely reduces it. That means that asbestos will still be circulating in the air as well as the

1 cont'd

environment surrounding the neighborhood and beyond. The EPA states that ANY level of asbestos in the air is unhealthy. Does the City of Mill Valley, the City Council and the Mill Valley Planning Commission think that this is an acceptable scenario for the Enchanted Knolls neighborhood, as well other citizens of the Mill Valley, who spend time at Hauke Park?

2

The second issue is the lack of story poles that need to erected for this Project. We want to add our names to the long list of residents that have continually asked that Story Poles be placed at the 1 Hamilton Site. This needs to be done ASAP so that anyone who drives along Hamilton Drive, uses Hauke Park for recreational purposes, has children participating in sporting events on the adjacent fields during the year or just lives in the neighborhood, can very clearly see what is being planned for this very small one acre site.

The main excuses that Mill Valley have stated for not putting them up are ridiculous. The money is already there for this visual since $500k has already been budgeted for the Evaluation Process. Story Poles are part and parcel of that Evaluation.

Another excuse that has been put forth by the City of Mill Valley is that the Project Building height is much too high for story poles!! (That speaks volumes right there if the City already thinks the project height is way too high). This excuse is utter nonsense. Vendors say they have no issues putting them up for a project of this height and do it all the time.

The City of Mill Valley say they do not want to put story poles up because their citizens will be inconvenienced with parking when the Poles are up. Let’s put this into perspective. What will people do for parking if and when this 1 Hamilton Project is actually under construction? Story Poles for a few weeks are nothing when compared to that two year construction duration.

It has been apparent from Day 1 that the City of Mill Valley, as well as Mill Valley City Council, have decided to ram the 1 Hamilton Project through without all the appropriate steps that need to be taken on a new construction project within City limits. Mill Valley has a set of Rules that need to be followed by its own Citizens as well as Contractors when they apply for a Building Permit, so it should be expected that City Council follows the same rules for their own projects.

Why did the City ask for story poles to be put up for the Richardson Project but have completely refused to do it at 1 Hamilton? Controversy surrounds both projects with many of the very same issues.

Most people need a visual experience before they can completely understand how a large building will impact a site. The small rendering drawings that the City continues to show to people of what is being proposed will NEVER be able to convey that feeling of mass and scale. The 50 units that are being proposed for such a small square footage site clearly demand that story poles be erected. Everyone needs to fully understand exactly how this project will impact the Enchanted Knolls neighborhood for decades to come.

Do the right thing Mill Valley!! Erect those story poles now. If the Environmental Review Report comes back showing Asbestos in the rock, pull the plug immediately. Mitigating it does NOT fully solve the issue and is incredibly costly. There should not be any possible health risks to the Enchanted Knolls neighborhood, or to those who are at Hauke Park, for whatever reason. Stop making excuses. What are you afraid of?

Kind regards,

Ann and Bill Ritchie
Kipling Drive
Mill Valley
Sent from my iPad

Response to Letter 14, Ann Ritchie

1. This comment is regarding naturally occurring asbestos at the 1 Hamilton Drive site. See response to Letter 2.

2. This comment is regarding story poles at the 1 Hamilton Drive site. See response to Letter 1.

   No changes to the draft SEIR are necessary.

From: Stephanie Breitbard
To: Danielle Staude
Cc: mbreitbard@yahoo.com
Subject: [External] letter about 1 Hamilton
Date: Sunday, February 26, 2023 4:58:12 PM

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1 Hi - I am writing as the owner of 225 Roque Moraes Dr. I feel like we keep writing letters and no one is reading them or paying them any attention, and the city is going to do what they want to do without regard for normal operating procedures that you impose on the rest of us residents of MV, the environment, traffic concerns, zoning laws…etc.

PLEASE

2 1. Erect story poles at 1 Hamilton – you require us all to do them!
2. The asbestos present is a health risk to everyone on this hillside and must be take into consideration.
3. You are changing the land use designation of this area in order to avoid CEQA laws.

3 4. You have no plan to expand the city infrastructure of roads to accommodate the 860 more housing units you plan to build. The traffic is already terrible and all residents hate it. So now you are adding 1600 more cars to MV without any plan to alleviate traffic? This is irresponsible city planning.
5. You shut my business down in my home about 10 years ago saying my home business permit did not allow for clients to come to my home due to "the increased traffic it would cause to the area". That was 1 car, once a week, of added traffic. But you can add an apartment building of 50 units and likely 100 cars and change the rules to suit you?

Best regards,

Stephanie Breitbard
Cell: 415-577-8007
www.sbfinearts.com
Instagram: @simonbreitbardfinearts
SF Gallery address: 843 Mongomery Street
Menlo Park Gallery address: 779 Santa Cruz Ave.

SIMON BREITBARD
FINE ARTS

Response to Letter 15, Stephanie Breitbard

1. This comment raises a concern about traffic. See Section 12.0, Transportation, of the draft SEIR, for a discussion of transportation impacts associated with implementation of the Housing Element Update.

2. This comment is regarding story poles, naturally occurring asbestos, and the proposed land use designation change at the 1 Hamilton Drive site. See responses to Letter 1 and Letter 2.

3. This comment raises a concern about traffic. See response to comment 1 above.

   No changes to the draft SEIR are necessary.

From: Carolyn Heyder
To: Danielle Staude; Planning
Subject: [External] Agenda Item # 1: February 28th Planning Commission Mtg
Date: Sunday, February 26, 2023 9:13:56 AM

To the Planning Commission of Mill Valley:

1 I am writing to comment on Item 1 of the Agenda for the February 28, 2023 Mill Valley Planning Commission meeting.

Rezoning of 1 Hamilton Site:
In the revised draft HE and SEIR, 1 Hamilton remains the only publicly owned property that is listed. And even though, the argument continues that 1 Hamilton is not yet a "project", the city is drafting the HE and SEIR as if it was - and attempting to rezone 1 Hamilton now - not during the project level EIR, as it should be, but under this SEIR, which it plans to certify. "This action involves amending the land use designation on the General Plan Land Use Map... from zero dwelling units per acre to ...17-29 dwellings per acre." The rezoning of 1 Hamilton should be made after a full project level EIR has been completed and not before. Certainly, it should not be decided on during the Housing Element EIR.

2 Story Poles:
Section 5.0 (Aesthetics, Light and Glare" of the SEIR is to describe the "potential effects for the Mill Valley City Housing Element Update on the city and its surroundings." Its inclusion of photos showing the existing visual setting at 1 Hamilton is erroneous. The photographs picture the area now - as open space- not what the visual effects would be after the development of 1 Hamilton. The potential effects of such proposed construction can only adequately be depicted in this section through the installation of story poles - a process that EAH and the City so far have refused to agree to. Despite numerous public requests for the installation of story poles, the city and EAH are still presenting arguments why they will not put them up:(1) they are too expensive to install (2) they are too tall to install and (3) the installation of story poles will inconvenience the current parking lot users at Hauke Park. These reasons are unacceptable. The installation of story poles is a necessary element of this section and should be undertaken.

The purpose stated in the city's story pole requirement application is " to provide decision makers and neighbors with a visual tool to evaluate the proposed construction." Any depiction of the 1 Hamilton project other than story poles will not adequately demonstrate the scale of the project. Furthermore, this meeting is supposed to allow the public to comment on the HE SEIR, but the city, by including 1 Hamilton in this HE SEIR without including story poles, is depriving the public of knowledge it needs in order to comment on the SEIR and Draft Housing Element.

Please seriously consider the points I have raised above,
Carolyn Heyder

Response to Letter 16, Carolyn Heyder

1. This comment is about the proposed rezoning of the 1 Hamilton Drive site. See responses to Letter 1 and Letter 5.

2. This comment is about story poles at the 1 Hamilton Drive site. See response to Letter 1.

No changes to the draft SEIR are necessary.

From: regina filippi
To: Danielle Staude
Subject: [External] Story poles for 1 Hamilton
Date: Saturday, February 25, 2023 3:13:10 PM

Dear Ms. Staude,

1 I understand that the City seeks to avoid erecting story poles at 1 Hamilton. Under the City's own policy—as noted on the City of Mill Valley Planning Department's "Story Pole Certification"*—the "purpose" of the story pole requirement is "[t]o provide the decision makers and neighbors with a visual tool to evaluate the proposed construction."

*See https://www.millvalleylibrary.org/DocumentCenter/View/573/Story-Pole-Certification-PDF#:~:text=To%20provide%20the%20decision-makers,to%20evaluate%20the%20proposed%20construction.&text=Install%20story%20poles%20or%20site,addition%20to%20an%20existing%20building.

The only credible reason that I can fathom for why the City would exempt itself from the sensible obligation it imposes on members of this community to provide "neighbors with a visual tool to evaluate the proposed construction" is that the City Council is concerned about the reaction of the community.

Please remember that you are vested with leading the City's affairs for a short period of time relative to the life of the proposed project, and that your personal support of this project must not blind you to the views of the entire community, including those most directly affected by it. The community has a right to see, in advance, the mass of the structure that is being proposed so that the community can provide informed feedback to you about what is (or is not) appropriate for this site.

A reasonable request has been made for story poles. You should honor it.

Sincerely,

Regina Garcia

Response to Letter 17, Regina Filippi

1. This comment is regarding story poles at the 1 Hamilton Drive project site. See response to Letter 1. No changes to the draft SEIR are necessary.

From: Jeralyn Seiling
To: Planning; Danielle Staude
Subject: [External] Agenda Item No. 1 Planning Commission Meeting 2/28/2023
Date: Saturday, February 25, 2023 2:08:15 PM
Attachments: 22.11.22 Ltr to CC re 1Hamilton.pdf

Dear Planning Commission Members:

1 I have lived in Mill Valley for over 35 years, and I have been an attorney for longer than that. I have followed the City's actions on the 1 Hamilton project for over 2 years.

Agenda Item 1 relates to a devious scheme designed to curtail public input for an unpopular project that has generated a historic volume of community opposition. I urge you to take the time to understand the real reason you are being asked to recommend a premature change to the General Plan Land Use Designation for the 1 Hamilton site, and vote NO.

The 1 Hamilton project is not consistent with the City's General Plan Land Use Designation, which currently prohibits all residential uses at the site. Normally, when a development project requires a change to the Land Use Designation, the change would be made at the same time as the project approval and zoning change. However in this case, the City proposes to change the Land Use Designation *prematurely as part of the Housing Element update.*

Why is the City doing this? Because the City wants to rely on a *program-level EIR* rather than a *project-level EIR*. The *program-level* EIR in the Housing Element will focus only on the broad policy underlying the Housing Element, whereas a *project-level* EIR will focus on the site-specific environmental changes caused by the 1 Hamilton project. The City hopes that by relying on the program-level EIR they will be able to close off the public's right to assess site-specific aspects of the 1 Hamilton project. Critically, this would include challenging the density of the development.

The City responds that it will nevertheless complete a full project-level EIR for 1 Hamilton. But that is beside the point. A project-level EIR conducted AFTER a change to the Land Use Designation is meaningless. The City can simply rubber-stamp the 1 Hamilton development by claiming that they have no discretion over a project that is consistent with the City's (newly changed) General Plan. The City's consistent posture of dismissal toward all neighborhood concerns about 1 Hamilton indicates that is exactly the deceptive game the City has in mind.

This unscrupulous strategy is known as *piecemealing* a CEQA review. It violates the law, and will likely lead to litigation. *See* attached letter of attorney Patrick Soluri to City Council members dated November 22, 2022. Perhaps more importantly, it is at odds with the stated intent and duty of the City to be transparent in its actions, and is at odds with the duty of every public official to be informed, candid and accountable to their constituents.

Mr. Soluri has proposed an easy solution that can avoid litigation and assure that the City fulfills its duty under the law to allow the public to assess the environmental impacts of the Land Use Designation change *with benefit of a full project-level EIR*. The solution is to consider revising 1 Hamilton's Land Use Designation *after* the promised project-level EIR.

1 cont'd

If you doubt any of this, I urge you to pose the following questions to the City attorney:

1. Is it true that a *program*-level EIR as part of the Housing Element could foreclose community input into a subsequent *project*-level EIR by allowing the City to assert that it has only limited power over projects that conform to the City's General Plan Land Use Designation?

2. Given the strenuous community objection to the City's strategy on the Land Use Designation change, and the threat of costly litigation, why not simply revise the Land Use Designation for the 1 Hamilton site *after* the promised *project-level* EIR?

Respectfully,

Jeralyn Seiling, J.D.

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

November 22, 2022

SENT VIA EMAIL (jwickham@cityofmillvalley.org)

Mayor Jim Wickham and Councilmembers
City of Mill Valley
1 Sansome Street, Suite 2850
San Francisco, California 94104

RE: Agenda Items 1 and 2 of the November 30, 2022, Joint City Council and Planning Commission Meeting

Dear Mayor Wickham and Councilmembers:

2 This letter is submitted on behalf of Friends of Hauke Park regarding both Item 1 (Housing Element and Land Use Element Update) and Item 2 (1 Hamilton Drive).

We have previously asserted that the City's plan to engage in "programmatic" CEQA review for proposed affordable housing project at 1 Hamilton ("Hamilton Project") within the Housing Element Update EIR, to be followed by a project-level EIR specific to the Hamilton Project, is an abuse of the tiering process. The City Attorney has denied this in conclusory terms without meaningful analysis. The purpose of this letter is to explain why such denials are without merit, but also offer a path forward that would preserve the City's right to either approve or deny the Hamilton Project at the appropriate time in the future following the promised project-level EIR.

SUMMARY OF CONCLUSIONS AND PROPOSAL

The City's Housing Element Update includes specific actions that will commit the City as a practical matter to the Hamilton Project, which include: (i) revising the 1 Hamilton site's land use designation from one that prohibits all residential uses to one that allows residential uses; and (ii) listing 1 Hamilton as a "suitable" site for residential housing. Having recently acknowledged these proposed actions, the City amended its notice of preparation for the Housing and Land Use Update EIR ("Update EIR") to explain that these actions will be reviewed on a "programmatic" basis in the Update EIR. This violates CEQA because ample information about the proposed Hamilton Project is available to support a more detailed "project-level" review in the Update EIR.

2 cont'd

In other words, the City's strategy is to commit to the Hamilton Development based on cursory "programmatic" CEQA review before it prepares a promised project-level EIR. This process violates CEQA where, as here, sufficient information is available about a project to enable project-level CEQA review. However, a correction to this flawed process is readily available.

Nothing requires the City to revise 1 Hamilton's land use designation as part of the Housing Element Update. The City can and should consider taking such action only after being informed by the promised project-level EIR. Thus, the solution is simply for the City to consider revising 1 Hamilton's land use designation after the promised project-level EIR. Since 1 Hamilton's existing land use designation prohibits all residential uses, the site is not presently "suitable" for residential uses and should be removed from the draft Housing Element. No prejudice would result from eliminating 1 Hamilton from the site inventory because the Hamilton Project is not necessary for the City to meet its RHNA obligations.

ANALYSIS

3

1. The City has reasonably definite plans for 1 Hamilton that trigger the need for project-level review.

The City repeatedly asserts, "The Housing Element EIR will not include a site-specific, project-level analysis of the proposed 1 Hamilton development or any other site described in the sites inventory, nor is it required to include such an analysis." (Letter to P. Soluri dated August 26, 2022; Staff report, p. 11.) The City tellingly provides no citation to authority, much less factual analysis, to support this simplistic assertion on a complex issue that has been the subject of numerous published appellate decisions.

We have repeatedly cited legal authority demonstrating that a local agency cannot rely on feigned ignorance about details of a proposed project, but must instead "use its best efforts to find out and disclose all that it reasonably can" about a project, its impacts and foreseeable future projects. (CEQA Guidelines, § 15144; *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503 ["In the present case, there is no indication that analysis of planning watershed assessments was infeasible under the principles of tiering cited above, i.e., that the lack of specific details about Pacific Lumber's projected activities made it infeasible to do individual watershed planning analysis"]; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376 ("*Laurel Heights I*") [EIR must analyze "reasonably foreseeable consequence" of a project].)

3 cont'd

Our Supreme Court's decision in *Laurel Heights I* provides important guidance here. In *Laurel Heights I*, the University of California ("UC") relied on feigned ignorance about its future plans to use a portion of a building in order to avoid adequate analysis of that future use in its EIR. The court saw through UC's ruse, explaining:

> The draft EIR acknowledged that UCSF will occupy the entire Laurel Heights facility when the remainder of the space becomes available. In response to public inquiry as to plans for the facility, UCSF explained that it intends to use the facility for the School of Pharmacy's basic science group and UCSF's Office of the Dean. The EIR even estimated the number of faculty, staff, and students that will occupy the facility until 1995 (a total of 460 persons) and then afterward when the entire facility becomes available (860 persons). Under the standard we have announced, it is therefore indisputable that the future expansion and general type of future use is reasonably foreseeable. . . .
>
> The Regents' contention is only that they have not formally decided precisely how they will use the remainder of the building. That argument is beside the point. They have admitted that they intend to use the entire facility, and, in light of the record before us, it is reasonably foreseeable that the facility will be used primarily for the School of Pharmacy, more specifically, as a biomedical research facility. . . .
>
> In short, there is telling evidence that the University, by the time it prepared the EIR, had either made decisions or formulated reasonably definite proposals as to future uses of the building. At a minimum, it is clear that the future expansion and the general types of future activity at the facility are reasonably foreseeable.

(*Laurel Heights I*, *supra*, 47 Cal.3d at 396-397.)

As in *Laurel Heights I*, a reviewing court here would likely not be persuaded by manufactured uncertainty about the Hamilton Project as well as its excuse that the City had not "formally" adopted a project description when the Notice of Preparation ("NOP") was released. Whether one uses the label "programmatic" or "project-level," the EIR for the Housing and Land Use Element EIR will need to "find out and disclose all that it reasonably can" about the Hamilton Project and its environmental impacts.

4

2. As presently structured, the proposed project-level EIR represents a hollow promise.

We have previously explained that the City's promise to prepare project-level CEQA review in the future is meaningless if the City first changes 1 Hamilton's General Plan land use designation as part of the Housing Element Update. The City's responses ignore this critical point altogether, much less dispute it.

Del Cerro Mobile Estates v. City of Placentia (2011) 197 Cal.App.4th 173, 179 ("*Del Cerro*"), which we have repeatedly cited, provides guidance. *Del Cerro* involved a CEQA challenge to a city's EIR for a planned railroad grade separation project. Although the city had prepared an EIR for the project, the trial court and court of appeal accepted the city's later argument in litigation that a statutory exemption applied to the project and so no EIR was required in the first place. (*Id*. at 184 ["the trial court did not err in . . . concluding instead that the exemption foreclosed Del Cerro's causes of action challenging the City's EIR for asserted noncompliance with CEQA"].)

Del Cerro applies here. The City's promise to prepare "project-level" review in the future is meaningless if it can argue that the later CEQA review is somehow unnecessary. If the City first revises 1 Hamilton's land use designation to allow residential uses, then it would likely argue that no later CEQA review is required. CEQA Guidelines section 15183, subdivision (a) plainly provides:

> CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified ***shall not require additional environmental review***, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

(Emphasis added.)

Therefore, notwithstanding the City's promise to prepare "rigorous" project-level review, the City could later argue that no such review is required. And even if the City prepares the promised project-level EIR, the City could rely on *Del Cerro* to argue that any defects, even those identified by a reviewing court, do not require correction. The City's promise to prepare a project-level EIR is hollow if there is no remedy for a defective EIR.

* * *

4 cont'd

The City has repeatedly asserted that it will not commit to the Hamilton Development until it first considers a project-level EIR. This letter describes very modest revisions to the City's approval process going forward to ensure this is not a hollow promise.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

cc: Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org, krogers@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)

Response to Letter 18, Jeralyn Seiling, J.D.

1. Regarding the comments in this email about the proposed land use designation change at 1 Hamilton Drive, and program-level EIR versus project-level EIR, see response to Letter 1 and Letter 5. Regarding the comments in the letter from Patrick Soluri dated November 22, 2022, which is provided as an attachment to Ms. Seiling's comment, see the following responses.

2. Regarding "programmatic CEQA review" and "project-level CEQA review" see response to Letter 1. Additionally, in order to include the 1 Hamilton Drive site in the Housing Element Update, it must be redesignated for residential development, according to the requirements of the State Department of Housing and Community Development (HCD) associated with Housing Element Updates. The General Plan is required to be "internally consistent," meaning that there should be no conflicts between General Plan Elements. See Government Code Section 65300.5. As the Housing Element is an element of the General Plan, any changes to the General Plan land use designations called out by the Housing Element Update should be made consistent with the General Plan through an amendment to the Land Use Element. See also Government Code Section 65583(c)(7) and (8).

3. Regarding amending a general plan land use designation without consideration of a specific development project, and evaluation of reasonably foreseeable environmental impacts, see response to Letter 1.

4. The commenter cites CEQA Guidelines section 15183, subdivision (a) which mandates that projects consistent with the development densities established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site for 1 Hamilton Drive project-level EIR, including but not limited to, evaluating naturally occurring asbestos. The City has already publicly committed to conducting a full project-level EIR for proposed housing on the 1 Hamilton Drive site. The comment relates to the future environmental analysis of the proposed 1 Hamilton residential development, rather than the draft SEIR for the Housing Element Update.

   No changes to the draft SEIR are necessary.

From: Paula Weaver
To: Planning
Cc: Danielle Staude
Subject: [External] Agenda Item No. 1 Planning Commission Meeting 2/28/2023
Date: Friday, February 24, 2023 5:28:08 PM
Attachments: 22.11.22 Ltr to CC re 1Hamilton.pdf

Dear Planning Commission Members:

1 I have lived in Mill Valley for 36 years in the Enchanted Knolls neighborhood with my family. I have also been a practicing attorney for 42 years, albeit not in the field of land use.

I am compelled to write about the unlawful manipulation of CEQA which the City proposes with the change in land use designation for 1 Hamilton from common facility to multi-residential through the housing element and its accompanying programmatic EIR. I urge you to vote against the recommended change for the following reasons.

CEQA is a statute of accountability. The city is avoiding accountability by changing the land use designation for 1 Hamilton as part of the housing element.

No project for 1 Hamilton has been approved as of this date. It is not necessary to change the land use designation for this site from common facility to multi-residential until there is an approved project. The City is violating CEQA with piecemeal approvals. See attached letter of attorney Patrick Soluri to City Council members dated November 22, 2022.

Changing the land-use designation for 1 Hamilton is premature without a full project EIR. Neither the planning commission nor the public can assess the environmental impacts of the land use change without a full project EIR which the City has promised to do and is already working on.

Voting for the change in the land use designation at this point renders the later project level EIR for 1 Hamilton meaningless. The change in the land use designation, rezoning and project approval should all occur at the same time after a full project level EIR is completed and the public has had an opportunity to review and submit its comments.

The City could avoid a costly lawsuit with your recommendation to remove the change in land use designation for 1 Hamilton from this proposal.

Please make the sensible move with a "no" vote.

Respectfully submitted,

Paula McGrath

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

November 22, 2022

SENT VIA EMAIL (jwickham@cityofmillvalley.org)

Mayor Jim Wickham and Councilmembers
City of Mill Valley
1 Sansome Street, Suite 2850
San Francisco, California 94104

RE: Agenda Items 1 and 2 of the November 30, 2022, Joint City Council and Planning Commission Meeting

Dear Mayor Wickham and Councilmembers:

2

This letter is submitted on behalf of Friends of Hauke Park regarding both Item 1 (Housing Element and Land Use Element Update) and Item 2 (1 Hamilton Drive).

We have previously asserted that the City's plan to engage in "programmatic" CEQA review for proposed affordable housing project at 1 Hamilton ("Hamilton Project") within the Housing Element Update EIR, to be followed by a project-level EIR specific to the Hamilton Project, is an abuse of the tiering process. The City Attorney has denied this in conclusory terms without meaningful analysis. The purpose of this letter is to explain why such denials are without merit, but also offer a path forward that would preserve the City's right to either approve or deny the Hamilton Project at the appropriate time in the future following the promised project-level EIR.

SUMMARY OF CONCLUSIONS AND PROPOSAL

The City's Housing Element Update includes specific actions that will commit the City as a practical matter to the Hamilton Project, which include: (i) revising the 1 Hamilton site's land use designation from one that prohibits all residential uses to one that allows residential uses; and (ii) listing 1 Hamilton as a "suitable" site for residential housing. Having recently acknowledged these proposed actions, the City amended its notice of preparation for the Housing and Land Use Update EIR ("Update EIR") to explain that these actions will be reviewed on a "programmatic" basis in the Update EIR. This violates CEQA because ample information about the proposed Hamilton Project is available to support a more detailed "project-level" review in the Update EIR.

2 cont'd

In other words, the City's strategy is to commit to the Hamilton Development based on cursory "programmatic" CEQA review before it prepares a promised project-level EIR. This process violates CEQA where, as here, sufficient information is available about a project to enable project-level CEQA review. However, a correction to this flawed process is readily available.

Nothing requires the City to revise 1 Hamilton's land use designation as part of the Housing Element Update. The City can and should consider taking such action only after being informed by the promised project-level EIR. Thus, the solution is simply for the City to consider revising 1 Hamilton's land use designation after the promised project-level EIR. Since 1 Hamilton's existing land use designation prohibits all residential uses, the site is not presently "suitable" for residential uses and should be removed from the draft Housing Element. No prejudice would result from eliminating 1 Hamilton from the site inventory because the Hamilton Project is not necessary for the City to meet its RHNA obligations.

ANALYSIS

1. The City has reasonably definite plans for 1 Hamilton that trigger the need for project-level review.

The City repeatedly asserts, "The Housing Element EIR will not include a site-specific, project-level analysis of the proposed 1 Hamilton development or any other site described in the sites inventory, nor is it required to include such an analysis." (Letter to P. Soluri dated August 26, 2022; Staff report, p. 11.) The City tellingly provides no citation to authority, much less factual analysis, to support this simplistic assertion on a complex issue that has been the subject of numerous published appellate decisions.

We have repeatedly cited legal authority demonstrating that a local agency cannot rely on feigned ignorance about details of a proposed project, but must instead "use its best efforts to find out and disclose all that it reasonably can" about a project, its impacts and foreseeable future projects. (CEQA Guidelines, § 15144; *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503 ["In the present case, there is no indication that analysis of planning watershed assessments was infeasible under the principles of tiering cited above, i.e., that the lack of specific details about Pacific Lumber's projected activities made it infeasible to do individual watershed planning analysis"]; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376 ("*Laurel Heights I*") [EIR must analyze "reasonably foreseeable consequence" of a project].)

2 cont'd

Our Supreme Court's decision in *Laurel Heights I* provides important guidance here. In *Laurel Heights I*, the University of California ("UC") relied on feigned ignorance about its future plans to use a portion of a building in order to avoid adequate analysis of that future use in its EIR. The court saw through UC's ruse, explaining:

> The draft EIR acknowledged that UCSF will occupy the entire Laurel Heights facility when the remainder of the space becomes available. In response to public inquiry as to plans for the facility, UCSF explained that it intends to use the facility for the School of Pharmacy's basic science group and UCSF's Office of the Dean. The EIR even estimated the number of faculty, staff, and students that will occupy the facility until 1995 (a total of 460 persons) and then afterward when the entire facility becomes available (860 persons). Under the standard we have announced, it is therefore indisputable that the future expansion and general type of future use is reasonably foreseeable. . . .
>
> The Regents' contention is only that they have not formally decided precisely how they will use the remainder of the building. That argument is beside the point. They have admitted that they intend to use the entire facility, and, in light of the record before us, it is reasonably foreseeable that the facility will be used primarily for the School of Pharmacy, more specifically, as a biomedical research facility. . . .
>
> In short, there is telling evidence that the University, by the time it prepared the EIR, had either made decisions or formulated reasonably definite proposals as to future uses of the building. At a minimum, it is clear that the future expansion and the general types of future activity at the facility are reasonably foreseeable.

(*Laurel Heights I*, *supra*, 47 Cal.3d at 396-397.)

As in *Laurel Heights I*, a reviewing court here would likely not be persuaded by manufactured uncertainty about the Hamilton Project as well as its excuse that the City had not "formally" adopted a project description when the Notice of Preparation ("NOP") was released. Whether one uses the label "programmatic" or "project-level," the EIR for the Housing and Land Use Element EIR will need to "find out and disclose all that it reasonably can" about the Hamilton Project and its environmental impacts.

2 cont'd

2. As presently structured, the proposed project-level EIR represents a hollow promise.

We have previously explained that the City's promise to prepare project-level CEQA review in the future is meaningless if the City first changes 1 Hamilton's General Plan land use designation as part of the Housing Element Update. The City's responses ignore this critical point altogether, much less dispute it.

Del Cerro Mobile Estates v. City of Placentia (2011) 197 Cal.App.4th 173, 179 ("*Del Cerro*"), which we have repeatedly cited, provides guidance. *Del Cerro* involved a CEQA challenge to a city's EIR for a planned railroad grade separation project. Although the city had prepared an EIR for the project, the trial court and court of appeal accepted the city's later argument in litigation that a statutory exemption applied to the project and so no EIR was required in the first place. (*Id*. at 184 ["the trial court did not err in . . . concluding instead that the exemption foreclosed Del Cerro's causes of action challenging the City's EIR for asserted noncompliance with CEQA"].)

Del Cerro applies here. The City's promise to prepare "project-level" review in the future is meaningless if it can argue that the later CEQA review is somehow unnecessary. If the City first revises 1 Hamilton's land use designation to allow residential uses, then it would likely argue that no later CEQA review is required. CEQA Guidelines section 15183, subdivision (a) plainly provides:

> CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified ***shall not require additional environmental review***, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

(Emphasis added.)

Therefore, notwithstanding the City's promise to prepare "rigorous" project-level review, the City could later argue that no such review is required. And even if the City prepares the promised project-level EIR, the City could rely on *Del Cerro* to argue that any defects, even those identified by a reviewing court, do not require correction. The City's promise to prepare a project-level EIR is hollow if there is no remedy for a defective EIR.

* * *

2 cont'd

The City has repeatedly asserted that it will not commit to the Hamilton Development until it first considers a project-level EIR. This letter describes very modest revisions to the City's approval process going forward to ensure this is not a hollow promise.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

cc: Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org, krogers@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)

Response to Letter 19, Paula Weaver

1. See response to Letter 18, comment 1.

2. See response to Letter 18, comments 2-4.

   No changes to the draft SEIR are necessary.

From: GUNNEL STROM <gunnel.strom@comcast.net>
Sent: Friday, February 24, 2023 11:23 AM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: [External] 1 Hamilton

Dear Ms. Staude,

1 I understand that the City seeks to avoid erecting story poles at 1 Hamilton. Under the City's own policy—as noted on the City of Mill Valley Planning Department's "Story Pole Certification"*—the "purpose" of the story pole requirement is "[t]o provide the decision makers and neighbors with a visual tool to evaluate the proposed construction."

*See https://www.millvalleylibrary.org/DocumentCenter/View/573/Story-Pole-Certification-PDF#:~:text=To%20provide%20the%20decision-makers,to%20evaluate%20the%20proposed%20construction.&text=Install%20story%20poles%20or%20site,addition%20to%20an%20existing%20building.

The only credible reason that I can fathom for why the City would exempt itself from the sensible obligation it imposes on members of this community to provide "neighbors with a visual tool to evaluate the proposed construction" is that the City Council is concerned about the reaction of the community.

Please remember that you are vested with leading the City's affairs for a short period of time relative to the life of the proposed project, and that your personal support of this project must not blind you to the views of the entire community, including those most directly affected by it. The community has a right to see, in advance, the mass

of the structure that is being proposed so that the community can provide informed feedback to you about what is (or is not) appropriate for this site.

A reasonable request has been made for story poles. You should honor it.

Sincerely,

Gunnel Strom

(Ms.) Gunnel Strom

Office: 415-956-1514 (Mondays and Thursdays)
Mobile: 415-385-6645

Response to Letter 20, Gunnel Strom

1. This comment is about story poles at the 1 Hamilton Drive site. See response to Letter 1. No changes to the draft SEIR are necessary.

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

February 27, 2023

SENT VIA EMAIL
(planning@cityofmillvalley.org)

Chair Linch and Members of the Planning Commission
City of Mill Valley Planning Commission
26 Corte Madera Avenue
Mill Valley, California 94941

RE: February 28, 2023, Planning Commission Meeting, Agenda Item No. 1: 2023-2031 Housing Element Update (Staude): General Plan Amendments for the 2023-2031 Housing Element Update, Land Use Element, Land Use Map and Draft Subsequent Environmental Impact Report

Dear Chair Linch and Members of the Planning Commission:

1 On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding agenda item 1 of the February 28, 2023, Planning Commission ("Commission") meeting.

City staff is asking the Commission to recommend that the City Council ("Council") approve a Housing Element Update ("HEU") along with certification of its environmental impact report ("EIR").[1] Council and staff have corrupted this otherwise straightforward process by bootstrapping an amendment to the General Plan land use designation for One Hamilton that would allow up to 50 housing units for that site. (See Exhibit 1, Soluri Meserve letter dated Nov. 22, 2022.) As explained more fully in the attached letter to the Council dated November 22, 2022, there is no need to corrupt the HEU process by taking this action regarding One Hamilton since the City has repeatedly promised to prepare a project-level EIR for the One Hamilton project and is actively working on that EIR. (Exhibit 1; Exhibit 2, Notice of Preparation of One Hamilton.)

[1] Incredibly, the Commission is being asked to recommend certification of the EIR without the benefit of any public comments. The close of the public comment period on the Draft EIR is March 3, 2023. FOPH, along with others, will submit comments on the Draft EIR before the close of the public comment period.

2

As we have recently explained in a letter to the California Attorney General, the California Department of Housing and Community Development and Governor's Office of Planning and Research describing the City's unlawful conduct regarding One Hamilton:

> The City is piecemealing its CEQA review for the One Hamilton project by purporting to rely on two separate EIRs for the same "whole of the action" — one EIR would analyze the change in One Hamilton's General Plan land use designation admittedly "for the sole purpose of building affordable housing" (Draft Housing Element Update, p. C-2), and a second, concurrent EIR would analyze all other project entitlements for that very same development. (Exhibit 7.) This is an obvious violation of CEQA Guidelines section 15378. Further, and more insidious, this piecemealing would set the stage for a false narrative that the proposed affordable housing project at One Hamilton is "consistent" with the City's General Plan for purposes of Government Code section 65589.5, even though the site's current General Plan land use designation prohibits any residential development.

(Exhibit 3, Soluri Meserve letter dated Jan. 20, 2023.)

The Commission does not need to be complicit in this scheme to violate CEQA. We previously offered the Council a very easy way to cure the legal defect:

> [T]he City's strategy is to commit to the Hamilton Development based on cursory "programmatic" CEQA review before it prepares a promised project-level EIR. This process violates CEQA where, as here, sufficient information is available about a project to enable project-level CEQA review. However, a correction to this flawed process is readily available.
>
> ***Nothing requires the City to revise 1 Hamilton's land use designation as part of the Housing Element Update.*** The City can and should consider taking such action only after being informed by the promised project-level EIR. Thus, the solution is simply for the City to consider revising 1 Hamilton's land use designation after the promised project-level EIR. Since 1 Hamilton's existing land use designation prohibits all residential uses, the site is not presently "suitable" for residential uses and should be

2 cont'd

removed from the draft Housing Element. ***No prejudice would result from eliminating 1 Hamilton from the site inventory because the Hamilton Project is not necessary for the City to meet its RHNA obligations***.

(Exhibit 1, p. 2, emphasis added.)

Our offer previously fell on deaf ears by the Council, but this does not prevent the Commission from taking the lawful and ethical course of action now. We encourage the Commission to recommend eliminating One Hamilton from the Land Use Element Update and HEU. The City Council should not hold the HEU hostage in its attempt to avoid responsibility for its future misguided approval of the One Hamilton project.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

PS/mre

Attachments:

Exhibit 1 Soluri Meserve letter dated November 22, 2022
Exhibit 2 Notice of Preparation of One Hamilton
Exhibit 3 Soluri Meserve letter dated January 20, 2023 (without attachments)

cc (via email):

Patrick Kelly, Director of Building and Planning, pkelly@cityofmillvalley.org
Danielle Staude, Senior Planner, Advanced Planning, dstaude@cityofmillvalley.org
G. Inder Khalsa, City Attorney, gkhalsa@rwglaw.com

EXHIBIT 1

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

November 22, 2022

SENT VIA EMAIL (jwickham@cityofmillvalley.org)

Mayor Jim Wickham and Councilmembers
City of Mill Valley
1 Sansome Street, Suite 2850
San Francisco, California 94104

RE: Agenda Items 1 and 2 of the November 30, 2022, Joint City Council and Planning Commission Meeting

Dear Mayor Wickham and Councilmembers:

3 This letter is submitted on behalf of Friends of Hauke Park regarding both Item 1 (Housing Element and Land Use Element Update) and Item 2 (1 Hamilton Drive).

We have previously asserted that the City's plan to engage in "programmatic" CEQA review for proposed affordable housing project at 1 Hamilton ("Hamilton Project") within the Housing Element Update EIR, to be followed by a project-level EIR specific to the Hamilton Project, is an abuse of the tiering process. The City Attorney has denied this in conclusory terms without meaningful analysis. The purpose of this letter is to explain why such denials are without merit, but also offer a path forward that would preserve the City's right to either approve or deny the Hamilton Project at the appropriate time in the future following the promised project-level EIR.

SUMMARY OF CONCLUSIONS AND PROPOSAL

The City's Housing Element Update includes specific actions that will commit the City as a practical matter to the Hamilton Project, which include: (i) revising the 1 Hamilton site's land use designation from one that prohibits all residential uses to one that allows residential uses; and (ii) listing 1 Hamilton as a "suitable" site for residential housing. Having recently acknowledged these proposed actions, the City amended its notice of preparation for the Housing and Land Use Update EIR ("Update EIR") to explain that these actions will be reviewed on a "programmatic" basis in the Update EIR. This violates CEQA because ample information about the proposed Hamilton Project is available to support a more detailed "project-level" review in the Update EIR.

3 cont'd

In other words, the City's strategy is to commit to the Hamilton Development based on cursory "programmatic" CEQA review before it prepares a promised project-level EIR. This process violates CEQA where, as here, sufficient information is available about a project to enable project-level CEQA review. However, a correction to this flawed process is readily available.

Nothing requires the City to revise 1 Hamilton's land use designation as part of the Housing Element Update. The City can and should consider taking such action only after being informed by the promised project-level EIR. Thus, the solution is simply for the City to consider revising 1 Hamilton's land use designation after the promised project-level EIR. Since 1 Hamilton's existing land use designation prohibits all residential uses, the site is not presently "suitable" for residential uses and should be removed from the draft Housing Element. No prejudice would result from eliminating 1 Hamilton from the site inventory because the Hamilton Project is not necessary for the City to meet its RHNA obligations.

ANALYSIS

1. The City has reasonably definite plans for 1 Hamilton that trigger the need for project-level review.

The City repeatedly asserts, "The Housing Element EIR will not include a site-specific, project-level analysis of the proposed 1 Hamilton development or any other site described in the sites inventory, nor is it required to include such an analysis." (Letter to P. Soluri dated August 26, 2022; Staff report, p. 11.) The City tellingly provides no citation to authority, much less factual analysis, to support this simplistic assertion on a complex issue that has been the subject of numerous published appellate decisions.

We have repeatedly cited legal authority demonstrating that a local agency cannot rely on feigned ignorance about details of a proposed project, but must instead "use its best efforts to find out and disclose all that it reasonably can" about a project, its impacts and foreseeable future projects. (CEQA Guidelines, § 15144; *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503 ["In the present case, there is no indication that analysis of planning watershed assessments was infeasible under the principles of tiering cited above, i.e., that the lack of specific details about Pacific Lumber's projected activities made it infeasible to do individual watershed planning analysis"]; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376 ("*Laurel Heights I*") [EIR must analyze "reasonably foreseeable consequence" of a project].)

3 cont'd

Our Supreme Court's decision in *Laurel Heights I* provides important guidance here. In *Laurel Heights I*, the University of California ("UC") relied on feigned ignorance about its future plans to use a portion of a building in order to avoid adequate analysis of that future use in its EIR. The court saw through UC's ruse, explaining:

> The draft EIR acknowledged that UCSF will occupy the entire Laurel Heights facility when the remainder of the space becomes available. In response to public inquiry as to plans for the facility, UCSF explained that it intends to use the facility for the School of Pharmacy's basic science group and UCSF's Office of the Dean. The EIR even estimated the number of faculty, staff, and students that will occupy the facility until 1995 (a total of 460 persons) and then afterward when the entire facility becomes available (860 persons). Under the standard we have announced, it is therefore indisputable that the future expansion and general type of future use is reasonably foreseeable. . . .
>
> The Regents' contention is only that they have not formally decided precisely how they will use the remainder of the building. That argument is beside the point. They have admitted that they intend to use the entire facility, and, in light of the record before us, it is reasonably foreseeable that the facility will be used primarily for the School of Pharmacy, more specifically, as a biomedical research facility. . . .
>
> In short, there is telling evidence that the University, by the time it prepared the EIR, had either made decisions or formulated reasonably definite proposals as to future uses of the building. At a minimum, it is clear that the future expansion and the general types of future activity at the facility are reasonably foreseeable.

(*Laurel Heights I*, *supra*, 47 Cal.3d at 396-397.)

As in *Laurel Heights I*, a reviewing court here would likely not be persuaded by manufactured uncertainty about the Hamilton Project as well as its excuse that the City had not "formally" adopted a project description when the Notice of Preparation ("NOP") was released. Whether one uses the label "programmatic" or "project-level," the EIR for the Housing and Land Use Element EIR will need to "find out and disclose all that it reasonably can" about the Hamilton Project and its environmental impacts.

4

2. As presently structured, the proposed project-level EIR represents a hollow promise.

We have previously explained that the City's promise to prepare project-level CEQA review in the future is meaningless if the City first changes 1 Hamilton's General Plan land use designation as part of the Housing Element Update. The City's responses ignore this critical point altogether, much less dispute it.

Del Cerro Mobile Estates v. City of Placentia (2011) 197 Cal.App.4th 173, 179 ("*Del Cerro*"), which we have repeatedly cited, provides guidance. *Del Cerro* involved a CEQA challenge to a city's EIR for a planned railroad grade separation project. Although the city had prepared an EIR for the project, the trial court and court of appeal accepted the city's later argument in litigation that a statutory exemption applied to the project and so no EIR was required in the first place. (*Id*. at 184 ["the trial court did not err in . . . concluding instead that the exemption foreclosed Del Cerro's causes of action challenging the City's EIR for asserted noncompliance with CEQA"].)

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(Emphasis added.)

Therefore, notwithstanding the City's promise to prepare "rigorous" project-level review, the City could later argue that no such review is required. And even if the City prepares the promised project-level EIR, the City could rely on *Del Cerro* to argue that any defects, even those identified by a reviewing court, do not require correction. The City's promise to prepare a project-level EIR is hollow if there is no remedy for a defective EIR.

* * *

4 cont'd

The City has repeatedly asserted that it will not commit to the Hamilton Development until it first considers a project-level EIR. This letter describes very modest revisions to the City's approval process going forward to ensure this is not a hollow promise.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

cc: Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org, krogers@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)

EXHIBIT 2

NOTICE OF PREPARATION AND NOTICE OF SCOPING MEETING

5

To: Interested Parties

Date: December 21, 2022

Subject: Notice of Preparation of Draft Environmental Impact Report, City of Mill Valley, 1 Hamilton Drive Affordable Housing Development

Lead Agency: City of Mill Valley

Project Website: www.cityofmillvalley.org/hamilton

NOTICE IS HEREBY GIVEN THAT the City of Mill Valley will be the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare a Draft Environmental Impact Report (DEIR) for the proposed project. This NOP includes a project description and an overview of the potential impacts that will be addressed in the DEIR.

Project Title: 1 Hamilton Drive Affordable Housing Development

Project Applicant: City of Mill Valley

Project Location: City of Mill Valley

The project description, location map, project site diagram, and the potential environmental effects are contained in the attached document.

The purpose of this notice is: (1) to serve as the Notice of Preparation to potential Responsible Agencies, agencies involved in funding or approving the project, and Trustee Agencies responsible for natural resources affected by the project, pursuant to Section 15082 of the CEQA Guidelines; and (2) to advise and solicit comments and suggestions regarding the preparation of the DEIR, environmental issues to be addressed in the DEIR, and any related issues, from interested parties in addition to those noted above, including interested or affected members of the public. The City of Mill Valley requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).

All parties that have submitted their names and mailing addresses will be notified as part of the project's CEQA review process. If you wish to be placed on the mailing list or have any questions or need

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additional information, please contact the person identified below. A copy of the NOP and attachment document is on the City's website (https://cityofmillvalley.org/) and is on file at the City Hall offices, located at the address provided below.

Scoping Meeting:

Date: Thursday, January 12, 2023

Time: 6:30 pm

Location: Mill Valley City Hall, 26 Corte Madera Avenue

30-Day NOP Review Period: In accordance with CEQA, should your agency have any comments, it is requested to provide a written response to this NOP within the mandated (minimum of) 30-day NOP review period that will begin December 22, 2022 and end January 27, 2023. Written comments must be received at the address below no later than 5:00 p.m. on January 27, 2023.

Please indicate a contact person in your response and send it to the following contact:

Patrick Kelly, Director of Building & Planning
pkelly@cityofmillvalley.org
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

December 21, 2022

Date

Patrick Kelly, Director of Building & Planning

5 cont'd

BACKGROUND: The City of Mill Valley (City) is currently updating its General Plan Housing Element, which aims to achieve goals addressed by the Mill Valley 2040 General Plan (GP) that specifically addresses the challenge of housing supply and affordability by seeking to diversify housing stock to accommodate a range of income levels and lifestyles within the community. The existing (2014-2022) and draft (2023-2031) Housing Element contain policy guidance to explore and identify public-owned parcels to build affordable housing. In 2020, City staff worked with the City's Housing Advisory Committee to identify potential publicly owned and tax-exempt sites for redevelopment. On September 20, 2021, the City Council took action to: 1) declare a portion of the property located at 1 Hamilton Drive as "exempt surplus land" as required under the California Surplus Land Act (Government Code 54220 et seq.) pursuant to Government Code Section 54221(f)(1)(A) and 2) authorize the City Manager to negotiate and draft an Exclusive Negotiating Agreement (ENA) with EAH Housing for the purpose of negotiating the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the northern portion of 1 Hamilton Drive. Figure 1 indicates the location of the project site within the City of Mill Valley and the surrounding region.

On February 6, 2022, the City Council authorized the approval of the ENA and outreach plan to further evaluate relocating existing facilities on the northern portion of 1 Hamilton, including public restrooms, 38 public parking spaces and one electric (EV) charger with two ports or "stations" and further explore building affordable housing on the proposed site.

In March 2022, City staff began working with the EAH Team to advance work as part of the ENA, including supporting EAH as it conducted a series of large public workshops and smaller scale neighborhood meetings. This input led to the formulation of a range of project design options and on- and off-site needed improvements and other suggestions that could benefit the surrounding community.

On September 19, 2022, the City Council directed staff to further consider and evaluate relocating existing facilities (38 parking spaces, restroom facilities and one electric vehicle charging station) to the adjacent Public Safety Building (PSB) parking lot.

On November 30, 2022, City Staff and the EAH Team presented the preliminary site planning and design work to City Council and Planning Commission, with a recommended building concept and site plan for the relocation of existing facilities to the adjacent parking lot as a condition of building and managing affordable housing on the site. Planning Commission and City Council supported the recommendation and Council directed staff to assemble a development review package, which includes the environmental review of the proposed project.

INTRODUCTION: The purpose of an EIR is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; examine methods of reducing adverse environmental impacts; and consider alternatives to the project.

5 cont'd

The 1 Hamilton Drive Affordable Housing Development Project Draft EIR will be prepared and processed in accordance with CEQA and the CEQA Guidelines. In accordance with CEQA, the Draft EIR will include the following:

- Summary of the proposed project and its potential environmental effects;
- Description of the proposed project;
- Description of the existing environmental setting, potentially significant environmental impacts, and mitigation measures;
- Alternatives to the proposed project;
- Cumulative impacts; and
- CEQA conclusions, including: 1) the growth-inducing impacts of the proposed project; 2) any significant environmental effects which cannot be avoided if the project is implemented; 3) any significant irreversible and irretrievable commitments of resources; and 4) effects found not to be significant.

PROJECT LOCATION: The project site is located on the northern portion of the parcel at 1 Hamilton Drive in the City of Mill Valley, situated in Marin County, California. The project site is a triangle shape bounded by Hamilton Drive to the west and northwest and Roque Moraes Drive to the east and northeast. The entire parcel is zoned as Open Area (OA) with the General Plan Land Use designation of Community Facilities (CF). The City's Public Safety Building (PSB) is located adjacent to the project site to the south. Surrounding General Plan Land Use designations include Single Family Residential to the north; Single Family and Multi Family Residential to the south and east; and Community Facilities, including the PSB, community garden, Hauke Park and playing fields to the south and west.

The 1 Hamilton Drive parcel (Accessor Parcel Number: 030-250-01) is owned by the City and is approximately 11 acres in size. The western portion of the parcel is considered Bayland and includes Hauke Park and Bayfront Park. The southeastern portion of the parcel includes the City's PSB and an associated parking lot that serves the administrative offices of the City's Police Department and Fire Station 7, a ground mounted solar array, and a community garden to the south. The project area comprises the northern portion of the parcel and is approximately 1.6 to 1.8 acres in size. The actual size of the project site will be determined based on community input and physical design of the proposed housing. The northern portion of the parcel currently includes vacant land, a public parking lot with 38 parking spaces, one electric vehicle charging station with two ports, and public restrooms.

The project site contains 66 trees including 42 native trees. Tree species on-site include coast live oak, cork oak, Canary Island pine, black locust, blackwood acacia, ash, and California buckeye. Vegetation on the remainder of the site consists of non-native annual grassland. No trees on-site qualify as heritage trees under the City tree ordinance (Chapter 12.04, MVMC). Two seasonal wetlands potentially subject to jurisdiction by the U.S. Army Corps of Engineers and Regional Water Quality Control Board totaling 0.01 acre are located on the project site adjacent to Hamilton Drive.

5 cont'd

PROPOSED PROJECT/PROJECT DESCRIPTION: The project includes the development of up to 50 affordable housing units, 65 on-site residential parking spaces, and private outdoor spaces. The project also includes the replacement of the existing public parking lot and restroom facilities currently located in the southwestern corner of the project site. The relocation of these facilities will be accomplished by reconfiguring the PSB parking lot, which will include up to 50 public parking spaces, public restrooms, and electric vehicle charging. The new public restrooms will be located adjacent to the northern side of the PSB. The project site, proposed development footprint, and surrounding land uses are depicted on Figure 2. Proposed project characteristics are described in more detail below.

Replacement of Existing Facilities

The proposed project would reconfigure the Public Safety Building (PSB) parking lot to accommodate up to 50 public parking spaces, public restrooms, and electric vehicle charging as a required condition of approval to develop housing on the project site. The public parking spaces would be configured into a "Lot A" and "Lot B" located on each side of the PSB, as shown on Figure 2.

Approximate Unit Count and Size

Based on site considerations, construction costs and the current financing environment, EAH estimates the number of units required to build on the property is approximately 45 units. This is consistent with the Exclusive Negotiating Agreement (ENA) established with EAH to evaluate the feasibility of building 40-50 affordable rental units on the site. The Draft EIR will analyze 50 units as a conservative measure to evaluate the maximum potential number of anticipated units. The affordable bedroom mix is anticipated to be as follows: 39% 1-bedroom units (approximately 575 square feet); 36% 2-bedrooms (approximately 836 square feet); 25% 3-bedrooms (approximately 1,025 square feet). There is also one dedicated 3-bedroom unit to house the property manager on site.

Residential Parking

The proposed project would provide at least 65 residential parking spaces in a podium style parking garage underneath the proposed housing units. Building affordable housing allows for reduced parking standards through the State Density Bonus Law. Recent changes to the law allow for further reductions; however, the proposed project design provides at least 1 residential parking space per unit. Based on the maximum unit count of 50 units, the proposed parking ratio is approximately 1.3 parking spaces per unit. Visitor parking is not required based on state requirements but is proposed as part of the reconfigured PSB parking lot in association with general public parking.

Entry to Residential Parking Garage

The proposed entry to the residential parking garage connects to the proposed public parking Lot B to reduce curb cuts along Hamilton Drive.

Visitor Parking and Parking Management

The City is recommending creating time-limited parking restrictions (e.g., 4-hour limit) for the public parking spaces in Parking Lots A and B depicted in Figure 2 that are adjacent to the proposed housing

5 cont'd

site on Hamilton Drive. This will allow for the turnover of parking regardless of use and will address concerns about extended residential and/or visitor parking in the public parking area.

Building Footprint, Massing and Location

The proposed building footprint for the housing development is located on flat and level areas of the site in order to minimize the amount of necessary grading. The maximum anticipated gross building area is approximately 66,000 square feet.

Conceptual design refinements are currently underway and are expected to be completed by the time the DEIR is circulated for public review. At this time, preliminary building designs include a ground floor parking garage (up to 22,000 square feet), with a 3-story podium building (up to 29,000 square feet) that includes residential area (up to 40,000 square feet); common area (up to 2,500 square feet); office space (up to 1,300 square feet); and circulation area (up to 16,500 square feet). The total residential Floor Area anticipated as part of the project is .80 and the maximum height of the structure would be 58 feet at its highest peak, depending on final roof design and podium height. Private outdoor spaces for residents include a front courtyard area, approximately 6,000 square feet in size.

Tree Removal and Replacement

Based upon current site plans, approximately 40 of the trees on-site would be removed in order to construct the proposed project. Approximately 20 of these trees are coast live oaks, having an average size of 13.6 inches diameter at breast height and an average height of 19 feet. The project will be required to obtain a permit to remove trees from the site and comply with all applicable tree replacement or in-lieu fee mitigation requirements.

Project Approvals

The final project application to the City will include:

- Proposed site plans and building designs for Design Review.
- A proposed tentative parcel map to create a separate parcel for the northern portion of 1 Hamilton.
- A request to rezone the newly created parcel from O-A (Open Area) to RM-B (Multi-family Residential-Bayfront) to permit multi-family residential on the property.
- Tree removal permit.
- A long-term ground lease or similar document allowing EAH to construct and manage housing on the site.

RELATIONSHIP TO HOUSING ELEMENT DSEIR: The City is also analyzing the concept of housing on the 1 Hamilton site on a programmatic level in the Draft Subsequent Housing Element EIR (DSEIR). The Housing Element DSEIR is a “program EIR” which analyzes the impacts of the policies laid out in the Housing Element on the City of Mill Valley as a whole, pursuant to CEQA. The Housing Element DSEIR will not include a site-specific, project-level analysis of the proposed 1 Hamilton development or any other site described in the sites inventory, nor is it required to include such an analysis.

5 cont'd

This NOP is for a project-level DEIR that will specifically evaluate the direct and indirect impacts of the proposed 1 Hamilton project. It is anticipated that this project-level DEIR will be circulated for public comment after publication of the Housing Element DSEIR.

PROBABLE ENVIRONMENTAL EFFECTS: An Initial Study providing more detail regarding the anticipated scope of the DEIR will be released on the project website (www.cityofmillvalley.org/hamilton) in January during the scoping period. It is anticipated that the proposed project may have potentially significant environmental effects in the following areas: Aesthetics; Biological Resources; Cultural Resources; Energy; Geology and Soils; Hazards and Hazardous Materials; Land Use and Planning; Noise; Population and Housing; Public Services; Recreation; Transportation; Tribal Cultural Resources; and Utilities and Service Systems. The project is not anticipated to result in potentially significant environmental effects in the following areas: Agriculture and Forestry Resources; Air Quality; Greenhouse Gas Emissions; Hydrology and Water Quality; Mineral Resources; and Wildfire. The level of analysis for these subject areas may be refined or additional subject areas may be analyzed based on responses to this NOP, the Initial Study, and/or refinements to the proposed project. More detail concerning the proposed DEIR analyses is presented below.

Aesthetics

The aesthetics discussion and analysis in the DEIR will evaluate the visual impact of the project with regard to building height, bulk/mass, and viewshed alteration/obstruction. The project will be evaluated for consistency with applicable City design guidelines and other policies related to the protection of views from public corridors.

Biological Resources

This section of the DEIR will evaluate the project's impact on trees, wetlands, and other vegetation at the project site, as well as the project's potential to impact special status plant and wildlife species. A discussion of the potential relevant regulatory agency approvals necessary for project implementation will also be included.

Cultural Resources

This section of the DEIR will evaluate the project's potential to disturb archaeological resources, both known and unknown, at or within the vicinity of the project site.

Energy

The proposed project would create new development capacity that would result in increased energy demand. The three primary sources of energy demand would likely be fuel use in vehicles, and electricity and natural gas use in buildings. The net change in demand for these types of energy will be evaluated. Because the threshold of significance for energy impacts is qualitative, the impact discussion and analysis will also be qualitative.

5 cont'd

Geology and Soils

The project site is located on a sloping hillside. This section of the DEIR will evaluate the potential for the project to exacerbate the effects of geologic hazards, such as landslides, soil instability, and seismic ground shaking/surface rupture. In addition, the presence of naturally occurring asbestos on-site will be evaluated and relevant mitigation identified as necessary.

Hazards and Hazardous Materials

The project site is located adjacent to the City of Mill Valley's PSB, which includes fire and police stations and is a staging location for emergency response. This section of the DEIR will evaluate the project's potential impact on adopted emergency response and evacuation plans.

Land Use and Planning

This section of the DEIR will evaluate the project's consistency with adopted land use policies that are applicable to the project and project site. A discussion of project conformance with the City's current Housing Element and draft Housing Element Update will be included.

Noise

This section will address whether the proposed project would result in an increase in noise levels during both construction and future operation in violation of City policies and applicable municipal regulations.

Population and Housing

The DEIR will evaluate the impact of the project on population and housing within the City.

Public Services

This section of the DEIR will address whether the proposed project would require new or expanded public services facilities, such as fire/police protection, schools, parks, and libraries, and whether those facilities would result in significant environmental impacts.

Recreation

This section of the DEIR will address whether the proposed project would require new or expanded recreational facilities and whether the project would adversely affect existing parks and recreational facilities within the City.

Transportation

This section of the DEIR will address the vehicle miles traveled (VMT) impacts of the project as well as the project's consistency with applicable General Plan policies pertaining to City roadway performance criteria, safety, and multi-modal accessibility (pedestrian circulation, bicycle routes).

5 cont'd

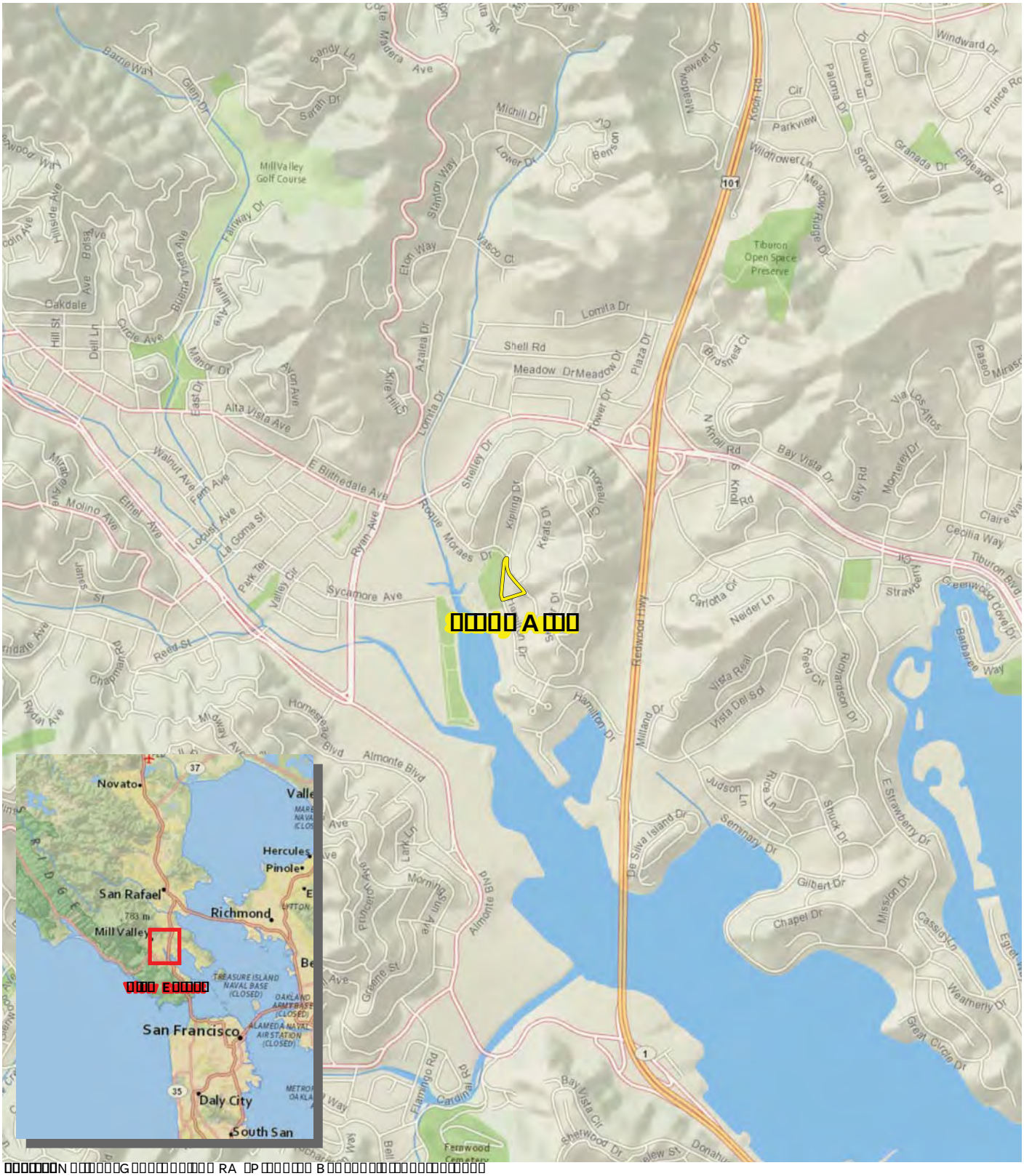
Tribal Cultural Resources

This section of the DEIR will describe the City's AB 52 tribal consultation process for the project and evaluate whether the project may result in an adverse change on the significance of a tribal cultural resource.

Utilities and Service Systems

This section will address possible physical changes associated with expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunication services at the project site. The ability of existing water supplies, water/wastewater treatment capacity, and solid waste disposal systems to serve the project will be evaluated. Multiple relevant agencies and utilities will be consulted in the preparation of this analysis.

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cont'd


Mill Valley Golf Course
Tiburon Open Space Preserve
Lomita Dr
Shell Rd
Meadow Dr
Alta Vista Ave
E Blithedale Ave
Sycamore Ave
Almonte Blvd
Homestead Blvd
Redwood Hwy
Bay Vista Dr
Vista Real
Vista Del Sol
Hamilton Dr
Millard Dr
De Silva Island Dr
Seminary Dr
Gilbert Dr
Chapel Dr
Mission Dr
Bay Vista Cir
Flamingo Rd
Cardinal Rd
Fernwood Cemetery
Greenwood Cove Dr
Tiburon Blvd
Cecilia Way
Claire Way
Via Los Altos
Paseo Mirasol
Monterey Dr
Sky Rd
Knoll Rd
N Knoll Rd
Nellen Ave
Corte Madera Ave
Windward Dr
Parkview
Wildflower Ln
Meadow Ridge Dr
Sonora Way
Granada Dr
Endeavor Dr
Prince Rd
Koch Rd
Cir
Paloma Dr
Camino
Meadowsweet Dr
Mitchill Dr
Lower Dr
Benson
Stanton Way
Vasco Ct
Elson Way
Fairway Dr
Marin Ave
Bolsa Ave
Buena Vista Ave
Hillside Ave
Glen Dr
Battle Way
Sandy Ln
Sarah Dr
Oakdale
Hill St
Dell Ln
Circle Ave
Manor Dr
East Dr
Avon Ave
Azalea Dr
Shirley Ave
Lomita Dr
Shelley Dr
Rogue Moraes Dr
Ryan Ave
Xpeling Dr
Keats Dr
Thoreau Ct
Tower Dr
Plaza Dr
Birdsnest Ct
Carlotta Dr
Nelder Ln
Barbaree Way
Richardson Dr
Read Cir
Judson Ln
Hale Ln
Shuck Dr
E Strawberry Dr
Weatherly Dr
Great Circle Dr
Cassidy Ln
Equestrian
Almonte Blvd
Lark St
Morning Sun Ave
Princeton Ave
Greene St
Ave
Molino Ave
Ethel Ave
Walnut Ave
Elm Ave
La Goma St
Locust Ave
Park Ter
Valley Cir
Reed St
Chapman Rd
Rydal Ave
Midway Ave
Janson St
Tridale Ave
Miller Ave
Elvia Ave
Shirley Ave
Sherwood Dr
Donahue St
Ellen St
Strawberry
Carlotta Dr
Nelder Ln
Knoll Rd
Bay Vista Dr
Lomita Dr
Shell Rd
Meadow Dr
Plaza Dr
Tower Dr
Shelley Dr
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Stanton Way
Vasco Ct
Elson Way
Fairway Dr
Marin Ave
Bolsa Ave
Buena Vista Ave
Hillside Ave

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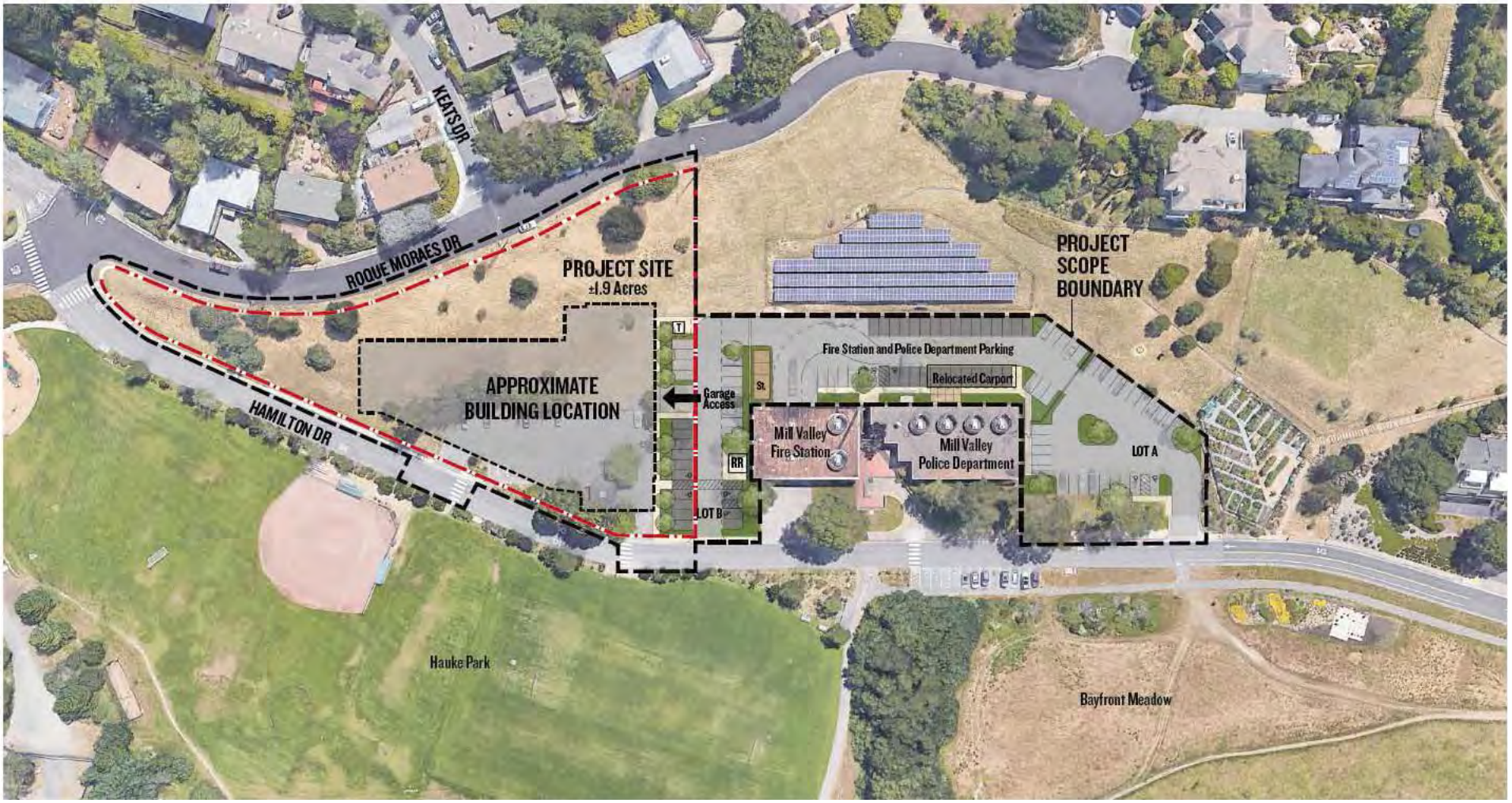


Figure 2. Project Site Plan

1 Hamilton Affordable Housing Development Project
Mill Valley, California

wra
Environmental
Consultants

EXHIBIT 3

SOLURI MESERVE
a law corporation

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January 20, 2023

SENT VIA EMAIL
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rob.bonta@doj.ca.gov; CEQA@doj.ca.gov)

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c/o Land Use and Planning Unit
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Rob Bonta
Attorney General
Office of the Attorney General
1300 I Street
Sacramento, California 95814-2919

RE: Mill Valley Housing Element and Land Use Element Update EIR
State Clearinghouse Number 2013052005

Dear Messrs. Morgan, Miller, and Bonta:

6 This letter is submitted on behalf of our client, Friends of Hauke Park ("FOHP"). FOHP opposes the City of Mill Valley's ("City") unlawful campaign of steering affordable housing projects away from the City's most wealthy neighborhoods to its least affluent — neighborhoods that already contain 100 percent of the City's public housing. FOHP also opposes the City's effort to use its Housing Element Update as the legal imprimatur for flagrantly violating its duty of affirmatively further fair housing ("AFFH").

On November 17, 2022, we wrote to the State Clearinghouse and the California Department of Housing and Community Development ("HCD") opposing the City of Mill Valley's ("City") effort to seek a shortened public review period on its Draft EIR for the City's General Plan Housing and Land Use Element Updates. (See Exhibit 1.)

6 cont'd

Following submission of that letter, HCD submitted extensive comments to the City regarding its Draft Housing Element Update, including in relevant part:

> HCD received a number of comments related to zoning and AFFH, particularly in relation to *the City's apparent lack of units affordable to lower income West of Camino Alto*. Many commentors also voiced concerns that, of the over seventy City-Owned sites in the City, only one was chosen to accommodate housing lower-income. *HCD encourages the City to consider these comments*.

(See Exhibit 2, p. 13, italic added.)

Undeterred by HCD's comments, and in an apparently misguided effort to dodge meaningful public review for its Housing and Land Use Element Updates, the City has now released a Draft EIR for the 45-day public comment period even though the City's final Housing Element Update has not been prepared or submitted to HCD for its approval. (See Exhibit 3.)[1]

We are aware of the legal authority providing that projects may change over time for practical reasons. (See, e.g., *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 292.) Here, however, the underlying project has not even been formulated by the City. HCD submitted extensive comments identifying deficiencies in a number of areas, explaining "revisions will be necessary to comply with State Housing Element Law." (Exhibit 2, p. 1.) The City confirmed that it has not yet completed a final Housing Element Update in response to those comments.[2] The City's release of a Draft EIR without first defining the underlying project results in a fatally defective public comment period.

The City's action results in significant prejudice to public review. As we wrote to the City, "The public cannot possibly review and comment on the adequacy of the DEIR's analysis of the Housing Element Update without having access to the Housing Element Update." (Exhibit 4.) The public cannot determine whether the Draft EIR is

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[1] The City has not released even a preliminary draft of the Land Use Updates that are purportedly analyzed in the Draft EIR released for public review.

[2] The City has confirmed that it is presently "working on" the revised draft Housing Element Update, which the City refused to provide, and would consist of revised plans and policies requiring new analysis for the first time "in the FEIR." (Exhibit 4.)

6 cont'd

accurately representing, much less analyzing, the City's underlying planning action without the ability to review the text of the underlying planning documents.

This concern is based on the City's prior misrepresentations regarding the nature of this underlying planning effort. On July 20, 2022, the City released a Notice of Preparation ("NOP") for the project. We submitted extensive comments explaining how the City was not accurately explaining the nature of existing conditions and the proposed project's impact on development at the One Hamilton site, which the City now proposes for affordable housing. (Exhibit 5.) In response to these comments, the City prepared an "errata" to its NOP. (Exhibit 6.)

Prior to the release of the City's "errata" to the NOP, the City misrepresented the nature of the underlying housing site inventory work that is now incorporated into the City Housing Element Update. Public commenters questioned why the City utilized a separate process to identify publicly-owned residential sites in light of the City's Housing Element Update that was being drafted at the same time. Purporting to respond directly to these concerns, Mayor McCauley asserted at the February 7, 2022, Council meeting that the City's Housing Element Update process was "completely" separate from The Housing Workshop process identifying suitable City-owned sites:

> Another thing, there is a confusion here about the idea of doing an analysis of regional housing needs authority or RHNA sites and the city site analysis that was done as a part of the HAC housing advisory committee, we went down two paths. One path was can we find surplus land we can sell to raise money to provide the ability to develop land with another party maybe a church or whatever. The second process we had was can the city on its own find a site that we can offer to a developer, a low-income mission driven developer to create a site. ***That is completely different than the analysis which is going on to find out where we are going to come up with these 865 units for RHNA which is all generally private property. They are completely different things***, so I just want to make sure that people understand that difference.

(Mill Valley City Council Meeting, February 7, 2022, at 3:03:00[3] [emphasis added].) The subsequently-released draft Housing Element revealed the Mayor's characterization to be false. The Housing Element's analysis of suitable City-owned sites expressly relies on

[3] The meeting can be accessed at https://cityofmillvalley.granicus.com/MediaPlayer.php?view_id=2&clip_id=1694.

6 cont'd

The Housing Workshop's analysis for its inventory of City-owned suitable sites. (Draft Housing Element, pp. III-11; see also p. C-2.)

The old proverb "trust but verify" applies here. Without being able to review the City's Housing Element Update and Land Use Element Update,[4] the public will not be able to determine whether additional such misrepresentations are contained in the Draft EIR. The Draft EIR's unsubstantiated representations that non-final, non-public planning documents constitute the project under review is inadequate.

These issues have heightened significance because the City contends that it will "tier" from this EIR for purposes of its CEQA review of the One Hamilton Project, which is an affordable housing project. (See Exhibit 7.) Continuing its practice of misrepresenting the nature of its actions, the NOP conspicuously fails to disclose that a General Plan Amendment altering the property's General Plan land use designation is a necessary project approval for the proposed affordable housing project at One Hamilton. (See Exhibit 7, p. 6 ["Project Approvals"].) Engaging in deliberate piecemealing by entitlement, the City claims that all project entitlements for One Hamilton will be analyzed in the One Hamilton EIR save one: the change to the site's General Plan land use designation will be "analyzed" on a "programmatic basis" in the Housing Element Update EIR as the City begrudgingly acknowledged in its "errata" to the NOP. (Exhibit 6, p. 6 ["In order to build affordable housing on the site, a separate parcel will be created with rezoning and land use amendments required"].)

We have included the Attorney General's Office as a recipient of this letter because of heightened public scrutiny for those "opposing" an affordable housing project. We are aware of the Attorney General's amicus brief and press release in the *Save Livermore Downtown v. City of Livermore* case. To the extent the Attorney General's Office is now inclined to take a more active role regarding individual affordable housing projects, we urge the Attorney General's Office to review this matter in detail with the goal of learning whether City officials have intentionally run interference for Mill Valley's most wealthy and influential residents in order to steer affordable housing projects to Mill Valley's least affluent areas, which already contain 100 percent of Mill Valley's existing public housing.

We have submitted numerous letters to the City documenting these concerns in detail, which have all fallen on deaf ears.[5] HCD, for its part, "encourages the City to

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4 The City has never circulated any draft of its proposed Land Use Element Update.

5 We stand ready to share this documentation with the Attorney General's Office.

6 cont'd

consider these comments." As explained above, the City's recent release of its Draft EIR means that HCD's suggestion has also been ignored. Any meaningful investigation into the One Hamilton project would need to directly address the following:

- The City inexplicably contracted with The Housing Workshop to identify suitable publicly-owned sites pursuant to a process that was purportedly separate from its Housing Element Update that is intended to identify all suitable housing, but which was ultimately relied upon in the Housing Element.

- The Housing Workshop's analysis of suitable publicly-owned sites relied on criteria that deviated sharply from HCD criteria for identifying suitable sites (e.g., 10 percent slope versus 50 percent slope, 0.75 acre minimum versus 0.5 acre minimum). It also arbitrarily dismissed many properties based on claims of fire hazard that are unsupported by the City's own planning documents.

- The Housing Workshop report excluded dozens of properties without analysis because they were not zoned for residential development, but ultimately selected One Hamilton – a site that is also not zoned for residential development in addition to the General Plan prohibition on residential development.

- The City is insisting on including the One Hamilton site in its Housing Element Update even though the City claims that development on that site is not necessary for the City to meet in RHNA obligations and the site's General Plan land use designation prohibits all residential uses.

- The City is piecemealing its CEQA review for the One Hamilton project by purporting to rely on two separate EIRs for the same "whole of the action" — one EIR would analyze the change in One Hamilton's General Plan land use designation admittedly "for the sole purpose of building affordable housing" (Draft Housing Element Update, p. C-2), and a second, concurrent EIR would analyze all other project entitlements for that very same development. (Exhibit 7.) This is an obvious violation of CEQA Guidelines section 15378. Further, and more insidious, this piecemealing would set the stage for a false narrative that the proposed affordable housing project at One Hamilton is "consistent" with the City's General Plan for purposes of Government Code section 65589.5, even though the site's current General Plan land use designation prohibits any residential development.

6 cont'd We urge the State Clearinghouse to reject as incomplete the City's Notice of Availability of the Draft EIR. We recognize the unusual nature of this request, but respectfully submit it is appropriate in light of the City's continuing effort to thwart public review of its unscrupulous actions. We also urge HCD and Attorney General's Office to investigate the City's conduct with respect to the proposed affordable housing project at the One Hamilton site and its abuse of CEQA and the Housing Accountability Act to steer affordable housing away from Mill Valley's most affluent neighborhoods.

Very truly yours,

Soluri Meserve
A Law Corporation

By: 

Patrick M. Soluri

PS/mre

7 Attachments:

Exhibit 1	Soluri Meserve letter dated November 17, 2022
Exhibit 2	Department of Housing and Community Development letter dated November 21, 2022
Exhibit 3	Notice of Completion and Availability: Draft Subsequent Environmental Impact Report for the City of Mill Valley's 2023-2031 Housing Element Update
Exhibit 4	Emails exchange between Soluri Meserve and the City on January 17 and 19, 2023
Exhibit 5	Soluri Meserve letter dated July 29, 2022
Exhibit 6	Errata to Notice of Preparation to the City of Mill Valley 2023-2031 Housing and Land Use Elements Updates and Zoning Amendments
Exhibit 7	Notice of Preparation of Draft Environmental Impact Report, City of Mill Valley, 1 Hamilton Drive Affordable Housing Development

cc:

Governor's Office of Planning and Research:
Christine Asiata Rodriguez, State Clearinghouse Manager
(christine.asiata@opr.ca.gov)
Olivia Naves, Assistant Planner
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Urban Carmel, Vice Mayor
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(mperrey@cityofmillvalley.org)
G. Inder Khalsa, City Attorney
(gkhalsa@rwglaw.com)
Kelsey Rogers, City Clerk
(cityclerk@cityofmillvalley.org)

Response to Letter 21, Patrick M. Soluri, Soluri Meserve (Letter - February 27, 2023)

1. This comment is about the proposed land use designation change at the 1 Hamilton Drive site, and the project-level EIR currently under preparation for a proposed development of that property. See response to Letter 1.

2. This comment is about "piecemealing." California law and CEQA allow cities and counties to change land use designations without evaluating and considering specific development projects. One example is a general plan update, where general plan land use designations are amended. This occurs without evaluating a development application. The City is not piecemealing its CEQA review for the 1 Hamilton Drive project by 1) including the site in the Housing Element Update and 2) evaluating the feasibility of building affordable housing on the 1 Hamilton Drive site in order to consider processing a development application. In addition, site specific information and Council direction to assemble a development application was provided after the issuance of the NOP for this SEIR. Lastly, there is no legal reason the City cannot consider amending the land use designation for the 1 Hamilton Drive site prior to considering a development application. No changes to the draft SEIR are necessary.

3. This is Exhibit 1 to the comment letter (Letter to Mayor Jim Wickham and Councilmembers from Soluri Meserve, November 22, 2022), and raises the same issues discussed in comment 2.

4. This comment (also in Exhibit 1) is about the project-level EIR for the 1 Hamilton Drive site. See response to Letter 1. See also response to Letter 18, comment 4.

5. This is Exhibit 2 to the comment letter (December 21, 2002 notice of preparation of a draft EIR and notice of scoping meeting for the proposed 1 Hamilton Drive Affordable Housing Development prepared by the City). This does not provide a comment on the draft SEIR for the Housing Element Update and therefore, no response is necessary.

6. This is Exhibit 3 to the comment letter (Letter to Governor's Office of Planning and Research, California Department of Housing and Community Development, and California Attorney General from Soluri Meserve, January 20, 2023). It does not raise any new issues that are not raised in comments 1-5 above. See responses to comments 1-5 above.

   No changes to the draft SEIR are necessary.

From: Rod Eshelman
To: Danielle Staude
Subject: [External] Hamilton 2/28/23 meeting
Date: Monday, February 27, 2023 12:32:58 PM

1 I am continually amazed how completely captured the city administration is by EAH and in comparison how the administration ignores the legitimate concerns of the community. The presence of asbestos at the site is just another example. Building a large complex at the site where asbestosis is plentiful, when there are many other sites without this toxin, is a blatant disregard of the concerns of the local community. The administration just continually accepts everything EAH says without analysis; e.g. drawings are just as good as story poles; 50 units are needed for profitability; and now asbestos can be cleaned up with no hazards. It is time for the city council to stand up for their constituents.

Rod Eshelman
80 Millay Place
Mill Valley, Ca. 94941
1-415-867-5502 (cell)
rod45@comcast.net

Response to Letter 22, Rod Eshelman

1. This comment is regarding story poles and naturally occurring asbestos at the 1 Hamilton Drive project site. See responses to Letter 1 and Letter 2. No changes to the draft SEIR are necessary.

From: Gail Katz <gkatz00@yahoo.com>
Sent: Monday, February 27, 2023 12:51 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: [External] Mill Valley resident comments regarding Planning Commission Meeting on 2/28/2023 - housing draft

To Mill Valley Planning Commission,

In regards to proposed housing at 1 Hamilton - This is not an appropriate building site. 1

1 Hamilton has NOA at the site, per testing already done.

It's a scientifically proven fact that this asbestos can cause mesothelioma cancer if disturbed by construction. The City claims that EAH will perform costly "mitigation" of the asbestos during construction, but mitigation doesn't mean elimination, it only means to reduce. There is no guaranteeing health safety during any mitigation process. The EPA also says that ANY level of asbestos in the air is unhealthful.

i will contact BAAQMD the day you break ground at the site.

1 Hamilton has an earthquake fault running thru it. 2

https://www.marinmap.org/Html5Viewer/Index.html?viewer=smmdataviewer&layerTheme=&scale=4800&basemap=¢er=5978493.883023422%2C2155474.234319469&layers=07f1w60zRT%2F%2B3HAZSz0424e203VLnh1j94Gx1LjczC2hvw0D0YTqbP2gk0b82BRK%2F7009lLz2uDLhl0oketH1bWVgD0KL3Cf0X7Iup0%2FT025

1 Hamilton is VH (Very High) for liquefaction right where you are planning on putting the building. 3

https://gisopendata.marincounty.org/datasets/9bcb547ab5084cf99e4fd4d140fdf98c/explore?location=37.894144%2C-122.523184%2C16.14

Regards,
Gail Katz
Enchanted Knolls

Response to Letter 23, Gail Katz

1. This comment is above naturally occurring asbestos on the 1 Hamilton Drive site. See response to Letter 2.

2. This comment is regarding an earthquake fault running through the 1 Hamilton Drive site. This issue will be addressed in the project EIR currently under preparation.

3. This comment is regarding liquefaction potential at the 1 Hamilton Drive site. This issue will be addressed in the project EIR currently under preparation.

   No changes to the draft SEIR are necessary.

From: Elizabeth O
To: Danielle Staude
Subject: [External] Feb 28 Planning Meeting
Date: Monday, February 27, 2023 3:58:43 PM

To the Planning Commission,

1 I am very concerned by the lack of knowledge displayed by the City's consultants and EAH in regards to the risks posed by excavating the 1 Hamilton site which contains naturally occurring asbestos (NOA). So far they have not told the surrounding community about the potential asbestos threat, revealed the asbestos experts they are relying upon for consultation, or come up with a plan which outlines the potential costs involved in remediation.

During excavation asbestos fibers can become airborne, be easily inhaled, lodge in the lungs of those in the surrounding area, and cause damage, potentially leading to serious health problems. Although it is clear that the health risks from asbestos exposure increase with heavier exposure and longer exposure time, according to *Cancer.gov* investigators have found asbestos-related diseases in individuals with only brief exposures.[1]-

Across the street from 1 Hamilton are the Mill Valley children's sports fields and a toddler playground. Children are particularly vulnerable to the effects of asbestos exposure because their bodies are still developing, and they tend to breathe more rapidly than adults. In the situation posed by 1 Hamilton, children will be running and playing in close proximity, increasing the risk of exposure to airborne fibers released during excavation and construction. Children also have a longer remaining lifetime in which to express damage from asbestos; this potential is particularly relevant to cancer.

There have been several studies investigating the effects of naturally occurring asbestos (NOA) on children.

One study published in the journal Environmental Health Perspectives in 2013 investigated the effects of NOA exposure on children in a community in California. The children who were exposed to higher levels of NOA had higher rates of respiratory symptoms such as coughing and wheezing.

Another study published in the American Journal of Respiratory and Critical Care Medicine in 2019 investigated the long-term effects of NOA exposure on children. The researchers found that children who were exposed to higher levels of NOA had a greater risk of developing pleural plaques, a type of scarring on the lining of the lungs that can be a sign of asbestos exposure.

Besides potentially causing future cancers of the lung, inhaling asbestos fibers can also cause a range of other respiratory problems, such as asthma, bronchitis, and

1 cont'd

shortness of breath. These symptoms can be particularly problematic for children, who may already be more susceptible to respiratory infections and illnesses.

It is important to note the NOA rock present at 1 Hamilton is *below ground and does NOT pose a risk to our children.* Digging up the rock is the issue!

Remediation during excavation consists mainly of spraying water on the dirt every 10 minutes so it will be less likely to be picked up by the wind.

- What happens to the asbestos laden dirt on weekends?
- Or after 5 pm when the construction workers who were spraying the water go home?
- What happens when winds between 10-20 miles per hour occur (which are not infrequent in our area) - either during or after work hours?
- What about the dirt and rock that gets stuck and travels in the wheels of construction vehicles or cars passing by?

Finally, what about the increased costs posed by remediation? Construction performed with asbestos mediation procedures pose increased cost overruns and project delays. Failure to comply with regulatory regulations can result in fines, legal liabilities (and reputational damage).

In my opinion, the problems posed by constructing a housing project over asbestos laden rock appears to be a poor decision, affecting the public health of our most vulnerable population. It is also a poor economic choice.

Sincerely,
Elizabeth O'Donnell
Mill Valley Resident who supports affordable housing, just not building on asbestos rock!

Response to Letter 24, Elizabeth O'Donnell

1. This comment is regarding naturally occurring asbestos at the 1 Hamilton Drive project site. See response to Letter 2. No changes to the draft SEIR are necessary.

From: Carrie Sherriff
To: Danielle Staude
Subject: [External] Please choose another location.
Date: Monday, February 27, 2023 2:43:39 PM

1 I have previously written to you about this. Children are constantly at fields and the playground and this development and traffic is a danger to them. What's this about asbestos? The occupants to these units will have access to a high end grocery store-Whole Foods-can they afford this?

Carrie Sherriff Broker
Carrie Sherriff Real Estate

carriesher@yahoo.com

415 328-6416

Response to Letter 25, Carrie Sherriff

1. This comment is about traffic, asbestos, and affordability of shopping at Whole Foods. Regarding traffic, see Section 12.0, Transportation, of the draft SEIR. Regarding asbestos, see response to Letter 2. Affordability of shopping at Whole Foods is not an environmental issue and therefore, no response is necessary. No changes to the draft SEIR are necessary.

From: Long, Carlin
To: Danielle Staude
Subject: [External] Feb 28 City Planning Mtg
Date: Monday, February 27, 2023 4:13:53 PM

Dear City Planners,

1 I am a Mill Valley resident writing to express my concerns about the potential health threat posed by naturally occurring asbestos in the rock that will be excavated at the building site of 1 Hamilton. This type of asbestos has been linked to serious respiratory diseases, including lung cancer and mesothelioma.

Of particular concern is the fact that children who play sports in the fields across from the building site may be affected by the asbestos fibers. Asbestos fibers can become airborne and be carried by the wind, potentially exposing children and other individuals in the area to this harmful substance.

I strongly encourage you to provide clear and transparent communication to the community about the potential health risks associated with naturally occurring asbestos and the steps that are being taken to assess these risks.

Thank you for your attention to this matter. I hope that you will take the necessary steps to protect the health and well-being of our community.

Sincerely,

Carlin Long

Response to Letter 26, Carlin Long

1. This comment is regarding naturally occurring asbestos at the 1 Hamilton Drive project site. See response to Letter 2. No changes to the draft SEIR are necessary.

Danielle Staude

To: Daisy Allen
Subject: RE: [External] Regarding Land Use amendment: Meeting agenda for 2/28/23

From: Elspeth Seddig <drseddig@yahoo.com>
Sent: Sunday, February 26, 2023 2:15 PM
To: Daisy Allen <daisy.allen@cityofmillvalley.org>; Darrin Allen <dallen@cityofmillvalley.org>; Elspeth Seddig <drseddig@yahoo.com>
Subject: [External] Regarding Land Use amendment: Meeting agenda for 2/28/23

1 Hello Daisy,
I hope this email finds you well. I have reviewed the letter regarding proposed Land Use amendments for the Multi-Zoned properties in the Presdio neighborhood, and I have cause for concern. I am the owner of 41 Laurelwood Avenue, which is adjacent to the proposed area. I do not consent to amendments that are discussed, as I do not want the area under discussion to become even more congested with housing than it already is, and already feel the downtown part of Mill valley has become overbuilt.
Once of the reasons we love to live in Mill Valley, is because of the proximity to nature, with the Redwoods, and Mount Tam. Since purchasing my house in 2010, I have witnessed buildings going in right near my house that have taken away form the original character, in my opinion. I have read that my property is not directly affected, and that part of this proposal is to create zoning consistency; however I still am reticent to consent, for the already mentioned reasons.
Please do not hesitate to contact me by replying to the email or calling me 415-244-4627.

Elspeth G. Seddig, N.D.
Doctor of Naturopathic Medicine

AURUM: Naturopathic Medical Alchemy
4255 18th Street, Suite 202 (at Diamond)
San Francisco, CA 94114

www.aurumalchemy.com
602-314-6021 (l)
602-314-6517 (f)

Response to Letter 27, Elspeth G. Seddig, N.D.

1. This comment is regarding the proposed land use amendment at the Presidio Neighborhood. The commenter does not raise and environmental issue and therefore, no response is necessary. No changes to the draft SEIR are necessary.

From: PC CHIANG
To: Planning; Danielle Staude
Subject: [External] Eliminate 1 Hamilton from Land Use Element and HEU
Date: Tuesday, February 28, 2023 9:11:25 AM

To: Planning Commission of Mill Valley,

1 As you may already know, neighbors are rightfully concerned about EAH disturbing naturally occurring asbestos at the 1 Hamilton site. To continue to move this project forward by claiming this issue can be mitigated away shows a clear lack of compassion for residents East of Camino Alto.

No amount of housing tax credits will be enough to cover potential lawsuits and compensate for suffering, should this project cause cancer for neighbors and park users down the road. This is a ***known risk*** the CIty does not have to take on, especially since there are building/housing opportunities elsewhere that do not have this inherent risk. Just as the city used local topography and environmental constraints to exclude certain sites in its Housing Element, it should exclude sites with naturally occurring asbestos, which is arguably more of a hazard.

I urge you to eliminate 1 Hamilton from the Land Use Element and HEU. This is a risk that can be *avoided,* simply by leaving the site alone.

Thank you,
Pei Chin Chiang (Mill Valley)

Response to Letter 28, Pei Chin Chiang

1. This comment is regarding naturally-occurring asbestos at 1 Hamilton Drive. See response to Letter 2.

From: Carlos Montalvan
To: Patrick Kelly; Danielle Staude; City Clerk; Darrin Allen
Subject: [External] Naturally Occurring Asbestos (NOA) at 1 Hamilton
Date: Tuesday, February 28, 2023 1:34:19 PM
Attachments: NOA Map.pdf

CEQA/EIR and Naturally Occurring Asbestos (NOA) at 1 Hamilton

1 **Per Marin Maps.org:**
- 1 Hamilton contains Serpentine rock, possibly the only location in the City of Mill Valley that does. See attached file (NOA Map.pdf)

The DSEIR's statement that "Marin County is not identified by the EPA as an area of high risk for (NOA) exposures." ignores the fact that 1 Hamilton uniquely and explicitly contains Serpentinite rock as compared to the rest of Marin

Per the Univ. of California – Division of Agriculture and Natural Resources:
- Most Serpentine rock contains naturally occurring asbestos (NOA) particles, a known human health risk, classified as a carcinogen by state, federal, and international agencies
- People may inhale or swallow dust containing asbestos fibers which can cause cancer and other diseases
- Activity that can expose or release dust with asbestos fibers includes any form of mechanical disturbance of serpentinite bedrock
- Environmental health scientists have suggested that children have a higher risk of exposure than adults due to their faster breathing rates, time spent outdoors, and greater time for disease to develop
https://anrcatalog.ucanr.edu/pdf/8399.pdf

Per the NIH National Cancer Institute:
- The overall scientific evidence suggests there is no safe level of asbestos exposure
- Investigators have found asbestos-related diseases in individuals with only brief exposures
- It can take from 10 to 40 years or more for symptoms of an asbestos-related condition to appear
https://www.cancer.gov/about-cancer/causes-prevention/risk/substances/asbestos/asbestos-fact-sheet#what-are-the-health-hazards-of-exposure-to-asbestos

Because building at 1 Hamilton would mean disturbing the underlying Serpentine, and a study is not yet complete on the levels of NOA on the site, it is not appropriate to change the land-use designation to MFR-2 until the full risks of the property are understood

Neither the planning commission nor the public can assess the environmental impacts of any project on the land without a full project EIR, and so the land use change is premature

The change in the land use designation, rezoning and project approval should all occur after a full project level EIR is completed and the public has had an opportunity to review and submit its comments

NOA Dust Mitigation Plans

Per the Bay Area Air Quality Management District:
- NOA Dust Mitigation Plans must report Areas and Facilities within a quarter mile (400 meters) of the Project, including: Residential, Commercial, School, Park, and Playground
https://www.baaqmd.gov/~/media/Files/Compliance%20and%20Enforcement/Asbestos/admp_discovery_application.ashx?la=en&la=en
- See attached file (NOA Map.pdf) for the 400 meter impact radius from 1 Hamilton including all of these types of properties

"Mitigation" of the asbestos during construction does not mean elimination of the risk, only an attempt to reduce exposure.

There is no guaranteeing health safety during any mitigation process, especially with fibers as small as asbestos that can travel on vehicles, workers clothing, and even skin or hair (See NIH above).

This is an unnecessary health risk to children and families using the park as well as people living in our neighborhood.

Given how long it can take for asbestos-related diseases to appear, this Commission and City Council will be long gone and never have to answer for the impact of their decisions.

Vote NO on changing the land use designation for 1 Hamilton until this decision can be fully vetted.

Carlos Montalvan
Keats Dr.

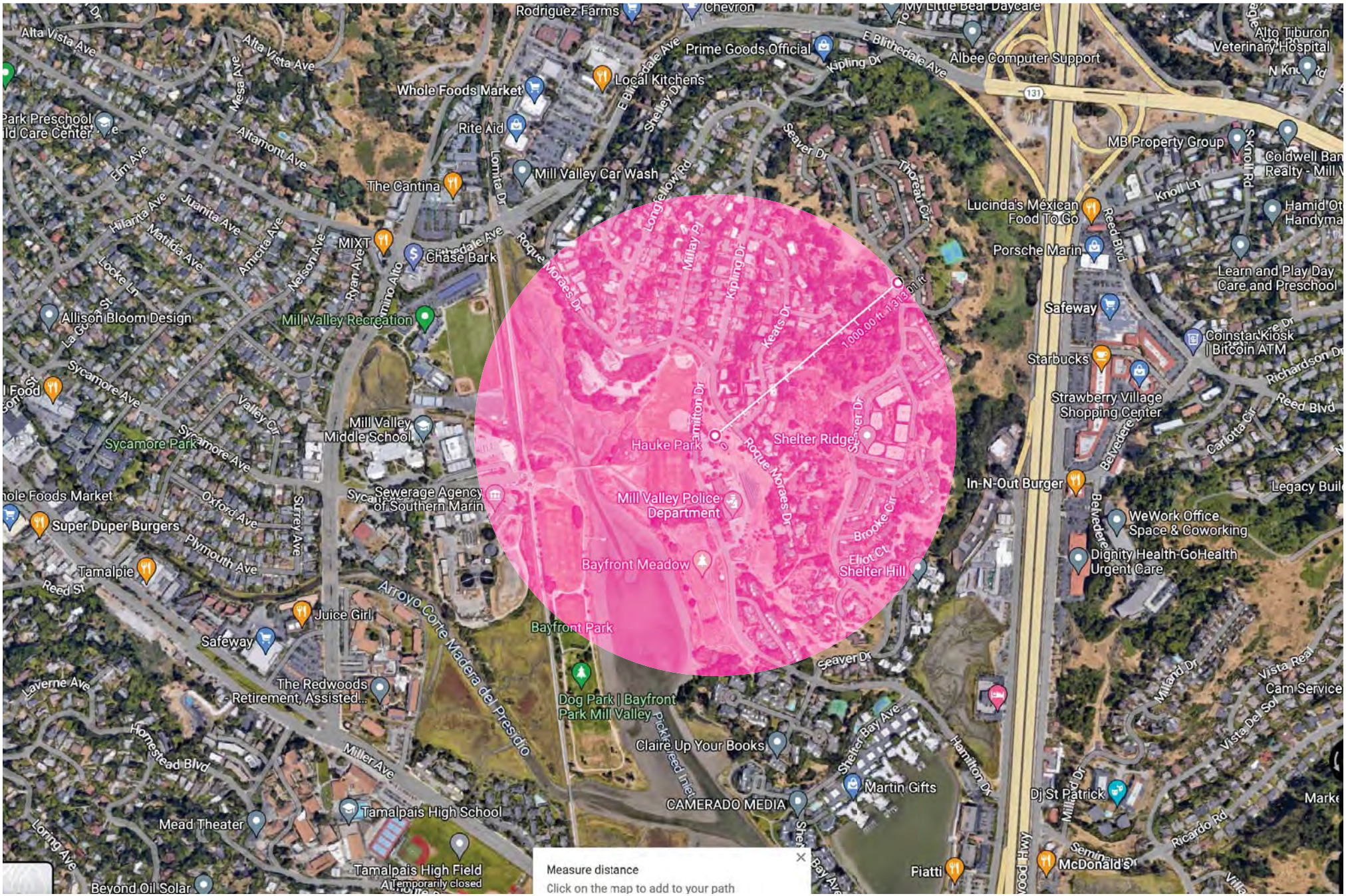
Location of Serpentinite at 1 Hamilton (MarinMap.org)

1 cont'd



Properties within a 1/4 mile (400 meters) of the Project:

1 cont'd



Response to Letter 29, Carlos Montalvan (February 28, 2023 1:34 PM)

1. This comment is regarding naturally occurring asbestos at the 1 Hamilton Drive site. The draft SEIR statement that Marin County is not identified by the EPA as an area of high risk for NOA exposures is a correct statement as identified on the EPA website https://archive.epa.gov/region9/toxic/web/html/basic.html. This does not imply that Marin County does not include soils with naturally occurring asbestos, but that the county is not identified as an area of high risk. The 1 Hamilton Drive project EIR will address this issue. See response to Letter 2. No changes to the draft SEIR are necessary.

From: Brian Mcarthy
To: Danielle Staude
Subject: [External] Hauke park
Date: Tuesday, February 28, 2023 3:17:18 PM

1 Beauracratic juggling of ceqa and hcd objections is not wanted nor is the hauke project. What is wrong with city council? I can only see a payoff to continue this betrayal. Better sites bypassed for a piece of public land the local residents do not want developed. Now asbestos hazard ignored possibly sickening current residents. NO ON HAUKE PARK PROJECT.

Response to Letter 30, Brian Mcarthy (Email - February 28, 2023; 3:17 pm)

1. This comment is regarding naturally occurring asbestos. See response to Letter 2. No changes to the draft SEIR are necessary.

From: Conan Putnam
To Sincerely, Danielle Staude
Subject: [External] The Draft Housing Element and SEIR
Date: Tuesday, February 28, 2023 2:10:45 PM

To the Planning Commission:

1 As a 20-year resident and homeowner in Mill Valley, I support the need for housing that is affordable in our town. I realize the city is under pressure from the California Department of Housing and Community Development (HCD) to build over 800 new housing units in the next eight years to meet Regional Housing Need Assessment (RHNA) mandates. However, after attending city council meetings and planning commission meetings and researching the matter, I am of the opinion that Mill Valley's Draft Housing Element as well as proposed Subsequent Environmental Impact are the wrong way to go.

2 My reasons are as follows: First, California HCD officials overstated a supposed 3.5M housing-unit shortage. Then, a state audit found the methodology flawed around the RHNA numbers dictating production quotas that are two or three times higher than ever before. It seems that "Up for Growth," which is promoted as a network in support of new housing and housing that is affordable is in reality a national political action committee that promotes the interests of real estate developers, real estate owners, construction companies, real estate investors and property management companies that favor quick and slick review processes for projects that sidestep community input and pushback.

3 As an advocate of representative democracy and a homeowner in the city of Mill Valley, I object strongly to the way in which these projects are seemingly on track to destroy our community. In a town that is in the midst of a years-long drought with no infrastructure for evacuation in case of wildfire, the projects will worsen traffic, increase the risks of accidents for bikers and pedestrians and destroy the natural environment, all in service of solving a housing "crisis" that way overestimates the extent of the problem.

4 It isn't just people in higher-income communities like Mill Valley who are worried that a high-density "affordable development" will raise their taxes and tank their increasing property values. Low-income communities as well often oppose the construction of new developments in their neighborhoods, fearing the new housing will accelerate gentrification and price them out of the rental and home ownership markets. Proposed plans by EAH Housing for developments at Richardson Terrace and Hamilton Drive in Mill Valley are excellent examples of this.

5 At the MVCC and BOS meetings in recent months, it was obvious to me that all who are involved in attempting to get the Draft Housing Element certified by HCD are very confused about how to achieve compliance. My feeling is that HCD's strategy in objecting to all attempts at certification is an effort on their part to trigger the "Builder's Remedy," which would allow massive developments to proceed under the guise of providing "affordable housing" by bypassing local land use rules, zoning laws and environmental reviews.

In light of this and the points stated above, I urge you to **DENY THE APPROVAL OF THE DRAFT HOUSING ELEMENT AND SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**.

Sincerely,

Conan Putnam

102 Lomita Drive

Mill Valley 94941

Response to Letter 31, Conan Putnam

1. This comment does not raise an environmental issue and therefore, no response is required.

2. This comment is regarding the California housing shortage. It does not raise an environmental issue and therefore, no response is required.

3. This comment raises general concerns regarding wildfire, traffic, and the natural environment. Wildfire is address in Section 15.0, Wildfire, in the draft SEIR. Traffic is addressed in Section 12.0, Transportation, in the draft SEIR. The natural environment is addressed in Section 7.0, Biological Resources, in the draft SEIR.

4. This comment is regarding property values. It does not raise an environmental issue and therefore, no response is required.

5. This comment is regarding the California Housing and Community Development department and affordable housing. It does not raise an environmental issue and therefore, no response is required.

   No changes to the draft SEIR are necessary.

From: Brian Mcarthy
To: Danielle Staude
Subject: [External] Hauke park project
Date: Tuesday, February 28, 2023 2:08:20 PM

1 Mill valley officials are a disgrace for pursuing this UNWANTED toxic project. Piecemeal ceqa and rezoning illegally are court issues. Mill valley should do the right thing without a lawsuit. Giving away public land deprives future use by the unborn. It sets a destructive precedent for everyone's future.Mill valley officials were elected to represent the voters. Clearly the whole town DOESN'T WANT THIS PROJECT!!!. It's not near any transport or decent egress. Just because some officials aren't trying to get reelected doesn't mean they should pursue this wrong misrepresentation of their voters. No on hauke park in total. No on empowering EAH to run who lives there. NO NO NO !!

Response to Letter 32, Brian Mcarthy (Email - February 28, 2023; 2:08 pm)

1. This comment is regarding piecemealing and rezoning. See response to Letter 1 and to Letter 21, comment 2. No changes to the draft SEIR are necessary.

From: Patrick McCarthy
To: Danielle Staude
Subject: [External] Re-designation of 1 Hamilton Dr. 2/28/23
Date: Tuesday, February 28, 2023 2:04:33 PM

Council members,

1 Please - do not redesignate 1 HAMILTON DR. at tonight's meeting. The MV city council has promised Mill Valley - Story poles and a complete Environmental review before moving ahead with the 1 Hamilton Dr. project. This will allow residents to see the size and mass of the proposed structure and potentially reduce this size and mass before moving ahead with the proposed development.
Do not put the cart before the horse. Let us participate during the development of our backyard. 1 MILL VALLEY for all residents.
We have many bridges to cross before breaking ground, do not rush, let's do this right COUNCIL MEMBERS.
Respectfully,
Patrick McCarthy
McCarthy Design/Build
17 Wilkins Pl.
Mill Valley

Response to Letter 33, Patrick McCarthy

1. This comment is regarding the proposed land use designation amendment at the 1 Hamilton Drive site. See response to Letter 1. No changes to the draft SEIR are necessary.

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

March 3, 2023

SENT VIA EMAIL
(dstaude@cityofmillvalley.org)

Danielle Staude, Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, California 94941

RE: Draft Subsequent Environmental Impact Report (SEIR) for the City of Mill Valley's 2023-2031 Housing Element Update

Dear Ms. Staude:

1 On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding the City of Mill Valley's ("City") Draft Subsequent Environmental Impact Report ("DEIR") for the City of Mill Valley's 2023-2031 Housing Element Update ("Project").

After reviewing the DEIR, we conclude that the EIR fails as an informational document. FOHP requests that the City address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. (*Galante Vineyards v. Monterey Peninsula Water Management Dist*. (2007) 60 Cal.App.4th 1109, 1121.)

1. INADEQUATE PUBLIC REVIEW

The City has failed to comply with CEQA's public disclosure mandates. On November 16, 2022, the City Council approved staff's request to see a reduced 30-day public review period for the DEIR rather than the statutory-minimum 45-day public review period. (See **Exh. 1**, Soluri Meserve letter dated November 17, 2022.) This effort to thwart public review was apparently rejected by the Office of Planning and Research since the City later released the DEIR for the required 45-day public review period. Following that, the City failed to circulate the actual text of the revised Housing Element Update along with the DEIR on January 13, 2023. (See **Exh. 2**, email exchange dated

1 cont'd

January 17 and 19, 2023.) As we explained at that time, "The public cannot possibly review and comment on the adequacy of the DEIR's analysis of the Housing Element Update without having access to the Housing Element Update." Confirming that the prior draft of the Housing Element Update was inadequate when the DEIR was released on January 13, 2023, City staff stated, "As noted in the DSEIR a new program is recommended to mitigate potential significant impacts related to VMT. This program will be included in the revised HEU and further discussed in the FEIR." (**Exh. 2**.)

The revised Housing Element Update purportedly analyzed in the DEIR was not made available until February 16, 2023, which is merely two weeks before the close of the DEIR's public comment period. (**Exh. 2**.) This delayed release of the underlying project document violates CEQA as an "accurate and stable project description" is a bedrock requirement of CEQA—the *sine qua non* (that without which there is nothing) of an adequate CEQA document:

> Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.

(*Inyo v. Los Angeles* (1977) 71 Cal.App.3d 185, 192-93.) The public cannot determine whether the DEIR accurately describes an underlying planning document like the Housing Element Update unless the public has access to the text of that underlying planning document. The courts have consistently held that the ability of informed citizens to participate in environmental review is a key component of CEQA. (*Washoe Meadows v. Dept. of Parks and Rec*. (2017) 17 Cal.App.5th 277, 285 ["Informed public participation is essential to environmental review under CEQA."]; *Inyo*, *supra*, 71 Cal.App.3d at 192 ["The EIR process facilitates CEQA's policy of supplying citizen input."].) Moreover, to the extent the standard of good faith disclosure applies, it is not satisfied here where the City has made at least two different attempts to thwart public review.

The City will need to recirculate the DEIR for another public comment period along with the revised HEU that the EIR purports to analyze.

2

2. THE DEIR FAILS TO ADEQUATELY ADDRESS THE 1 HAMILTON PROJECT

The DEIR fails to provide a lawful analysis of the City's proposed affordable housing project at 1 Hamilton Drive ("1 Hamilton" project). The EIR's failure results from the City's attempt to bootstrap a revision to 1 Hamilton's General Plan land use designation allowing residential uses for the first time based on "programmatic review," while also claiming that that it will later prepare "project-level" in a separate EIR that the City has already been working on. (See **Exh. 3**, Notice of Preparation ("NOP") for 1 Hamilton.)

A. The City violated its duty of good faith public disclosure because it attempted to conceal that it was modifying 1 Hamilton's land use designation as part of the Housing Element Update.

As a threshold matter, the City attempted to conceal from the public that it was proposing to modify 1 Hamilton's land use designation as part of the Housing Element Update. On July 20, 2022, the City issued its NOP for the Project. FOHP submitted comments in response to the NOP explaining, "[T]he NOP includes substantive inconsistencies and even factual misrepresentations regarding existing conditions as well as the scope of the Project and its relationship to the proposed residential development at 1 Hamilton." (See **Exh. 4**, Soluri Meserve letter dated August 15, 2022.) More specifically:

> Here, the City is off to a bad start as the NOP sets forth demonstrably false information regarding existing conditions. Specifically, the NOP asserts that 40 residential units are allowed at 1 Hamilton under existing conditions:
> . . .
> [T]he NOP is internally inconsistent about whether the Project includes changing the General Plan land use designation and zoning designation for 1 Hamilton. On one hand, NOP page 6 states, "The proposed project includes amending the general plan land use designations and redesignating the zoning district for . . . the following locations as reflected in Figure 2," which includes 1 Hamilton. (See NOP, Figure 2.) Further, Table 3 to the NOP 3 identifies 1 Hamilton as allowing up to 50 residential units "after rezoning." This information strongly suggests the Project includes General Plan amendment and rezoning action in order to accommodate the Hamilton Project. On the other hand, Table 6, "Summary of Zoning Map

2 cont'd

> and Land Use Amendments," appears to omit any reference to 1 Hamilton. (NOP, p. 9.)
>
> This inconsistency leaves the public to speculate about the scope of the CEQA "project" to be analyzed in the EIR. To the extent the NOP's mischaracterization of 1 Hamilton's "current" zoning is premised on the City's intention to revise 1 Hamilton's General Plan land use designation and zoning designation as part of the Project, the EIR will need to include adequate analysis of the Hamilton Project.

(**Exh. 4**.) Our comment letter further documented City staff's refusal to address these questions at the City's public scoping meeting on August 4, 2022:

> A member of FOHP attended the City's public scoping meeting on August 4, 2022, in an attempt to obtain answers to these questions. Incredibly, City officials refused to answer and, in order to avoid any follow-up questions, ended the scheduled three-hour meeting after only thirty minutes. The City's obfuscation thwarts the public's efforts to understand the City's environmental review strategy for both the Project and the Hamilton Project.

(**Exh. 4**.)

The City Attorney later purported to address our questions, but did not. (See **Exh. 5**, Soluri Meserve letter dated August 30, 2022.) Our letter dated August 30, 2022 provides:

> This responds to your letter dated August 26, 2022, which purports to answer a question raised in our letter dated August 15, 2022. Unfortunately, your letter does not directly answer our question, and so we will restate it more concisely:
>
> > Does the project to be analyzed in the so-called "Housing Element EIR" include changes to 1 Hamilton's General Plan land use and zoning designations to allow residential use for that site?

2 cont'd

To clarify the matter for the public, a "yes" or "no" would be helpful and appropriate.

(**Exh. 5**)

Our insistence that the City publicly disclose its proposed actions concerning 1 Hamilton forced the City to prepare an "errata" correcting the false and misleading information in the NOP. This "errata" clarified for the first time what the City had hoped to obfuscate, namely that: (i) the City was indeed planning to change 1 Hamilton's land use designation, (ii) the express purpose of that action was "[i]n order to build affordable housing on the site," and (iii) 1 Hamilton's existing land use designation currently prohibits any residential development on the site.

These disclosures are important because they have substantive consequences regarding both the "scope of the project" subject to CEQA review and the nature of the City's CEQA review, as described more fully below.

3

B. The DEIR violates CEQA because the EIR does not "use its best efforts to find out and disclose all that it reasonably can" about the 1 Hamilton project.

As explained above, an "accurate and stable project description" is a bedrock requirement of CEQA. An interrelated bedrock CEQA principle of informed public participation is that all aspects of a proposed project, i.e., the "whole of the action," must be analyzed in an EIR. (See CEQA Guidelines, § 15378, subd. (a) [a project is the "whole of an action" which may result in direct or indirect physical changes to the environment].) This means that an EIR must include analysis of "all phases of a project" and all "reasonably foreseeable consequences" of a project. (CEQA Guidelines, § 15126 [EIR's impact analysis must consider all phases of a project]; *Laurel Height Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376 ("*Laurel Heights I*") [EIR must analyze "reasonably foreseeable consequence" of a project.)

Put simply, the City's proposal to modify 1 Hamilton's land use designation is one of the many actions that comprise the "whole of the action" for purposes of CEQA since the City has acknowledged the only reason for that action is "to build affordable housing on the site." And since the City is preparing an EIR for that project, it must analyze all of these actions as a single CEQA "project."

If, on the other hand, the City chooses to keep the General Plan land use designation change a part of the Housing Element Update project, then the Housing

3 cont'd

Element Update EIR must "use its best efforts to find out and disclose all that it reasonably can" about the 1 Hamilton project, its impacts and foreseeable future projects. (CEQA Guidelines, § 15144; *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503 ["In the present case, there is no indication that analysis of planning watershed assessments was infeasible under the principles of tiering cited above, i.e., that the lack of specific details about Pacific Lumber's projected activities made it infeasible to do individual watershed planning analysis"]; *Laurel Heights I*, *supra*, 47 Cal.3d 376 [EIR must analyze "reasonably foreseeable consequence" of a project].)

Our Supreme Court's decision in *Laurel Heights I* provides important guidance here. In *Laurel Heights I*, the University of California ("UC") relied on feigned ignorance about its future plans to use a portion of a building in order to avoid adequate analysis of that future use in its EIR. The court saw through UC's ruse, explaining:

> The draft EIR acknowledged that UCSF will occupy the entire Laurel Heights facility when the remainder of the space becomes available. In response to public inquiry as to plans for the facility, UCSF explained that it intends to use the facility for the School of Pharmacy's basic science group and UCSF's Office of the Dean. The EIR even estimated the number of faculty, staff, and students that will occupy the facility until 1995 (a total of 460 persons) and then afterward when the entire facility becomes available (860 persons). Under the standard we have announced, it is therefore indisputable that the future expansion and general type of future use is reasonably foreseeable . . . .
>
> The Regents' contention is only that they have not formally decided precisely how they will use the remainder of the building. That argument is beside the point. They have admitted that they intend to use the entire facility, and, in light of the record before us, it is reasonably foreseeable that the facility will be used primarily for the School of Pharmacy, more specifically, as a biomedical research facility . . . .
>
> In short, there is telling evidence that the University, by the time it prepared the EIR, had either made decisions or formulated reasonably definite proposals as to future uses of the building. ***At a minimum, it is clear that the future expansion and the general types of future activity at the facility are reasonably foreseeable***.

(*Laurel Heights I*, *supra*, 47 Cal.3d at 396-397, emphasis added.)

3 cont'd

Ignoring these authorities, the DEIR's cursory analysis provides:

> The comments from members of the public are regarding the 1 Hamilton Drive project, which is a proposed 50-unit housing project currently under review by the City of Mill Valley. The 1 Hamilton Drive property is included in the Housing Element Update and therefore, the number of residential units assigned to the property by the Housing Element Update is included in the evaluation in this program EIR, ***which evaluates build-out of the Housing Element Update with a degree of specificity required for evaluation of a housing element*** (see Degree of Specificity discussion presented earlier).
>
> The City anticipates that the project-level CEQA analysis for the 1 Hamilton Drive project will be an EIR or focused EIR with a degree of specificity required for a development project (see Degree of Specificity discussion presented earlier), and that it will be circulated for public review and comment after publication of this City of Mill Valley 6th Cycle (2023-2031) Housing Element and Land Use Element Amendment and Zoning Amendment Subsequent Draft EIR (and Council action to certify the EIR and approve the Housing Element), but (as required by law) before final approval of the rezoning, ground lease, and other approvals associated with the development of the 1 Hamilton Drive property.

(DEIR, p. 1-8, emphasis added.) The DEIR's "Degree of Specificity" section, in turn, provides:

> In accordance with CEQA Guidelines Section 15146, the degree of specificity in this draft subsequent program EIR corresponds to the degree of specificity involved in the proposed project. An EIR on a project such as the adoption or amendment of a general plan or zoning ordinance (e.g., the proposed project) should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

(DEIR, p. 1-6.)

As in *Laurel Heights I*, a reviewing court here will likely not be persuaded by the City's manufactured uncertainty about the Hamilton Project as well as its excuse that the City had not "formally" adopted a project description when the NOP was released.

3 cont'd

Whether one uses the label "programmatic" or "project-level," the EIR for the Housing and Land Use Element EIR will need to "find out and disclose all that it reasonably can" about 1 Hamilton and its environmental impacts. Our prior letters dated August 22, 2022 and November 17, 2022 document extensive information about 1 Hamilton that was known by the City last year. (**Exh. 6**, Soluri Meserve letter dated August 22, 2022 and referenced exhibits; **Exh. 1**, Soluri Meserve letter dated November 17, 2022, pp. 3-4 and referenced exhibits].) These earlier letters and referenced materials describing the 1 Hamilton Project are incorporated into these comments by reference. Moreover, there is no doubt more specific information about 1 Hamilton that is known to the City presently. A few examples highlight the DEIR's failure to adequately analyze impacts based on information that is presently available.

4

- **Aesthetic impacts**

The DEIR provides "visual setting photographs" for the 1 Hamilton site. (DEIR, figure 5-2.) Incredibly, however, the DEIR fails to include visual simulations based on project parameters that were included in the NOP and also previously released for public review:

The 1 Hamilton NOP itself provides ample information upon which to base visual simulations. The NOP explains:

> At this time, preliminary building designs include a ground floor parking garage (up to 22,000 square feet), with a 3-story podium building (up to 29,000 square feet) that includes residential area (up to 40,000 square feet); common area (up to 2,500 square feet); office space (up to 1,300 square feet); and circulation area (up to 16,500 square feet). The total residential Floor Area anticipated as part of the project is .80 and the maximum height of the structure would be 58 feet at its highest peak, depending on final roof design and podium height. Private outdoor spaces for residents include a front courtyard area, approximately 6,000 square feet in size.

(**Exh. 3**, p. 6.)

4 cont'd

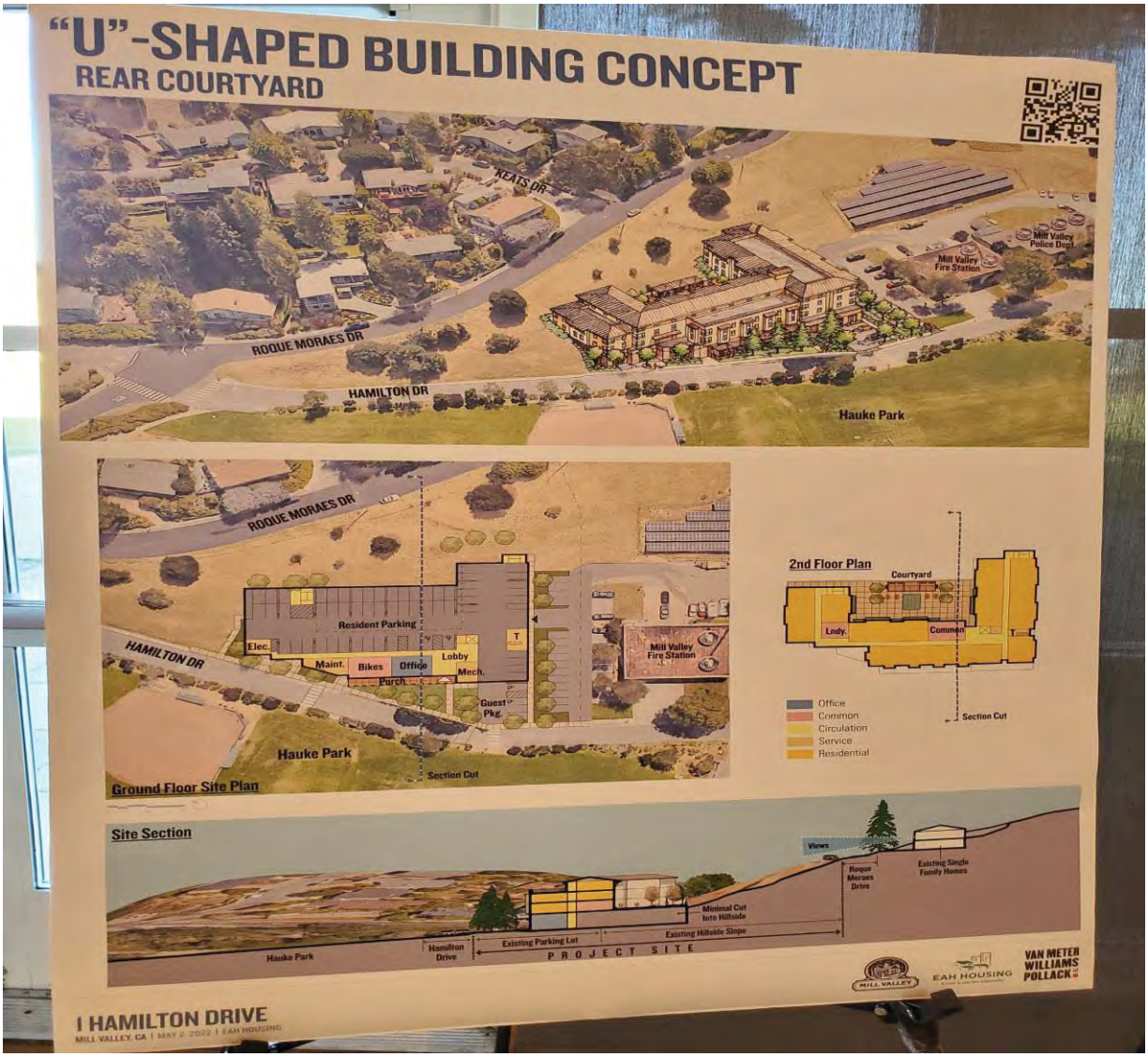
The NOP also identifies the precise location for this structure:



(**Exh. 3**, figure 2.)

4 cont'd

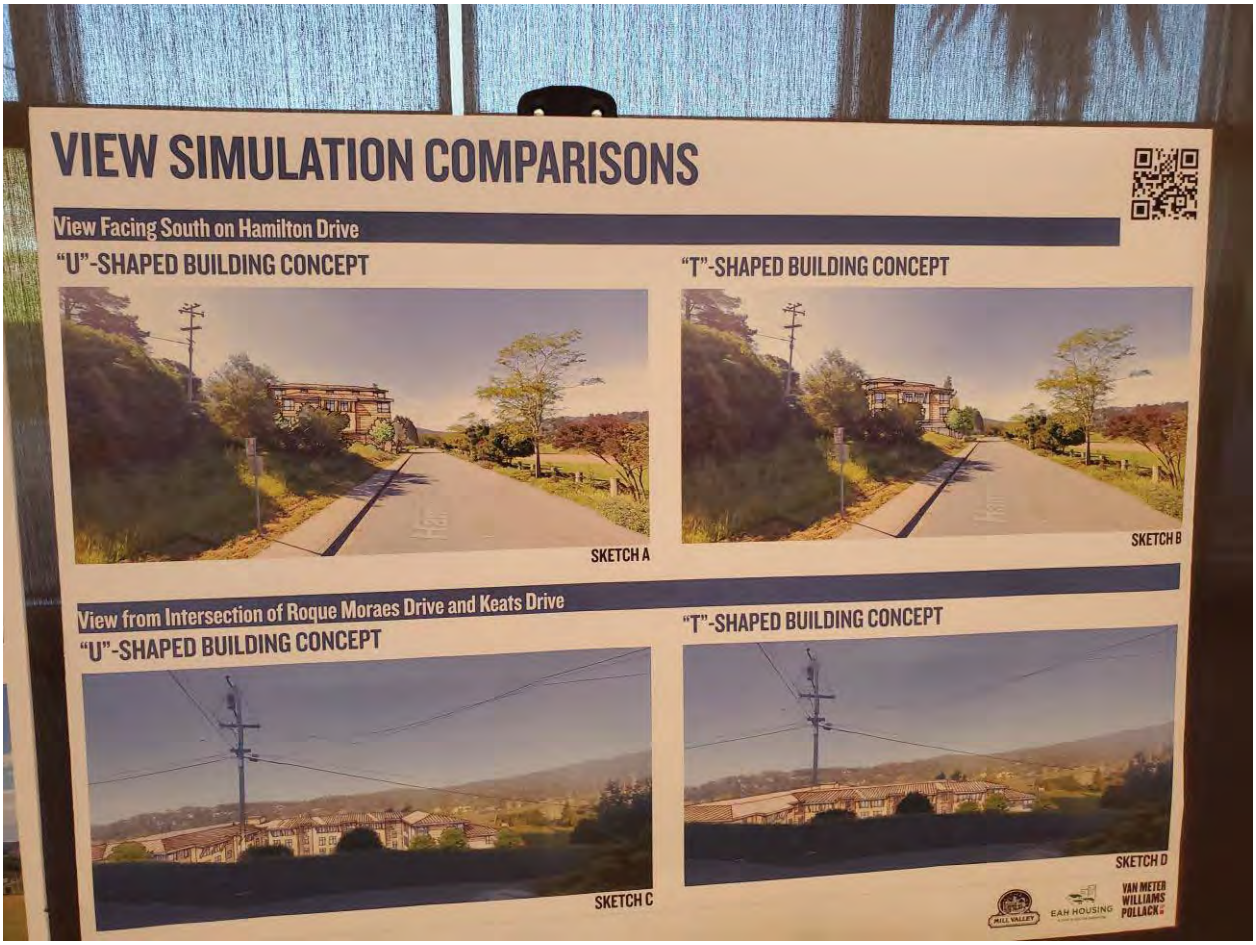
In fact, the record demonstrates that the City is much further along in the process of designing 1 Hamilton than disclosed in the NOP. Our prior comment letter dated August 22, 2022, documents these more detailed plans for 1 Hamilton. (See **Exh. 6**.) These comments, and its exhibit 1, are incorporated into these comments. These comments demonstrate that as of May 2022 the City and developer had proposed detailed development plans for 1 Hamilton, including both the "U" concept and "T" concept:



(See **Exh. 6**, p. 2 and associated exhibit 1.)

4 cont'd

What is more, and demonstrating the feasibility of including visual simulations for 1 Hamilton in the DEIR, such simulations were actually prepared in May 2022:



(See **Exh. 6**, p. 2 and associated exhibit 1.)

While it is conceivable that project designs have evolved since last May, this only reinforces that such designs exist and could feasibly be analyzed in the DEIR.

5

- **Biological impacts**

The DEIR's analysis of biological resource is wholly inadequate. The DEIR correctly notes that the California Department of Fish and Wildlife ("CDFW") comments that the DEIR should "provide baseline habitat assessments for special status plant, fish and wildlife species located and potentially located at the housing inventory sites and surrounding lands, including but not limited to all rare, threatened, or endangered species." (DEIR, p. 7-1.) CDFW's comment noted that the existing conditions

5 cont'd

assessment requires the use of multiple sources that include "field reconnaissance." Flouting this comment, the DEIR failed to rely on a single onsite field reconnaissance. (DEIR, pp. 7-1.) In fact, DEIR pages 7-5 and 7-6 indicate that the DEIR relied exclusively on the CDFW California Natural Diversity Database ("CNDDB") to identify sensitive-species wildlife species, and the California Native Plant Society ("CNPS") Inventory of Rare and Endangered Plants for special-status plant species. This is improper since these databases are not intended to be used as substantial evidence that species are not present. In fact, the CNDDB's license agreement includes a specific admonition to this effect:

> DFW does not portray its databases as an exhaustive or comprehensive inventory of all rare species and natural communities statewide. For any given location in California, a lack of species occurrences or records in no way indicates or implies that the species do not occur there. Field observations by qualified persons and using the proper protocols at appropriate times are necessary to support negative findings. Much of the state has never been surveyed for plant and animal species.

(**Exh. 7**, CNDDB License Agreement, ¶ 6.)

Mere reliance on database searches is simply inadequate. As established above, the City has identified the location of 1 Hamilton. Nothing prevents the City from performing actual site surveys to identify the presence of special-status plant and wildlife species.

- **Recreation**

6

The DEIR purports to analyze impacts associated with recreation. (DEIR, p. 11-10.) However, the single-page analysis is wholly inadequate and makes no attempt to analyze 1 Hamilton's impact on Hauke Park.

Once again, despite the City's feigned ignorance about 1 Hamilton, the City is well aware that 1 Hamilton would require elimination, or at least relocation, of the parking lot used by Mill Valley citizens for Hauke Park. Many citizens have testified that elimination of this parking lot will reduce public access to Hauke Park, and also increase public hazards created by parents dropping their children off on Hamilton Drive (identified as a collector roadway) in order to make use of the popular ballfield at Hauke Park. This information is well known to the City and must be analyzed in the DEIR. The City cannot credibly claim that it is not presently aware of these issues.

6 cont'd

Further, the City cannot evade analysis and disclosure of this important issue by claiming there is no existing CEQA threshold of significance for this impact. An EIR must analyze every issue for which the record contains substantial evidence supporting a "fair argument" of significant impact. (*Visalia Retail*, *LP v. City of Visalia* (2018) 20 Cal.App.5th 1, 13 (*Visalia Retail*); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 (*Amador Waterways*). *Visalia Retail* and *Amador Waterways* clarify that an agency may not deploy thresholds of significance that artificially exclude analysis where, as here, the record supports a "fair argument" of significant impact.

The revised and recirculated DEIR must "use its best efforts to find out and disclose all that it reasonably can" about how 1 Hamilton project reduces access and otherwise impairs recreation provided by Hauke Park under existing conditions.

- **Transportation Impacts**

7

The DEIR fails to "use its best efforts to find out and disclose all that it reasonably can" about 1 Hamilton's transportation-related impacts in at least two important ways.

First, CEQA requires consideration of whether a project will create transportation hazards. (CEQA Guidelines, Appendix G, §XVII (d). The DEIR devotes one paragraph to this issue. (DEIR, 12-15 – 16.) Despite being well aware of extensive public testimony about the roadway hazard at Hauke Park created by eliminating parking spaces for parents who bring their children to Hauke Park, the DEIR completely ignores this issue. This extensive firsthand lay testimony by citizens about transportation and transportation safety issue constitutes substantial evidence of a significant impact. (*Protect Niles v. City of Fremont* (2018) 25 Cal.App5th 1129; *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 735.)

The DEIR also fails to analyze VMT impacts associated with 1 Hamilton. The DEIR states, 'The transportation analysis recommends that the individual developments as part of the proposed project should evaluate their VMT impacts and incorporate VMT reduction measures that are feasible for the individual development's circumstance." (DEIR, p. 12-14.) We agree. Further, the City has most, if not all, necessary information about 1 Hamilton in order to make that assessment, including number of units and resulting population, project location, number of parking spaces, as well as information about the location, characteristics and accessibility to the nearest transit stop.

In short, adequate information about 1 Hamilton is presently available that would inform a much more meaningful public disclosure regarding transportation impacts. The

7 cont'd

DEIR fails as an informational document by not using its best efforts to find out and disclose all that it reasonably can about 1 Hamilton project.

8

C. The City Violates CEQA by engaging in Piecemealed CEQA review for 1 Hamilton.

If the City is not inclined to "use its best efforts to find out and disclose all that it reasonably can" about the 1 Hamilton project, then an alternative strategy is readily available — simply remove the land use designation change from the actions that are taken pursuant to the Housing Element EIR. This would avoid the piecemealing problem.

CEQA's conception of the term "project" is broad to maximize protection of the environment. (*Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist*. (2007) 147 Cal.App.4th 643, 653.) "This big picture approach to the definition of a project (i.e., "the whole of an action") prevents a proponent or a public agency from avoiding CEQA requirements by dividing a project into smaller components which, when considered separately, may not have a significant environmental effect." (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 270-271.) The test for whether improper piecemealing occurs is whether the actions have "substantial independent utility." (*Del Mar Terrace Conservancy*, *Inc. v. City Council* (1992) 10 Cal.App.4th 712, 736.) Here, the City has repeatedly conceded that modifying 1 Hamilton's land use designation has no independent utility from the other approvals required for the affordable housing project because it is "to build affordable housing on the site."

While issues of piecemealing typically arise in the context of whether two different physical activities should be analyzed as a single project[1], improper piecemealing can also occur where, as here, approvals for a single project are separated. CEQA Guidelines section 15378, subdivision (a) clarifies, "'Project' means the whole of an action," and subdivision (c) further clarifies, "The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by government agencies. The term 'project' does not mean each separate approval."

Significant prejudice to environmental review may result from the City's proposed piecemealing by entitlement. If the City first revises 1 Hamilton's land use designation

[1] The City Attorney's comments at the Planning Commission meeting on February 28, 2023 reflected a misunderstanding that piecemealing issues arise only in these instances.

8 cont'd

to allow residential uses, then it would likely argue that either no or very limited CEQA review is later required. CEQA Guidelines section 15183, subdivision (a) provides:

> CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

(Emphasis added.)

The City could later attempt to rely on this provision to argue that its cursory "programmatic review" of 1 Hamilton set forth in the DEIR is sufficient, and that any future "project-level" review in the future is very limited. While the City has repeatedly represented that it will perform "rigorous" project-level review in the future, such representations are not enforceable. Further, the DEIR makes no reference to CEQA Guidelines section 15183.

Del Cerro Mobile Estates v. City of Placentia (2011) 197 Cal.App.4th 173, 179 ("*Del Cerro*") provides guidance regarding the City's "promise" to perform project-level CEQA review in the future. *Del Cerro* involved a CEQA challenge to a city's EIR for a planned railroad grade separation project. Although the city had prepared an EIR for the project, the trial court and court of appeal accepted the city's later argument in litigation that a statutory exemption applied to the project and so no EIR was required in the first place. (*Id*. at 184 ["the trial court did not err in . . . concluding instead that the exemption foreclosed Del Cerro's causes of action challenging the City's EIR for asserted noncompliance with CEQA"].)

Therefore, notwithstanding the City's promise to prepare "rigorous" project-level review, the City could later argue that no such review is required. And even if the City prepares the promised project-level EIR, the City could rely on *Del Cerro* to argue that any defects, even those identified by a reviewing court, do not require correction. The City's promise to prepare a project-level EIR is hollow if there is no remedy for a defective EIR.

In short, the City's strategy of piecemealing by entitlement could result in a cursory "programmatic" CEQA review for 1 Hamilton coupled with very limited, if any, later project-level review. This is unacceptable.

9

3. THE EIR FAILED TO ANALYZE A REASONABLE RANGE OF ALTERNATIVES

An EIR must provide "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." (CEQA Guidelines, § 15126.6, subd. (a).) The DEIR fails to meet this basic requirement.

The DEIR eliminated without analysis a project alternative that it describes as "removal or modification of site locations." (DEIR, p. 17-2.) The entirety of the DEIR's analysis of this alternative provides:

> Alternatives that considered removing and replacing privately owned parcels or "sites" was rejected from further consideration due to state law requirements and HCD site analysis guidelines that identify specific criteria required to allow sites to be listed in the Sites Inventory list. In addition, the City has evaluated the ability to construct low-income housing on City-owned sites and has deemed that there currently is not a suitable alternative location to the 1 Hamilton site based on analysis conducted to date, including a third-party analysis of sites indicating that a parcel at least 0.75 acres is required to finance the construction of a development that is fully affordable to lower income households; existing barriers to housing that exist on specific sites such as floodway designations, existing land lease agreements and easements; and Council direction in site evaluation, which include focusing on sites at least 0.75 acres in size that can accommodate at least 40 units on site that can replace existing facilities, if any, on site and do not include sites that displace active recreation.

(DEIR, p. 17-1-2.)

This analysis is unsupported by substantial evidence. Our prior letters commented extensively on the City's arbitrary and capricious selection of "suitable" City-owned sites, which are incorporated by this reference. (See **Exh. 8**, Soluri Meserve letter dated July 29, 2022, pp. 3 – 9 and referenced exhibits; **Exh. 9**, Soluri Meserve letter dated October 31, 2022, pp. 1 – 18 and referenced exhibits; **Exh. 10**, Soluri Meserve letter dated November 18, 2022; **Exh. 11**, Soluri Meserve letter dated November 28, 2022.) These prior letters, which directly address the analysis used by the City to identify "suitable" city-owned sites and

9 cont'd

by, its decision to reject this alternative without analysis, demonstrate that the City's analysis is not supported by substantial evidence.

10

In addition to the above, the revised Housing Element Update reinforces our earlier comments and further demonstrates that the DEIR's analysis of this alternative is flawed. The revised Housing Element Update's Site Inventory excludes mixed use and multi-family homes that would be located within the Very High Fire Severity Zone ("VHFSZ"). (Revised Housing Element Update, p. C-1.) This exclusion, however, is arbitrary because the Draft Housing Element admits that the City allows multi-family homes in the VHFSZ, stating in relevant part:

> Most residential permits in Mill Valley are for single-family homes, with building permit issuance generally taking approximately 4 months after Planning approvals. Among the City's recent multifamily developments, the time between approvals and permit issuance has averaged 8 to 12 months. ***Projects with topographic conditions, within the Very High Fire Severity Zone or Flood Zone may take longer than usual*** due to the need for technical and engineering studies. In Mill Valley, most approved projects are constructed in a reasonable time period.

(Draft Housing Element, p. F-24, emphasis added.)

Our prior letter dated November 18, 2022, explained that no City planning documents prevented constructing residential uses in the "very high fire severity zone," and thus such properties should not be excluded from the Sites Inventory on that basis. The above-quoted discussion from the Housing Element Update confirms that sites located within a "very high fire severity zone" are not "unsuitable" for residential development — the only difference is that permitting such development "may take longer than usual."

Based on the above, the EIR's rejection of the "removal or modification of site locations" is arbitrary and capricious and not supported by substantial evidence.

11

4. THE CITY ATTORNEY'S COMMENTS AT THE PLANNING COMMISSION MEETING CONFIRM THAT 1 HAMILTON SHOULD NEVER HAVE BEEN IDENTIFIED AS A "SUITABLE SITE" IN THE HOUSING ELEMENT

Our prior letter to the California Department of Housing and Community Development ("HCD") dated October 31, 2022 explained that 1 Hamilton's land use designation excluding any residential uses prohibited 1 Hamilton from being considered a "suitable" site for residential development. (See **Exh. 9**, p. 7 and referenced exhibits.) These comments are incorporated by reference.

To summarize, Government Code section 65583.2, subdivision (a)(4) includes as "suitable" those "[s]ites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county." The site's land use designation prohibits residential uses altogether, and so no "program to rezone the site" is possible. We stated:

> Any residential development at 1 Hamilton would require more than just rezoning. Residential development would also require a change to the General Plan land use designation, which is a different action and not mentioned in Government Code section 65583.2, subdivision (a). ***Our review did not identify any legal authority providing that a "rezone" pursuant to section 65583.2 included a change to a property's General Plan land use designation***.

(**Exh. 9**, p. 8, emphasis added.)

On February 28, 2023, the City Attorney stated her agreement that the statute's reference to "rezone" is not interchangeable with changing a site's land use designation. As explained above, since "suitable" sites are limited to those that allow residential uses with a "rezone," and a rezone alone is insufficient to allow residential uses at 1 Hamilton, this means that 1 Hamilton should never have been identified as a "suitable" site in the Housing Element Update. The City may change 1 Hamilton's land use designation in the future, but such change to the land use designation would not be a "program to rezone the site" pursuant to Government Code section 65582.3.

* * *

12 The DEIR is fundamentally flawed as an informational document. The City needs to first correct the unlawful project description by either eliminating the 1 Hamilton as an element of the project or alternatively use its best efforts to find out and disclose all that it reasonably can about the proposed affordable housing project and its impacts. The Housing Element Update itself needs to be substantially revised in order to identify all "suitable" City-owned properties. The revised Housing Element Update, in turn, will require revision to the DEIR's alternatives analysis. Finally, the revised DEIR will need to be recirculated for additional public comment along with the revised Housing Element Update.

Thank you for the opportunity to comment.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

PS/mre

Attachments:

Exhibit 1	Soluri Meserve letter dated November 17, 2022
Exhibit 2	Email exchange dated January 17 and 19, 2032
Exhibit 3	NOP for 1 Hamilton
Exhibit 4	Soluri Meserve letter dated August 15, 2022
Exhibit 5	Soluri Meserve letter dated August 30, 2022
Exhibit 6	Soluri Meserve letter dated August 22, 2022
Exhibit 7	CNDDB License Agreement
Exhibit 8	Soluri Meserve letter dated July 29, 2022
Exhibit 9	Soluri Meserve letter dated October 31, 2022
Exhibit 10	Soluri Meserve letter dated November 18, 2022
Exhibit 11	Soluri Meserve letter dated November 28, 2022

13

Comment 13 is all of Exhibit 1, as well as its 7 Exhibits
Total number of pages - 132

EXHIBIT 1

SOLURI MESERVE
a law corporation

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510 8th Street · Sacramento, CA 95814

November 17, 2022

SENT VIA EMAIL
(scott.morgan@opr.ca.gov; reid.miller@hcd.ca.gov)

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Governor's Office
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State Clearinghouse Unit
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Sacramento, California 95814

Reid Miller
California Department of Housing and
Community Development
c/o Land Use and Planning Unit
2020 W. El Camino Avenue, Suite 500
Sacramento, California 95833

RE: Mill Valley Housing Element and Land Use Element Update EIR
State Clearinghouse Number 2013052005
Opposition to Shortened Public Review

Dear Messrs. Morgan and Miller:

On November 7, 2022, the City of Mill Valley's ("City") city council ("Council) voted to authorize its city manager to request a shortened public comment period regarding an environmental impact report ("EIR") for updates to the City's Housing and Land Use Elements.[1] (See **Exhibit 1**.)

On behalf of Friends of Hauke Park ("FOHP"), this firm recently submitted comments to the Department of Housing and Community Development ("HCD") explaining that the City's draft Housing Element Update violates the City's duty to affirmatively further fair housing by proposing to build affordable housing (the "1 Hamilton project") in the one area of the City already containing 100 percent of the

[1] The City misleads the public by referring to the EIR as the "Housing Element SEIR." In fact, the underlying action to be analyzed at a "programmatic" level includes revisions to the City's Land Use Element. The original Notice of Preparation's ("NOP") failure to adequately disclose this aspect of the underlying project required the City to later prepare and circulate an "Errata" to its NOP. (See **Exhibit 2** (Soluri Meserve letter dated July 29, 2022) and **Exhibit 3** (September 15, 2022 Errata to NOP).)

City's existing public housing[2], and is further attempting to impermissibly bootstrap its land use approvals of the 1 Hamilton project to the EIR. Incredibly, following our submission of that letter to HCD, the City is now attempting to frustrate FOHP's future public involvement by requesting a reduced public comment period on the EIR.

This letter urges denial of the City's request for a shortened public comment period on the EIR for two reasons. First, the City's justification for shortened review fails to comply with CEQA Guidelines Appendix K. Second, the City's actual purpose for seeking public review is to frustrate efforts to demonstrate that the City's EIR abuses the tiering process.

1. The City's justification for shortened review fails to comply with CEQA Guidelines Appendix K.

CEQA Guidelines Appendix K sets forth five circumstances justifying a shortened CEQA public review period:

> A shortened review period may be granted when any of the following circumstances exist:
>
> (1) The lead agency is operating under an extension of the one-year period for completion of an EIR and would not otherwise be able to complete the EIR within the extended period.
>
> (2) The public project applicant is under severe time constraints with regard to obtaining financing or exercising options which cannot be met without shortening the review period.
>
> (3) The document is a supplement to a draft EIR or proposed negative declaration or mitigated negative declaration previously submitted to the State Clearinghouse.
>
> (4) The health and safety of the community would be at risk unless the project is approved expeditiously.
>
> (5) The document is a revised draft EIR, or proposed negative declaration or mitigated negative declaration, where changes in

---

[2] A city's duty to affirmatively further fair housing requires it to "promote housing throughout the community." (Gov. Code, § 65583, subd. (c)(5).)

> the document are primarily the result of comments from agencies and the public.

The Council's staff report approving the request for shortened review makes no reference to Guidelines Appendix K, much less analyzes, how the City's asserted justification falls under Appendix K's five permissible circumstances. Instead, the City's staff report provides in relevant part:

> The City is more likely to meet this deadline if the Housing Element SEIR is subject to a reduced public review period of 30 days (instead of the typical 45-day period). Staff recommends that the City request that the State Clearinghouse approve this reduced 30-day public review period, with agreement from all responsible agencies, as required by state law, in an effort to meet its deadline and avoid associated penalties.

(**Exhibit 1**, p. 2.)

The City's justification does not fall within the five circumstances in Appendix K. The closest possible circumstance is subdivision (2), but the City provides no authority suggesting that "avoid[ing] associated penalties" is analogous to "severe time constraints with regard to obtaining financing or exercising options which cannot be met without shortening the review period." The two justifications are not similar at all.

In summary, the City offers no legally-cognizable justification for a shortened public review. We respectfully submit that the City's request must be rejected on that basis alone regardless of any concerns about improper motives set forth below.

2. The City's true reason for requesting shortened review is to thwart submission of evidence regarding the City's abuse of the tiering process.

The record suggests that the City's true motive for requesting shortened review is to thwart submission of anticipated public comments showing that the City is abusing CEQA's tiering process in the EIR. Specifically, and as highlighted in the errata to its NOP, the underlying project to be analyzed in the EIR includes changing the General Plan land use designation for the 1 Hamilton project site in order to eliminate the longstanding and current prohibition on all residential uses so as to justify identifying that property as "suitable" for residential dwelling in the Housing Element and, more importantly, pave the way for a specific housing project that has all but been designed. (See **Exhibit 4** [City website dated October 20, 2022, providing project update for 1 Hamilton and Housing Element EIR].)

Following the City's begrudging acknowledgement that the "Housing Element SEIR" would also include changes to 1 Hamilton's land use designation, FOHP explained that the EIR could not rely on "programmatic" review for 1 Hamilton because ample project detail was available to assess that specific development project on a project-level basis. (**Exhibit 5**, Soluri Meserve letters dated August 15 and 30, 2022.) Intent upon glossing over 1 Hamilton's impacts through inappropriate programmatic review, the City repeats the same false mantra that it has insufficient information about the proposed 1 Hamilton project. (**Exhibit 6**, City Attorney letter dated August 26, 2022.) FOHP has repeatedly demonstrated that this is false (See **Exhibit 7**, Soluri Meserve letter dated August 22, 2022; see also **Exhibit 5**), which is further reinforced by the City's own website post on October 20, 2022 (See **Exhibit 4**).

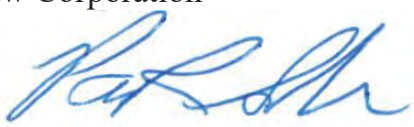
Put simply, the City anticipates that FOHP intends to submit evidence during the Draft EIR's public comment period regarding inadequate analysis of the 1 Hamilton project in part vis-à-vis false claims of inadequate project detail regarding 1 Hamilton. (See, e.g., *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 396-397 ["there is telling evidence that the University, by the time it prepared the EIR, had either made decisions or formulated reasonably definite proposals as to future uses of the building"].) The City is now attempting to thwart that effort through a shortened public comment period. The City's strategy cannot be sanctioned.

* * *

For the reasons described herein, we urge the State Clearinghouse, along with the California Housing and Community Department and the project's other CEQA responsible and trustee agencies, to deny the City's request for shortened public review for the City's "Housing Element SEIR."

Very truly yours,

Soluri Meserve
A Law Corporation

By: 

Patrick M. Soluri

Attachments:

Exhibit 1 City Council Staff Report dated November 7, 2022
Exhibit 2 Soluri Meserve letter dated July 29, 2022

Exhibit 3 Errata to NOP dated September 15, 2022
Exhibit 4 City's website dated October 20, 2022, providing project update for 1 Hamilton and Housing Element EIR
Exhibit 5 Soluri Meserve letters dated August 15 and 30, 2022
Exhibit 6 City Attorney letter dated August 26, 2022
Exhibit 7 Soluri Meserve letter dated August 22, 2022

cc:

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EXHIBIT 1

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner
Patrick Kelly, Director of Planning and Building

SUBJECT: Authorize City Manager to Request Reduced SEIR Public Review Period of 30 Days for Housing Element

DATE: November 7, 2022

Approved for Forwarding:

Todd Cusimano

Todd A. Cusimano, City Manager

Issue: The deadline for adopting the City's Housing Element is January 31, 2023. Pursuant to the California Environmental Quality Act (CEQA), the City is preparing a subsequent EIR (SEIR) to analyze the potential environmental impacts of the City's Housing Element. An SEIR typically is subject to a 45-day public review period, but the City may request that the State approve a shorter review period of 30 days. To meet the January 31, 2023 deadline, staff would like to seek State approval of the shorter public review period.

Recommendation: Approve Resolution ___, authorizing the City Manager to request a public review period of 30 days for the Housing Element SEIR.

Background: The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions in the Bay Area, including the City of Mill Valley, must update their Housing Element for the 2023-2031 planning period. This is the 6th Housing Element Update cycle for the Bay Area region. The City is required to adopt its Housing Element by January 31, 2023.[1]

[1] The Bay Area deadline for housing element adoption is January 31, 2023, but there has been confusion about whether there is a 120-day extension or "grace period" after that deadline. The so-called "grace period" refers to a secondary deadline that affects the timeframe in which a local jurisdiction must complete any rezoning action required by housing element law. If a local jurisdiction in the Bay Area fails to adopt an HCD-approved housing element by May 31, 2023, the jurisdiction will be required to complete any

Pursuant to CEQA, the City is preparing an SEIR for the Housing Element, which will be submitted to the State Clearinghouse for public review by state agencies prior to the adoption of the Housing Element. The public review period for an SEIR is 45 days, unless a shorter public review period, not less than 30 days, is approved by the State Clearinghouse.[2]

Discussion: There are severe penalties for jurisdictions that do not comply with State Housing Element law and the applicable deadlines.[3] If the Housing Element SEIR is subject to the typical 45-day public review period, the City may not be able to meet the January 31, 2023 deadline to adopt the Housing Element. In an effort to avoid penalties associated with missing the deadline, the City should make every effort to adopt its Housing Element by January 31, 2023.

The City is more likely to meet this deadline if the Housing Element SEIR is subject to a reduced public review period of 30 days (instead of the typical 45-day period). Staff recommends that the City request that the State Clearinghouse approve this reduced 30-day public review period, with agreement from all responsible agencies, as required by state law, in an effort to meet its deadline and avoid associated penalties.

Fiscal Impact:
The City will incur minimal costs associated with staff and attorney submission of a request to shorten the timeframe for review of the SEIR.

Attachments:
1. Resolution No. 22-___, A Resolution Delegating Authority to the City Manager to Request a Reduced Public Review Period for the Housing Element Subsequent Environmental Impact Report Pursuant to CEQA Guidelines Section 15105.

necessary rezoning by January 31, 2024 to avoid an HCD enforcement action and potential revocation of HCD approval of the housing element.

[2] CEQA Guidelines section 15105(a).

[3] https://www.cityofmillvalley.org/DocumentCenter/View/2473/Consequences-of-Non-Compliance-with-Housing-Laws?bidId

RESOLUTION NO. 22-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY DELEGATING AUTHORITY TO THE CITY MANAGER TO REQUEST A REDUCED PUBLIC REVIEW PERIOD FOR THE HOUSING ELEMENT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT PURSUANT TO CEQA GUIDELINES SECTION 15105

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions in the Bay Area such as the City of Mill Valley ("City") must update their Housing Element for the 2023-2031 planning period. This is the 6th Housing Element Update cycle for the Bay Area region.

SECTION 2. The City is required to adopt its Housing Element by January 31, 2023, or face severe penalties.

SECTION 3. Pursuant to the California Environmental Quality Act (CEQA), a subsequent Environmental Impact Report (SEIR) must be prepared for the Housing Element and submitted to the State Clearinghouse for public review by state agencies prior to the adoption of the Housing Element.

SECTION 4. Pursuant to CEQA Guidelines 15105, the SEIR public review period is 45 days unless a reduced public review period, not less than 30 days, is approved by the State Clearinghouse.

SECTION 5. In an effort to meet the January 31st, 2023 deadline to adopt the Housing Element, the City seeks to request an SEIR public review period of 30 days pursuant to CEQA Guidelines section 15105.

SECTION 6. The City Council finds that all of the above recitals are true and correct.

SECTION 7. The City Council hereby authorizes the City Manager to request from the State Clearinghouse a reduced public review period of 30 days for its Housing Element SEIR pursuant to CEQA Guidelines section 15105.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **7th** day of **November, 2022,** by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jim Wickham, Mayor

ATTEST:

_____
Hannah Politzer, City Clerk/Management Analyst III

DRAFT

ATTACHMENT 1

EXHIBIT 2

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

July 29, 2022

SENT VIA EMAIL (dstaude@cityofmillvalley.org)

Danielle Staude, Project Planner
City of Mill Valley
Mill Valley City Hall
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to Mill Valley's Draft Housing Element

Dear Ms. Staude:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding Mill Valley's Draft Housing Element. As set forth more fully below, the City's reliance on 1 Hamilton to meet its Regional Housing Needs Assessment ("RHNA") is arbitrary and lacks evidentiary support. The Draft Housing Element's discussion of 1 Hamilton is also misleading and at times demonstrably erroneous. The City must provide a credible explanation for excluding dozens of City-owned sites that contain similar characteristics as 1 Hamilton.

Government Code section 65583.2 requires a city to inventory land that is suitable for residential development and must further identify sites that can be developed for housing within the planning period. The purpose of this inventory is to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) Land that is suitable for residential development includes, "Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county." (*Id*. subd. (a)(4).)

"If a housing element contains the elements mandated by the statute, it will be found to conform with state law unless it is 'arbitrary, capricious, or entirely lacking in evidentiary support.'" (The California Municipal Law Handbook, § 10.27, quoting *Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191.) The City's Draft Housing Element has arbitrarily excluded nearly all City-owned sites from the Sites Inventory. Further, the Sites Inventory includes 40 low-income units from a property zoned Open Area, which prohibits residential development. The City's conclusions lack evidentiary support and are the result of an insidious scheme to keep affordable housing out of downtown and select wealthy neighborhoods in Mill Valley.

I. THE 1 HAMILTON SITE REQUIRES A GENERAL PLAN AMENDMENT AND REZONING

A. Neither General Plan Designation "Community Facilities" nor Zoning Designation "O-A" Permit Residential Development

The Draft Housing Element asserts that 1 Hamilton's zoning allows for residential development. This is inexcusably false and misleading. 1 Hamilton's General Plan designation is Community Facilities (Land Use Element, p. 25), and its zoning designation is Open Area ("O-A") (Current Housing Element, p. C-19). Both designations prohibit residential development. The Land Use Element's Community Facilities description includes, "All City facilities including City golf course, parks, City Hall, Community Center, Public Safety Building, etc.; public schools and private schools." (Land Use Element, p. 24.) It also states that the residential density range is not applicable. (*Ibid*.) Further, the Draft Housing Element states, "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.) Thus, there is no question that residential uses are prohibited on parcels designated as Community Facilities or zoned as O-A. 1 Hamilton is both.

The City has been consistent in its prohibition of residential development on parcels zoned as O-A. The language in the Current Housing Element shows that the City never intended to include O-A zoned parcels in its publicly-owned inventory. Program Objective 12 states, "By 2018, prepare an inventory of publicly-owned land **that is not already zoned for open space**, including parking lots, and examine the feasibility of their use of housing. Consider modifying the City's zoning regulations to allow residential uses in the C-F zone subject to the approval of a conditional use permit." (Current Housing Element, p. II-12 [bold added].)

As a result of these prohibitions, any development proposed on land that is zoned O-A would require a General Plan amendment and rezoning. The Draft Housing Element fails to discuss this requirement for 1 Hamilton and so falsely claims that residential development is allowed on this site. It is not. This misrepresentation is so blatant that one can only surmise that it is intentional by City officials, which is inexcusable.

B. The Draft Housing Element Fails to Describe the Process Required to Develop 1 Hamilton

The City has previously represented the need to amend 1 Hamilton's land use designation and zoning in order to allow residential development. A staff report from the February 7, 2022, City Council meeting plainly states that both a General Plan

Amendment and Rezoning of the parcel would occur between February through June 2023. (Exhibit A, February 7, 2022, City Council Staff Report re: 1 Hamilton Drive, p. 25, Exhibit B.) However, the Draft Housing Element fails to mention that 1 Hamilton requires both legislative actions in order to be developed. Ignoring this reality, the Draft Housing Element includes 1 Hamilton as part of the Site Inventory that calculates potential units from "existing zoning." (Draft Housing Element, p. III-4; see also p. III-10 [Table 3.7 indicates 1 Hamilton could accommodate 40 units as currently zoned].)

The City's Draft Housing Element has inexplicably chosen to whitewash the inescapable fact that 1 Hamilton allows no residential units whatsoever under "existing zoning." As part of its arbitrary and capricious scheme to manufacture rationale for limiting affordable housing to 1 Hamilton, the City has failed to comply with its duty under state law to identify all suitable properties for housing.

To the extent the Draft Housing Element's mischaracterization of 1 Hamilton's "current" zoning is premised on the City's intention to revise 1 Hamilton's General Plan land use designation and zoning designation as part of the proposed Land Use Element update, the EIR will need to fully analyze on a project level the proposed housing project. (See CEQA Guidelines, §§ 15378, subd. (a) [a project is the "whole of an action" which may result in direct or indirect physical changes to the environment]; 15126 [EIR's impact analysis must consider all phases of a project]; *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal*. (1988) 47 Cal.3d 376 [EIR must analyze "reasonably foreseeable consequence" of a project].) The Draft Housing Element does not indicate that the City intends to comply with this duty, and the City's past conduct suggests that it may attempt to misuse the concept of "tiering" to evade full public disclosure.

II. THE CITY ARBITRARILY RELIES ON THE HOUSING WORKSHOP AND OTHER CRITERIA TO UNLAWFULLY EXCLUDE NUMEROUS CITY-OWNED PARCELS

As explained above, the City has a duty to prepare an inventory of land that is suitable for residential development in order to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) The shifting and inconsistent explanation for its planning process in this regard reveals that it is failing to comply with that duty.

Although the City previously stated that the Housing Workshop is a completely separate process from its RHNA analysis, the Draft Housing Element now reveals that the City is relying on that process to identify — or, more accurately, exclude — suitable land for its RHNA requirements. By doing so, the Draft Housing Element arbitrarily narrows

the potential sites where residential housing could be located in violation of its duties under state law.

A. The City Previously Claimed That the Housing Workshop Findings are a Separate and Distinct Analysis

The City hired a consultant to prepare an analysis of City-owned parcels that could be developed for affordable housing. After excluding more than 100 sites for various reasons, the analysis concluded that the City should conduct additional analysis on only four different sites. (The Housing Workshop, p. 2.) The Housing Workshop's analysis was patently perfunctory, and public commenters questioned why this separate process was occurring at all in light of the City's Housing Element Update that was being drafted at the same time. (Exhibit B, February 4, 2022, Letter re: Public Comments to February 7, 2022, City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive, pp. 1-3.) Purporting to respond directly to these concerns, Mayor McCauley asserted at the February 7, 2022, Council meeting that the RHNA process is completely separate from the Housing Workshop process. He stated in relevant part:

> Another thing, there is a confusion here about the idea of doing an analysis of regional housing needs authority or RHNA sites and the city site analysis that was done so as a part of the HCC hazard advisory committee we went down two paths. One path was can we find surplus land we can sell to raise money to provide the ability to develop land with another party maybe a church or whatever. The second process we had was can the city on its own find a site that we can offer to a developer, a low-income mission driven developer to create a site. **That is completely different than the analysis which is going on to find out where we are going to come up with these 865 units for RHNA which is all generally private property**. They are completely different things, so I just want to make sure that people understand that difference.

(Mill Valley City Council Meeting, February 7, 2022, at 3:03:00[1] [bold added].)

The Draft Housing Element now reveals the Mayor's statements to be false. Public comments were not confused. Rather, it was the Mayor who was either confused or intentionally misrepresented the relationship between the Housing Workshop's analysis and the Housing Element Update. There is no question that the Draft Housing

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[1] The meeting can be accessed at https://cityofmillvalley.granicus.com/MediaPlayer.php?view_id=2&clip_id=1694.

Element expressly relies on the Housing Workshop's analysis to exclude suitable properties. (Draft Housing Element, pp. III-11, C-2.) As explained more fully below, the Draft Housing Element's reliance on the Housing Workshop's analysis means that the City has not complied with its duties under state law.

B. The Draft Housing Element Excludes Numerous City-Owned Parcels Without Adequate Explanation or Factual Support

Although the City claimed that the RHNA process is completely separate from the Housing Workshop process, the City nevertheless based the Draft Housing Element's entire discussion of City-owned properties on the Housing Workshop's analysis. For example, the Housing Workshop analysis determined that 27 of 38 City-owned sites were "not marketable due to zoning," all of which are zoned O-A. (The Housing Workshop, p. 19.) The Draft Housing Element uncritically adopted these parameters, which resulted in the improper exclusion of properties from the Draft Housing Element. (Compare The Housing Workshop, p. 19 with the Draft Housing Element, Sites Inventory List.)

A housing element is required to include land suitable for residential development, including "Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county." (Gov. Code, § 65583.2, subd. (a)(4).) Thus, the statute requires the City to include City-owned sites that are currently zoned nonresidential, but could be redeveloped for residential use. The Draft Housing Element follows a similar procedure for Program 21, which rezones 300 East Blithedale from RM3.5 to Downtown Residential, which allows multi-family residential. (Draft Housing Element, p. IV-22.) The parcel is then included under the Sites Inventory for above-moderate housing. (Draft Housing Element, Appendix C [APN 028-233-36].) Thus, the City has included similar programs for some properties, but is completely silent on the omission of others.

Put simply, that properties are "not marketable due to zoning" is both logically and legally irrelevant to whether they are "suitable for residential development" for purposes of the City's RHNA obligations since the definition of "land suitable for residential development" specifically includes properties "[s]ites zoned for nonresidential use that can be . . .rezone[d] . . . to permit residential use." (Gov. Code, § 65583.2, subd. (a)(4).) The Draft Housing Element fails to provide any explanation for omitting scores of City-owned parcels that could be rezoned for residential use.

This excludes the majority of City-owned sites based on similar arbitrary criteria. First, there are sites already zoned for residential and commercial. The Draft Housing Element states that those City-owned properties zoned residential or commercial, "that are not on the Sites Inventory are due to the parcels being in the right of way or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) The City fails to provide an explanation of what "being in the right of way" entails and how parcels could physically be in the right of way. Second, the City disregards all religious and public education institutions because "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.) Omitting parcels based on these unsupported criteria results in an overly constricted Site Inventory and artificially limits the City-owned properties that could be developed.

Additionally, the City fails to discuss the other potential development sites identified in the Housing Workshop such as the Boyle Park tennis facilities and a portion of the Mill Valley Municipal Golf Course, which are both zoned O-A and were determined to be potential sites for affordable housing, similar to 1 Hamilton. In fact, the Housing Workshop analysis of Boyle Park states, "From an objective affordable housing development point of view, this is the best of the 4 identified sites." (The Housing Workshop, p. 9.)

III. OTHER FACTORS SHOW THAT THE DRAFT HOUSING ELEMENT IS DEFECTIVE

The Draft Housing Element ignores several other factors impacting the ability to develop 1 Hamilton. As explained previously, the Draft Housing Element incorrectly assumes that 1 Hamilton could provide 40 units for very low- and low-income housing as zoned. This assumption disregards the obvious conflict with the General Plan and zoning designations, and further fails to consider environmental constraints at the property. The City's disregard for other parcels, in order to push development at 1 Hamilton, appears to further Mill Valley's discriminatory housing practices.

A. Baylands Corridor

Government Code section 65583.2, subdivision (b)(4) requires "[a] general description of any environmental constraints to the development of housing within the jurisdiction[.]" The Draft Housing Element provides, "Those city-owned sites that are zoned residential and commercial that are not on the Sites Inventory are due to the parcels being in the right of way or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) However, the Draft

Housing Element does not provide an explanation for how environmental constraints may interfere with development at a specific parcel. According to the California Department of Housing and Community Development's ("HCD") Guidance, a local entity must:

> Provide in the analysis a general description of any known environmental or other features (e.g., presence of floodplains, protected wetlands, oak tree preserves, very high fire hazard severity zones) that have the potential to impact the development viability of the identified sites. The housing element need only describe those environmental constraints where documentation of such conditions is available to the local government. **This analysis must demonstrate that the existence of these features will not preclude development of the sites identified in the planning period at the projected residential densities/capacities**.

(HCD Housing Element Sites Inventory Guidebook, p. 10 [bold added].)

1 Hamilton is adjacent to the County's Baylands Corridor, but the Draft Housing Element completely ignores this fact. This omission is inexcusable given that the City was well aware of this circumstance, and the Housing Workshop determined:

> The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary.

(The Housing Workshop, p. 8.) The Draft Housing Element fails to acknowledge this environmental constraint. Therefore, even if the City were to rezone the parcel, it may not be able to physically accommodate 40 units.

B. Omission of Parcels Located West of Camino Alto

There are nine affordable housing options in or near Mill Valley. All but one of those properties is located east of Camino Alto, and the ninth is located south of Miller Avenue. Thus, not one is located near downtown. The City now apparently intends to continue its historic segregation of affordable housing by arbitrarily constricting the City-owned properties in the Sites Inventory to 1 Hamilton. This decision excludes several

potential parcels that could be developed west of Camino Alto such as Boyle Park and the Mill Valley Municipal Golf Course.

The City is well aware of this trend. Multiple public comments provided in the Draft Housing Element illustrate the City's determination to keep affordable housing out of the City center, and push it toward the highway. (Draft Housing Element, Survey 2, pp. 42, 60.) This is also shown in the attached PowerPoint slides previously submitted to the City. (Exhibit C.) All of the City's actions suggest an intent by City officials to keep affordable housing out of the City center and other select wealthy neighborhoods west of Camino Alto.

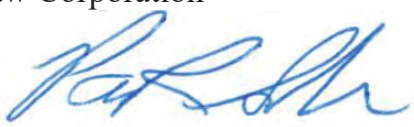
As previously discussed, the Housing Workshop identified four parcels that it recommended for additional analysis, three were discarded by the City. 1 Hamilton is the only parcel the City chose to include in its Site Inventory. The three parcels it chose to exclude are all located west of Camino Alto. The City has failed to provide any explanation for excluding two of the properties identified in the Housing Workshop.

* * *

The City has arbitrarily erected barrier after barrier in order to single out 1 Hamilton for affordable housing — a parcel with land use and zoning designations that prohibit any and all residential use. By doing so, the City has artificially constricted the potential locations that could be used to meet its RHNA requirements and thereby violates the City's duty to identify all land that is suitable for residential development. The result is an inaccurate, misleading and ultimately unlawful Housing Element that also continues the City's history of segregating affordable housing.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org)
Jim Wickham, Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
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Megan Kirkeby, Deputy Director, Housing Policy Development, HCD (Megan.Kirkeby@hcd.ca.gov)

Attachments:

Exhibit A February 7, 2022, City Council Staff Report re: 1 Hamilton Drive
Exhibit B February 4, 2022, Letter re: Public Comments to February 7, 2022, City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive
Exhibit C PowerPoint Slides submitted to the City on July 10, 2022

EXHIBIT A

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT 1 Hamilton Drive: Receive report from staff on recommended next steps to build affordable rental housing on the northern portion of 1 Hamilton Drive (Assessor's Parcel Number 030-250-01) ("the Property"), which includes: 1) the approval of an Exclusive Negotiating Agreement (ENA) between the City of Mill Valley and EAH Housing; 2) allocation of Affordable Housing Trust Funds in support of the ENA; and 3) approval of Community Outreach Plan.

DATE: February 7, 2022

Approved for Forwarding:

Alan E. Piombo, Jr., City Manager

Issue: Approval of next steps to partner with EAH Housing and conduct predevelopment activities including but not limited to community outreach, site planning and design, and environmental review to build affordable rental housing on the northern portion of 1 Hamilton Drive.

Recommendation: Staff recommends that City Council receive a report from staff, consider public comments, and adopt Resolution No. 22-__: A Resolution (ATTACHMENT 1) authorizing the following:

1) Execution of an Exclusive Negotiating Agreement ("ENA"/ATTACHMENT 2) between the City of Mill Valley and EAH Housing to allow the City and EAH to negotiate with respect to the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of the 1 Hamilton Property; and

ITEM 6

2) Release and allocate Affordable Housing Trust Funds to support predevelopment activities, including but not limited to community outreach, site planning, design, and environmental review; and

3) Approval of the Community Outreach Plan (ATTACHMENT 3).

Background: On September 20, 2021 City Council took action to: 1) declare a portion of the property located at 1 Hamilton Drive as "exempt surplus land" as required under the California Surplus Land Act (Government Code 54220 et seq.) pursuant to Government Code Section 54221(f)(1)(A)[1] and 2) authorize the City Manager to negotiate and draft an Exclusive Negotiating Agreement (ENA) with EAH Housing for the purpose of negotiating the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of 1 Hamilton Drive, as described herein.

The EAH Housing Team ("EAH Team") was selected by City Council on September 20, 2021, based on their qualifications and recommendations of the selection committee (City Manager, Planning and Building Director, two members of the Housing Advisory Committee), which interviewed the EAH Team on September 10, 2021. The EAH Team is comprised of the following firms:

- EAH Housing: Development, property management, and resident services
- Van Meter Williams Pollack LLP: Lead design and architect
- Adobe Associates, Inc: Civil Engineer

As noted during the September 20, 2021, Council meeting, the EAH Team has direct experience in guiding successful public/private partnerships to create affordable housing opportunities within Marin County communities as well as the greater Bay Area and California.

Discussion: Staff is returning to City Council to report back on negotiations with the EAH Team to build affordable rental housing on the Northern portion of 1 Hamilton Drive. For purposes of this report, the proposed site for affordable housing will be referred to as the "Property," whereas the larger 1 Hamilton Drive parcel will be referred to as "1 Hamilton."

Staff and City Council has acknowledged that a team of experts is required to further determine the number of potential homes that can be placed on the Property, balancing the interests of the

[1] Because the City plans to ground lease (or sell) the Property for the development of a 100% affordable housing project to persons and families of low or moderate income, the proposed lease (or sale) meets the criteria for "exempt surplus land" under Government Code Section 54221(f)(1)(A), including the following provisions: (a) Not less than 80 percent of the area of the parcel will be used for the development of housing; and (b) Not less than 40 percent of the total number of those housing units developed on the parcel shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households, and at least half of which shall be affordable to very low-income households; and (c) Dwelling units produced for persons and families of low or moderate income under Government Code Section 37364 shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years, with such regulatory agreement recorded in the office of the county recorder in which the housing development is located.

community, construction feasibility, and financing opportunities. The ENA will allow City staff to exclusively partner with EAH Housing to focus on site planning and preliminary design, which includes the relocation of existing restrooms, electric charging station, and public parking (with the goal of providing up to a total of 50 spaces).

The EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country. The architectural team also has a deeply established connection to Marin County and has successfully designed multi-family projects in the area.

The ENA provides EAH Housing with a specific time during which the Property is not available to other parties and sets forth a framework for the selected developer's performance during the ENA period. The ENA also sets forth the City's terms to fund a portion of pre-development studies, necessary because non-profit organizations do not have large amounts of funding for this work. The ENA does not grant any rights related to land use entitlements, project approvals, or any other future City action not specified in the ENA.

Staff recommends that Council adopt the attached Resolution (ATTACHMENT 1) authorizing the City Manager to execute an ENA with EAH Housing in substantially the form attached (ATTACHMENT 2). The resolution also allocates Affordable Housing Trust Funds as part of cost sharing negotiations outlined in the ENA for predevelopment activities as well as approving the Draft Community Outreach Plan to allow the City to kick off site planning and design work with the community. Details about the ENA, proposed outreach and budget are discussed below.

Exclusive Negotiating Agreement (ENA). The ENA (ATTACHMENT 2) outlines the general scope, cost sharing, and expectations with respect to predevelopment work and negotiations for a final project and disposition of the site.

The ENA does not commit the City to ground lease or sell the Property nor grant the City's approval of the development of the Property, but rather sets the terms under which the parties will negotiate for a final project and disposition and the predevelopment activities that are necessary to move the project forward towards design. The ENA includes performance milestones and expected schedule for the period needed to design the project. The ENA also outlines the City of Mill Valley's commitment to advance the project, including a loan for certain pre-development expenses such as preliminary design, site planning including relocation of public parking and restrooms.

The following provides a summary of some key points contained in the ENA:

- Term: The ENA sets out a "Negotiation Period," which shall extend until September 1, 2023. The City has the option to extend the Negotiation period.

- Milestones: The ENA includes a Schedule of Performance (Exhibit B) which establishes milestones with respect to community outreach, design and entitlements, environmental review, and a financing plan.

- City Responsibilities: City agrees to negotiate in good faith with EAH and not to negotiate with respect to the site with any other parties during the term of the ENA. City also agrees to loan the Housing Team up to $150,000, to be used towards certain predevelopment costs. Assuming the project is approved, the ENA lays out the terms for repayment. The City also agrees take steps with respect to the zoning and entitlements on the site, which will include hiring various consultants to conduct the environmental review for the project.

- EAH Responsibilities: EAH agrees to negotiate in good faith with the City with respect to the disposition of the site, to share any work product that arises from the predevelopment work with the City, to work with the City on community outreach as described in the Community Outreach Plan, and to meet other specified milestones with respect to due diligence and predevelopment work on the site. If the project is approved, EAH agrees to repay the predevelopment loan issued by the City through project financing.

If Council authorizes the City Manager to execute the ENA, staff and the EAH Housing Team will begin negotiating an agreement for the final disposition of the site, as well as conducting due diligence and predevelopment work. In addition, the City will kick off community outreach, which is discussed below. Once CEQA review and approval of project entitlements occurs, it is anticipated that the City would enter into a development agreement and formal ground lease (or sale) with the EAH Housing Team.

Community Outreach Plan. City Council has continued to emphasize the importance of outreach and community participation in the design of the project since its initial discussion on June 21, 2021. The EAH Team is looking forward to kicking off the outreach program to gather input from the community on interests and concerns that will help guide the site planning and design process.

Community outreach is divided into three different phases: 1) information gathering, 2) focused outreach on design concepts and 3) confirming design and assembling materials for the planning and entitlement application. Outreach will begin upon adoption of the resolution. Staff and the EAH Housing Team anticipate hosting the first community workshop in mid-March. This workshop is part of the information gathering stage and will focus on gathering community input on preliminary site planning work, such as the relocation of public parking and restrooms and the overall massing for the site. The workshop will also provide an opportunity for the community to ask questions and identify concerns

The illustration on page 5 summarizes the overall outreach process and timing. See ATTACHMENT 3 containing the Draft Community Outreach Plan for additional details.

Proposed Community Outreach Process and Timeline



Affordable Housing Trust Fund. At its June 21, 2021, City Council meeting, Council authorized use of the Affordable Housing Trust Fund to assist in preliminary site investigations. Staff is further recommending that City Council authorize use of the Affordable Housing Trust Funds to assist in the cost sharing of predevelopment activities, as outlined in the ENA. The ENA provides that the City will provide up to $150,000 to EAH as a predevelopment loan to assist with specified predevelopment costs including site analysis and design. Approval of the resolution will also allow City staff to hire consultants to conduct the environmental review of the proposed project.

Staff believes the $150,000 loan to EAH for predevelopment activities is appropriate, particularly since the EAH team will be providing design and consultant assistance to plan and design off-street public parking in the surrounding area and the relocation of the public restrooms. The EAH team is also contributing substantial staff time and organizational resources to provide preliminary conceptual designs to support the planning application for Planning Commission and City Council review and approval.

Environmental Review: Site planning and preliminary design will help inform the environmental review required for the eventual housing development. The level of environmental review will be determined once the scope of the project is determined.

The resolution before Council is not subject to the California Environmental Quality Act ("CEQA") because the approval of an ENA and the other activities authorized by the resolution are excluded from the definition of a "project" by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. A "project" is an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment." The proposed actions direct staff to execute an ENA that establishes the contractual agreement to commence negotiations regarding disposition of a portion of 1 Hamilton Drive, as well as initiating preliminary site analysis and design work that will further define an affordable housing development that would constitute a "project" under CEQA. The proposed actions are therefore considered an administrative activity of government which does not result in direct or indirect physical change to the environment. No commitment to any project is being made at this time.

Notwithstanding that there is no "project" for purposes of CEQA, as discussed above, the City's actions are also covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA Guidelines § 15061(b)(3). There is no evidence that the City's agreement to negotiate with a potential affordable housing development partner or undertake predevelopment activities or community outreach will have any direct or indirect effect on the environment, since the City is not committing itself to any final project now and may still decide not to move forward with a project on the site.

CEQA review requirements must and will be completed before any commitment to a housing development occurs and appropriate environmental review pursuant to CEQA will be completed and considered by the City Council at such time.

Fiscal Impact: There is no impact to the City's General Fund. The City intends to authorize Affordable Housing Trust Funds as part of executing the ENA and work on predevelopment activities.

Next Steps: Should City Council adopt the proposed resolution; staff will work to execute the ENA. Once the ENA is signed by both parties, staff and the Housing Team will begin site planning and design and kick off the community engagement process. Assuming the project proceeds forward, CEQA review would occur, and Council would later consider project entitlements based on Planning Commission's recommendations, along with separate agreements with EAH for development and disposition (ground lease or sale) to construct the housing.

Overview of Next Steps



Solicit Developer
July 19, 2021

- Prepare Request for Qualifications (RFQ) per City Council direction
- Issue RFQ
- Provide site tours, answer questions

Select Dev Partner
September 20, 2021

- Review submittals for completeness
- Panel to interview
- City Council to authorize

Design Project
2022

- Sign exclusive agreement with EAH Housing
- Community input on design, including workshops, charettes
- Conduct studies for CEQA, subdivision map act, surplus land act, etc.

Entitle Project
2022-23

- Identify any development impact to be mitigated
- Survey/Split Parcel
- Public hearings including public input and testimony to approve Planned Development

Finance & Build
2023-24

- Can take 2+ years to obtain financing
- Can take 2 years to build
- Open in 2025 or 2026

Attachments:

1. Resolution No. 22-___: Authorizing execution of an Exclusive Negotiating Agreement with EHA Housing, authorizing the allocation of Affordable Housing Trust Funds and approval of the Community Outreach Plan
2. Exclusive Negotiating Agreement
3. Community Outreach Plan

Online Materials and Resources:

- Project website: https://ca-millvalley.civicplus.com/931/Hamilton-Drive

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AUTHORIZING THE EXECUTION OF AN EXCLUSIVE NEGOTIATING AGREEMENT WITH EAH HOUSING, INC. TO NEGOTIATE THE TERMS UNDER WHICH THE CITY WOULD ALLOW THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING ON THE NORTHERN PORTION, AS DESCRIBED HEREIN, OF A CITY-OWNED PARCEL LOCATED AT I HAMILTON DRIVE [ASSESSOR'S PARCEL NO. 030-250-01], AUTHORIZING THE ALLOCATION OF AFFORDABLE HOUSING TRUST FUNDS FOR PREDEVELOPMENT ACTIVITIES ON THE SITE, AND APPROVING THE COMMUNITY OUTREACH PLAN

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City of Mill Valley ("City") is the owner in fee simple of that certain real property located at 1 Hamilton Drive (Assessor's Parcel 030-250-01).

SECTION 2. The City desires to ground lease or sell a portion of the property located at 1 Hamilton Drive, such portion is generally the northern portion of the current parcel, incorporated herein by reference (the "1 Hamilton Property"), to be developed as a 100 percent affordable housing development that complies with Government Code Section 37364.

SECTION 3. At its June 21, 2021 meeting, City Council directed staff to issue a Request for Qualifications ("RFQ") to solicit interest from multifamily developers to partner with the City of Mill Valley to build and manage affordable housing on the Property.

SECTION 4. On July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property.

SECTION 5. Because the proposed affordable housing development will meet the requirements of Government Code Section 37364, the City Council adopted Resolution (CC21-51) declaring the Property to be "exempt surplus land" at its regularly scheduled meeting of September 20, 2021.

SECTION 6. In response to the RFQ, EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

ATTACHMENT #1

SECTION 7. EAH Housing was selected based on a City Council's review of the selection committee's (City Manager, Planning and Building Director, and two members of the Housing Advisory Committee, who are City Council and Planning Commission liaisons) review of their qualifications and responses to interview questions held on September 10, 2021.

SECTION 8. The City is interested in entering into an Exclusive Negotiating Agreement ("ENA", attached hereto as ATTACHMENT 2) to establish the mutually acceptable terms and conditions to guide the process of negotiations for the potential ground lease or sale and development of affordable housing on the Property consistent with Government Code Section 37364.

SECTION 9. The ENA does not commit the City to ground lease or sell the Property nor grant approval of any project or development of the Property, but rather allows the City to partner with a Housing Team to work with the community to plan and design for the above-referenced housing.

SECTION 10. The Mill Valley Municipal Code Section 20.80.070(B) establishes the Affordable Housing Trust Fund and on March 16, 2020, City Council approved the Affordable Administrative Guidelines for Housing Trust Fund, whereby the City Council may authorize the use of Trust Fund monies by way of resolution. The City Council desires to authorize the use of Affordable Housing Trust Fund moneys for predevelopment costs for the Property including but not limited to the provision of a predevelopment loan to EAH pursuant to the ENA, as well as environmental review of the proposed project.

SECTION 11. The City Council desires to engage in a robust community outreach process with respect to the potential development of the Property.

SECTION 12. City Council held a public hearing on February 7, 2022, and considered the information presented by staff as well as public testimony.

SECTION 13. The City Council hereby takes the following actions:

A. Finds that the above recitals are true and correct and are incorporated into this Resolution.

B. Authorizes the City Manager to execute an ENA between the City of Mill Valley and EAH Housing in substantially the form attached, with any minor clerical or clarifying changes requested by the City Manager and approved by the City Attorney.

C. Approves the Community Outreach Plan (ATTACHMENT 3) and authorizes staff to move forward with a robust program of community outreach to engage citizens and interested stakeholders. Changes to the Community Outreach Plan schedule that only impact dates and do not result in a less robust outreach and public engagement may be approved by the City Manager.

D. Authorizes and approves the use of Affordable Housing Trust Fund monies for the purposes of funding budgetary terms set forth in the ENA and other predevelopment expenses related to the proposed housing development as approved by the City Manager.

E. That the staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to implement this Resolution.

SECTION 14. The City Clerk shall certify as to the adoption of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **7th day of February 2022**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John McCauley, Mayor

ATTEST:

Kelsey Rogers, City Clerk / Management Analyst III

EXCLUSIVE NEGOTIATION AGREEMENT

THIS EXCLUSIVE NEGOTIATION AGREEMENT is dated as of _____ __, 2022 ("**Effective Date**"), and is entered into by and between the CITY OF MILL VALLEY, a municipal corporation ("**City**"), and EAH INC., a California nonprofit public benefit corporation ("**Developer**")(collectively, the "**Parties**").

RECITALS

A. The City owns certain property located 1 Hamilton Drive (Assessor's Parcel 030-250-01).

B. The City desires that a portion of the parcel located at 1 Hamilton Drive---such portion is generally the northern portion of the current parcel more specifically depicted on Exhibit "A", attached hereto (the "**Site**")---be developed as a 100 percent affordable housing development.

C. The City Council of the City of Mill Valley ("**City Council**") authorized and directed staff to issue a request for qualifications ("**RFQ**"), for an affordable housing project on the Site consisting of 100 percent of the units restricted for rental to very low and low income households at affordable rent on June 21, 2021.

D. on July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property. in response to the RFQ EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

E. As noted in the Developer's statement of qualifications, the EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country,

F. A selection committee consisting of the City Manager, Planning and Building Director, two members of the Housing Advisory Committee (City Council and Planning Commission liaisons) reviewed statement of qualifications submitted in response to the RFQ and conducted interviews on September 10, 2021

G. On September 20, 2021, the City Council declared the Site "exempt surplus property" pursuant to Government Code Sections 54221(b) and 54221(f)(1)(A) by way of Resolution CC21-51.

H. On September 20, 2021, the City Council selected the Developer and directed staff to negotiate an Exclusive Negotiation Agreement (this "**Agreement**") with Developer for the Site based on the Developers qualifications and the selection committee recommendations, as documented in the September 20, 2021 Staff Report, by way of Resolution CC21-52 .

ATTACHMENT #2

I. The Parties intend to cause the Site to be developed under California Government Code Section 37364, which requires that dwelling units be restricted by regulatory agreement to remain continually affordable to low and moderate income households for the longest feasible time, but not less than 30 years, and that such regulatory agreement shall be recorded in the office of the county recorder in which the housing development is located; such regulatory agreement shall not be subordinated to any deed of trust.

J. City desires to increase the availability of affordable housing within the City by causing the development of the Site with approximately 40 units of rental housing that is 100 hundred percent affordable ("**Project**").

K. City and Developer desire to negotiate exclusively with each other regarding the potential terms and conditions of a disposition and development agreement ("DDA") between City and Developer for Developer to acquire and develop the Project on the Site, in accordance with the terms and conditions of this Agreement..

1. Negotiation of DDA. During the Negotiation Period (defined in Section 3 herein) and subject to the terms and conditions of this Agreement, both City staff and Developer shall negotiate the potential terms, conditions, covenants, restrictions and agreements of a DDA for the Site and Project. City agrees not to solicit any other proposals from or negotiate with any other person regarding development of the Site during the Negotiation Period. During the Negotiation Period, Developer shall complete all of the actions described in the "**Schedule of Performance**" attached to this Agreement as Exhibit "B," within the time period specified for each such action in the Schedule of Performance. Nothing in this Agreement shall be interpreted or construed to be a representation or agreement by either City or Developer that a mutually acceptable DDA will be produced from negotiations under this Agreement. Nothing in this Agreement shall impose any obligation on either Party to agree to or approve a definitive DDA in the future. Nothing in this Agreement shall be interpreted or construed to be a guaranty, warranty or representation that any proposed DDA that may be negotiated by City staff and Developer will be approved by the City Council of the City.

2. Developer Acknowledgments. Developer acknowledges and agrees that: (a) under this Agreement, City is not committing itself or agreeing to enter into a DDA or undertake any exchange, sale, lease or other transfer of real property, any disposition of any real property interests to Developer, approve the Project or any land use entitlements or undertake any other acts or activities; (b) no provision of this Agreement shall be deemed to be an offer by City, nor an acceptance by City of any offer or proposal from Developer, for City to convey any estate or interest in the Site to Developer or for City to provide any financial or other assistance to Developer for development of the Project or the Site; (c) Developer has not acquired, nor will acquire, by virtue of the terms of this Agreement, any legal or equitable interest in real or personal property from City; (d) further efforts by either Party to perform due diligence, arrange or obtain financing, or carry out other acts in contemplation of the possible acquisition, transfer or development of the Site or the Project shall not be deemed evidence of intent by either Party to be bound by any terms, conditions, covenants, restrictions or agreements relating to acquisition, transfer or development of the Site or the Project. Developer acknowledges and agrees that City's consideration of the Project and DDA is subject to the sole and absolute discretion of the City Council after conducting environmental review and any and all legally required public hearings, public meetings, notices, factual findings and other determinations and procedures required by law.

3. Negotiation Period.

3.1 Duration. The "**Negotiation Period**" shall begin on the Effective Date and shall expire at 5:00 p.m. Pacific Time on September 1, 2023, unless extended pursuant to Section 4 or earlier terminated pursuant to Section 3.2.

3.2 Termination. This Agreement shall terminate upon the earliest to occur of the following events: (a) the expiration of the Negotiation Period; or (b) the occurrence of an Event of Default by Developer under Section 13.1 of this Agreement, unless such breach is expressly waived in writing by the City; or (c) entry into a DDA by both City and Developer.

4. Extension of Negotiation Period. The City Manager shall have the right to extend the Negotiation Period three times for a period of ninety (90) days each (for an for an aggregate total of two hundred and seventy (270) days) provided that each such extension is in writing, and provided, further, that Developer is not in default of its obligations under this Agreement and has completed all of the actions described in the "**Schedule of Performance**" which are required to have be performed by Developer as of such date.

5. Possible DDA Provisions.

5.1 DDA Essential Terms and Conditions. The DDA may include provisions addressing all of the following described subjects:

5.1.1 Site Control. The Site may be purchased or leased from City by Developer, or Developer's permitted assignee.

5.1.2 DDA Schedule of Performance. A schedule of performance, attached to the DDA, may set forth deadlines for various actions of Developer.

5.1.3 Scope of Development. The Project is proposed by Developer to include approximately 40 affordable housing units serving households at or below 60% of Area Median Income (AMI) with a minimum parking ratio of 1:1, a plan for replacement and relocation of a minimum of 34 public parking stalls, and a plan for replacing the public restroom if the site area is needed for affordable housing development.

5.1.4 Financing Plan. In connection with the negotiations, the Developer shall submit a plan for financing the construction and operation of the Project to the City for review and approval. Such financing plan shall, at a minimum, include an obligation of Developer to apply for federal tax credits, and such other financing as is necessary in Developer's reasonable discretion to finance the development and operation of the Project, and all such tax credits must be awarded, and tax credit equity committed and available, and all other financing committed, closed and available as conditions to the close of escrow for the sale or lease.

5.1.5 City Financial Assistance. City shall provide up to $150,000 in the form of a predevelopment loan during the Negotiation Period (the "Predevelopment Loan") to pay for reasonable documented costs incurred by Developer in completing the tasks required of Developer under this ENA provided the costs are reasonably described in advance in a written budget to be provided by the Developer and approved by the City Manager in writing ("Eligible Expenses").

Such Predevelopment Loan will bear 0% interest, be evidenced by a promissory note acceptable to City (the "Note") and will be secured by assignment by the Developer to the City of any work product relating to the Project that have been paid for in

whole or in part using the proceeds of the Predevelopment Loan (the "Work Product"), and the collateral assignment documents and written consents from contractors/architects/engineers and others necessary to effectuate such collateral assignment and assignment to City (upon failure to timely repay the loan) must be acceptable to the City Manager and City Attorney. The Predevelopment Loan shall become due upon the termination of this ENA, or the expiration of this ENA without a DDA being approved and signed; however, the City's sole recourse shall be limited to the Work Product. The City will disburse Predevelopment Loan proceeds to pay for Eligible Expenses on a reimbursement basis, quarterly, and as a condition to the County's disbursement obligation, Borrower will submit a disbursement request package ("Disbursement Request"). Each Disbursement Request shall include any applicable invoice or other documentation indicating the cost to be paid and showing the cost constitutes an Eligible Expense of the Project, dated less than thirty (30) days prior to the date of the Disbursement Request, unless submittal of an older invoice has been approved by the City. It is anticipated that the DDA will provide that the Predevelopment Loan will convert from a predevelopment loan to a below market, 55 year, residual receipts construction/permanent loan secured by the Site (but subordinate to deeds of trust securing any other secured financing necessary for the Project) upon the closing of the Developer's acquisition of the Site pursuant to the terms and conditions of the DDA.

5.1.6 Developer Compliance with Laws. Developer shall comply with the requirements of all applicable City ordinances, resolutions, regulations or other laws or approvals in all aspects (planning, design, construction, noise limits, management, and occupancy) of developing and operating the Project on the Site.

6. License to Enter Site. City authorizes Developer, its contractors, agents and employees to enter the Site during normal business hours for the purpose of performing tests, surveys and inspections, and obtaining data necessary or appropriate to negotiate the DDA or perform investigations related to the Project; provided, however, Developer shall deliver written notice (which may be delivered via electronic mail to _____) seventy-two (72) hours prior to City of any such entry and written evidence of Developer's satisfaction of all insurance requirements of this Agreement prior to entering the Site. Developer shall promptly deliver copies of all written inspection results, tests and reports to the City.

7. Costs and Expenses. Except as set forth in Section 5.1.5 and Section 9 hereof, all fees or expenses of engineers, architects, financial consultants, legal, planning or other consultants or contractors, retained by Developer for any study, analysis, evaluation, report, schedule, estimate, environmental review, planning or design activities, drawings, specifications or other activity or matter relating to the Site or the Project or negotiation or documentation of a future DDA that may be undertaken by Developer during the Negotiation Period, pursuant to or in reliance upon this Agreement or in Developer's discretion, regarding any matter relating to this Agreement, a future DDA, the Site or the Project, shall be the sole responsibility of and undertaken at the sole cost and expense of Developer and no such activity or matter shall be deemed to be undertaken for the benefit of, at the expense of or in reliance upon City. Developer shall also pay all fees, charges and costs, make all deposits and provide all bonds or other security associated with the submission to and processing by the City of any and all applications and other documents and information to be submitted to the City by Developer pursuant to this Agreement or otherwise associated with the Project or the Site.

8. No City Approval. Nothing in this Agreement, nor any comments provided by City staff, nor any failure of City staff to provide comments to any submittal under or pursuant to this Agreement shall: (1) modify or replace any land use entitlement process of either the City applicable to the Project, (2) limit the police power land use jurisdiction of either the City relative

to the Project, (3) constitute an approval of all or any portion of the Project by the City pursuant to the police power land use jurisdiction of either the City or (4) constitute any approval of all or any portion of a future DDA with Developer by the City.

9. CEQA Compliance. The Developer acknowledges that all applicable requirements of the California Environmental Quality Act ("CEQA") must be met in order to execute and deliver the DDA and approve project entitlements allowing development of the Site and that this may require reports or analyses for CEQA purposes. In this regard, the City shall, at the City's cost and expense, undertake an Initial Study of the proposed Project pursuant to Section 15063 of CEQA or other appropriate documentation in order to determine the appropriate environmental documents and procedures that may be necessary to comply with CEQA as to the consideration and potential approval of the DDA by the City Council. The Developer hereby agrees to provide all assistance to the City necessary for it to carry out its obligations under CEQA. The Developer will fully cooperate with the City in the preparation of such analyses and reports.

10. City Due Diligence. City reserves the right to reasonably obtain further information, data and commitments to ascertain the ability and capacity of Developer to purchase, lease, develop and operate the Site or the Project. Developer acknowledges that Developer may be requested to make certain financial disclosures to City, City staff, legal counsel or other consultants, as part of the financial due diligence investigations of City relating to the potential sale of the Site and development of the Project on the Site by Developer and that any such disclosures may become public records. City shall maintain the confidentiality of financial information of Developer to the extent allowed by law, as determined by the City Attorney for the City.

11. Developer Indemnity. Developer shall indemnify, defend and hold harmless City, and the elected and appointed officials, officers, agents and employees of City (individually or collectively, an "**Indemnified Party**") against any and all losses arising out of any claim, liability, loss, damage, demand or cause of action, or any action or other proceeding, whether meritorious or not, arising through Developer, Developer's contractors or employees that relates to or arises out of: (i) property damage or bodily injury or death of any person in connection with this Agreement; (ii) entry upon the Site by Developer, its contractors or employees; (iii) any inspection of the Site by Developer, its contractors or employees; or (iv) the preparation of any report or plans commissioned by Developer; provided, however, that no Indemnified Party shall be entitled to indemnification under this Section 10 for matter caused by such Indemnified Party's gross negligence or willful misconduct or for any matter arising solely from the discovery of any pre-existing condition upon the Site. In the event any action or proceeding is brought against an Indemnified Party by reason of a claim arising out of any loss for which Developer is obligated to indemnity, defend or hold harmless the Indemnified Party, and upon written notice from such Indemnified Party, Developer shall, at Developer's sole expense, answer and otherwise defend such action or proceeding. The provisions of this Section 11 shall survive the expiration or termination of this Agreement.

12. Developer Insurance.

12.1 Types of Insurance. Without in any way limiting Developer's indemnification obligations under this Agreement, subject to the other provisions of this Section 12 and subject to approval by City of the insurers and policy forms, Developer shall obtain and maintain, at Developer's expense, the following insurance throughout the Negotiation Period and shall cause City to be an additional insured thereunder:

12.1.1 Liability Insurance. "**Liability Insurance**" means and refers to commercial general liability insurance against claims for bodily injury, personal injury, death, or property damage occurring upon, in, or about the Site or adjoining streets or passageways, at least as broad as Insurance Services Office Occurrence Form CG0001, with a minimum liability limit of Two Million Dollars ($2,000,000) for any one occurrence and which may be provided through a combination of primary and excess or umbrella insurance policies. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Site or the general aggregate limit shall be twice the required minimum liability limit for any one occurrence.

12.2 Nature of Insurance. All Liability Insurance and Automobile Liability Insurance policies this Agreement requires shall be issued by carriers that: (a) are listed in the then current "Best's Key Rating Guide—Property/Casualty—United States & Canada" publication (or its equivalent, if such publication ceases to be published) with a minimum financial strength rating of "A-" and a minimum financial size category of "VII"; and (b) are authorized to do business in the State of California by the State of California Department of Insurance. Developer may provide any insurance under a "blanket" or "umbrella" insurance policy, provided that: (i) such policy or a certificate of such policy shall specify the amount(s) of the total insurance allocated to the Site, which amount(s) shall equal or exceed the amount(s) required by this Agreement; and (ii) such policy otherwise complies with the insurance requirements in this Agreement.

13. Restrictions Against Change in Ownership, Management or Control of Developer; Assignment of Agreement.

13.1 Developer Assignment. City and Developer acknowledge and agree that City is entering into this Agreement with Developer on the basis of the particular experience, financial capacity, skills and capabilities of Developer. This Agreement is personal to Developer and is not assignable without the prior written consent of City, which may be given, withheld or conditioned in City's sole and absolute discretion. Consent to assignment shall be in writing and may be executed by the City Manager.

13.2 Assignment to Project Partnership. Notwithstanding the foregoing, Developer may assign this Agreement, without City's consent, to a limited partnership in which Developer or a limited liability in which Developer is the sole member acts as the sole and managing general partner of such limited partnership, subject to all of the following conditions: (i) Developer provides the City with at least ten (10) days prior written notice of such proposed assignment, (ii) such limited partnership's sole purpose is development, ownership and operation of the Project on the Site; (iii) such limited partnership expressly assumes all of the obligations of Developer under this Agreement in a written assumption agreement delivered to and reasonably satisfactory to City; and (iv) Developer shall have delivered the LP-1 and partnership agreement to the City. Notwithstanding any assignment of this Agreement, Developer, shall, at all times, be responsible and obligated directly to City for performance of Developer's obligations under this Agreement.

13.3 Definitions. For the purposes of this Agreement, the term "**Affiliate**" means any person, directly or indirectly, controlling or controlled by or under common control with Developer, whether by direct or indirect ownership of equity interests, by contract, or otherwise.

14. Developer Events of Default and City Remedies.

14.1 Developer Events of Default. The occurrence of any of the following shall constitute an "**Event of Default**" on the part of Developer under this Agreement:

14.1.1 Schedule of Performance. Failure of Developer to meet a performance milestone by the applicable date contained in the Schedule of Performance, if such failure is not cured within thirty (30) days after written notice of such failure.

14.1.2 Misrepresentation. Any material breach of any representation or warranty made by Developer in this Agreement that is not cured within thirty (30) days after written notice from City to Developer of such breach.

14.1.3 Unauthorized Assignment. Any assignment or attempted assignment by Developer in violation of Section 12.

14.1.4 Insurance. Failure of Developer to procure or maintain any of the insurance coverage required by this Agreement resulting in a lapse in required insurance coverage.

14.2 City Remedies. If there is an Event of a Default by Developer, City may, in City's sole and absolute discretion, terminate this Agreement by delivering written notice of termination to Developer. Upon any such termination, neither Party shall have any further rights or obligations to the other under this Agreement, except obligations that expressly survive termination of this Agreement.

15. Developer Representations and Warranties. Developer represents, warrants and covenants to and for the benefit of City, as of the Effective Date and at all times during the Negotiation Period, as follows:

15.1 Valid Existence; Good Standing; Joint Venture Relationships. Developer is a nonprofit public benefit corporation duly organized and validly existing under the laws of the State of California. Developer has all requisite power and authority to own its property and conduct its business as presently conducted. Developer has made all filings and is in good standing in the jurisdiction of the State of California.

15.2 Authority. Developer has all requisite power and authority to enter into and perform this Agreement.

15.3 No Limitation on Ability to Perform. Neither Developer's articles of incorporation nor any other organizational document regarding Developer in any way prohibits, limits or otherwise affects the right or power of Developer to enter into or perform this Agreement. Developer is not a party to or bound by any contract, agreement, indenture, trust agreement, note, obligation or other instrument that could prohibit, limit or otherwise affect Developer's entry into or performance of this Agreement. To the best of Developer's knowledge, no consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person or entity is required for the due execution, delivery or performance by Developer of this Agreement or any of the terms or covenants contained in this Agreement. There is no pending or threatened suit or proceeding or undischarged judgment affecting Developer before any court, governmental agency, or arbitrator that might materially adversely affect the enforceability of this Agreement, the ability of Developer to perform the transactions contemplated by this Agreement or the business, operations, assets or condition of Developer.

15.4 Valid Execution. The execution and delivery of this Agreement by Developer have been duly and validly authorized by all necessary action of Developer and others. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms. Developer has provided to City a written resolution of Developer's Board of Directors authorizing Developer's entry into and performance of this Agreement.

16. Notices. A notice or communication under this Agreement by either Party to the other shall be sufficiently given or delivered, if in writing and delivered by messenger, overnight air courier or registered or certified first class mail with return receipt requested (for U.S. mailings) to the appropriate Party at its address as follows:

In the case of a notice or communication to City:

City Manager's Office
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
Attn: Alan Piombo

With a copy to:

Richards, Watson & Gershon
One Sansome Street, Suite 2850
San Francisco, CA 94104
Attn: Inder Khalsa

And in the case of a notice or communication sent to Developer:

EAH, Inc.
22 Pelican Way
San Rafael, CA 94901
Attn: Bianca L. Neumann, Director Business Development

With a copy to:

Bocarsly Emden Cowan Esmail & Arndt LLP
633 West 5th Street, 64th Floor
Los Angeles, CA 90071
Attn: Nicole Deddens

Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

17. General Provisions.

17.1 Amendments. This Agreement may be amended or modified only by a written instrument signed by both City and Developer.

17.2 Severability. If any provision of this Agreement, or its application to any person or circumstance, is held invalid by any court, the invalidity or inapplicability of such provision shall not affect any other provision of this Agreement or the application of such provision to any other person or circumstance, and the remaining portions of this Agreement shall continue in full force and effect, unless enforcement of this Agreement as so modified by and in response to such invalidation would be unreasonable or grossly inequitable under all of the circumstances or would frustrate the fundamental purposes of this Agreement. Without limiting the foregoing, in the event that any applicable federal or state law prevents or precludes compliance with any material term of this Agreement, the Parties shall promptly modify, amend or suspend this Agreement, or any portion of this Agreement, to the extent necessary to comply with such provisions in a manner which preserves to the greatest extent possible the benefits to each of the Parties to this Agreement. However, if such amendment, modification or suspension would deprive City or Developer of the substantial benefits derived from this Agreement or make performance unreasonably difficult or expensive, then the affected Party may terminate this Agreement upon thirty (30) days written notice to the other Party. In the event of such termination, neither Party shall have any further rights or obligations under this Agreement except as otherwise provided herein.

17.3 Non-Waiver. No waiver made by either Party with respect to the performance, or manner or time of performance, or any obligation of the other Party or any condition to its own obligation under this Agreement will be considered a waiver with respect to the particular obligation of the other Party or condition to its own obligation beyond those expressly waived, to the extent of such waiver, or a waiver in any respect in regard to any other rights of the Party making the waiver or any other obligations of the other Party.

17.4 Non-Liability. No member, official, agent or employee of City will be personally liable to Developer, or any successor in interest (if and to the extent permitted under this Agreement), in an event of default by City or for any amount that may become due to Developer or successor or on any obligations under the terms of this Agreement. No director, officer, agent or employee of Developer will be personally liable to City in an event of default by Developer or for any amount that may become due to City or on any obligations under the terms of this Agreement.

17.5 Successors and Assigns; Third Party Beneficiary. This Agreement shall inure to the benefit of and bind the respective successors and assigns of City and Developer, subject to the limitations on assignment by Developer set forth in Section 12. This Agreement is for the exclusive benefit of the Parties to this Agreement and not for the benefit of any other person and shall not be deemed to have conferred any rights, express or implied, upon any other person.

17.6 Governing Law. City and Developer acknowledge and agree that this Agreement was negotiated, entered into and is to be fully performed in the City. City and Developer agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the substantive and procedural laws of the State of California, without application of conflicts or choice of laws principles.

17.7 Compliance with Law. Developer acknowledges that any future DDA, if approved by City governing body, will require Developer (among other things) to carry out the development of the Project on the Site in conformity with all applicable laws, including all applicable building, planning and zoning laws, environmental laws, safety laws and federal and state labor and wage laws.

18. Interpretation of Agreement. No inference in favor of or against any Party shall be drawn from the fact that such Party has drafted any part of this Agreement. The Parties have both participated substantially in the negotiation, drafting, and revision of this Agreement, with advice from legal and other counsel and advisers of their own selection. A word, term or phrase defined in the singular in this Agreement may be used in the plural, and vice versa, all in accordance with ordinary principles of English grammar, which shall govern all language in this Agreement. The words "include" and "including" in this Agreement shall be construed to be followed by the words: "without limitation." Each collective noun in this Agreement shall be interpreted as if followed by the words "(or any part of it)," except where the context clearly requires otherwise. Every reference to any document, including this Agreement, refers to such document, as modified from time to time (excepting any modification that violates this Agreement), and includes all exhibits, schedules, addenda and riders to such document. The word "or" in this Agreement includes the word "and." Every reference to a law, statute, regulation, order, form or similar governmental requirement refers to each such requirement as amended, modified, renumbered, superseded or succeeded, from time to time. Headings at the beginning of each section or sub-section of this Agreement are solely for the convenience of reference of City and Developer and are not a part of this Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to sections are to this Agreement. All exhibits referred to in this Agreement are attached to this Agreement, unless otherwise specified.

18.1 Entire Agreement. This Agreement (including the attachments and exhibits) contains all of the representations of and the entire agreement between the Parties with respect to the subject matter of this Agreement. Any prior correspondence, memoranda, agreements, warranties or representations relating to such subject matter are superseded in total by this Agreement. No prior drafts of this Agreement or changes from those drafts to the signed version of this Agreement shall be introduced as evidence in any litigation or other dispute resolution proceeding by either Party or any other person and no court or other body shall consider those drafts in interpreting this Agreement.

18.2 Time for Performance.

18.2.1 Expiration. All performance, expiration or termination dates (including cure dates) in this Agreement (including the attached Schedule of Performance) expire at 5:00 p.m., Pacific Time, on the specified date.

18.2.2 Weekends and Holidays. A date that falls on a Saturday, Sunday or City holiday is deemed extended to the next day on which the City is open for performance of general City functions with regular City personnel.

18.2.3 Days for Performance. All periods for performance specified in this Agreement in terms of days shall be calendar days, and not business days, unless otherwise expressly provided in this Agreement.

18.2.4 Time of the Essence. Time is of the essence with respect to each provision of this Agreement.

18.3 Counterparts. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

18.4 Survival. Notwithstanding anything to the contrary in this Agreement, each indemnity obligation under this Agreement shall survive expiration or termination of this Agreement. Further all other obligations under this Agreement that arise and were not satisfied before expiration or termination of this Agreement shall survive any expiration or termination of this Agreement.

18.5 Non-Discrimination. Developer covenants by and for itself and its successors or assigns, and all persons claiming under or through it, and this Agreement is made and accepted upon and subject to the following conditions:

18.5.1 Standards. That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (l) of subdivision (p) of Section 12955, and Section 12955.2 of the Government code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Site nor shall Developer, itself, himself or herself, or any person claiming under or through it, him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, subtenants, sublessees, or vendees in the Site.

18.6 Relationship of the Parties. The subject of this Agreement is a private development with neither Party acting as the agent of the other Party in any respect. None of the provisions in this Agreement shall be deemed to render City a partner in Developer's business, or joint venturer or member in any joint enterprise with Developer.

IN WITNESS WHEREOF, City and Developer have signed and entered into this Agreement as of the Effective Date by and through the signatures of their respective authorized representative(s), as follow:

CITY:

CITY OF MILL VALLEY,
a municipal corporation

By: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Inder Khalsa, City Attorney

DEVELOPER:

EAH, INC.,
a California nonprofit public benefit corporation

By: _____
Print Name: _____
Title: _____

EXHIBIT "A"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Description of the Site

[Attached behind this cover page]

1 Hamilton Road, Mill Valley

Assessor's Parcel 030-250-01

Approximate Site Area of Affordable Housing Parcel

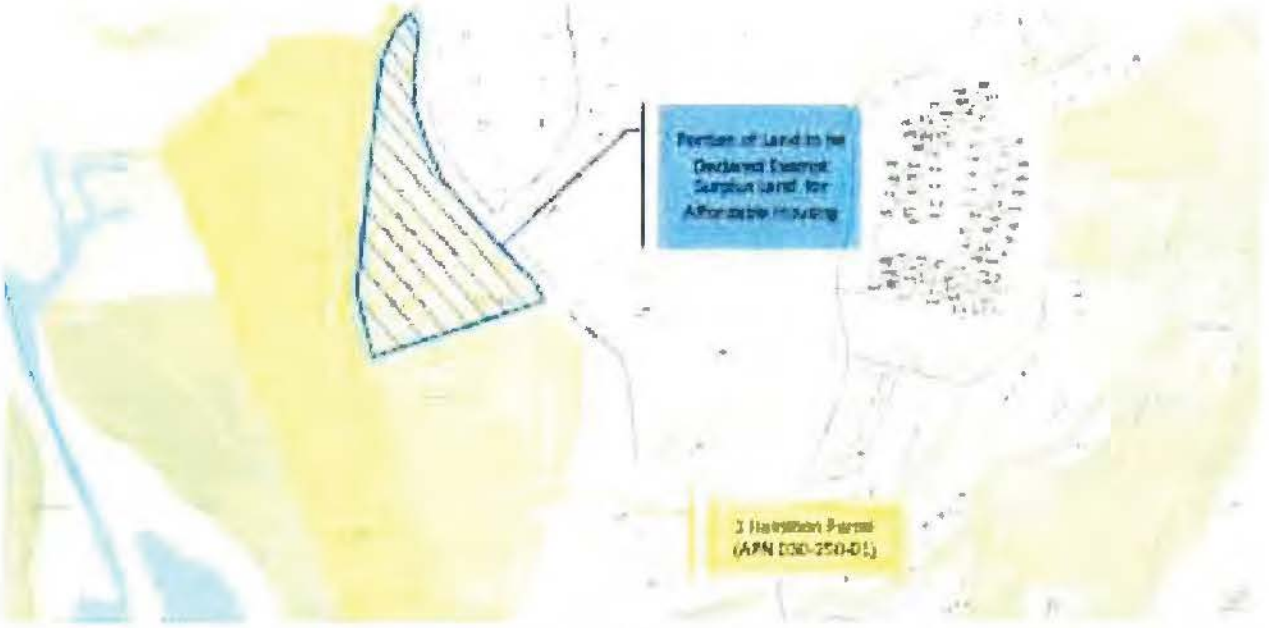




EXHIBIT "B"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Schedule of Performance

[Attached behind this cover page]

Schedule of Performance

Re: 1 Hamilton Road, Mill Valley

Scope: Exclusive Negotiation Agreement period (February 2022 to March 2023*)

Exclusive Negotiation Agreement	
Executed Agreement	Feb. 2022
Community Outreach	
Community Outreach Plan	Feb. 2022
Outreach to Community Groups: Small Targeted Discussions to Identify Community needs	Feb. 2022 to Sept. 2022
Community Meeting 1: Introduction to team and project concept	Feb. 2022
Community Meeting 2: Interactive Input	April 2022
Community Meeting 3: Report out, project changes, and integrations of community input	June 2022
Community Meeting 4: Pre-Submittal Design	Sept. 2022
Design, Rezoning, and Entitlements	
Initial Site Plan and Fit Studies	Dec. 2021 to Feb. 2022
Schematic Design	Feb. 2022 to July 2022
Pre-Entitlement Package	Sept. 2022
Entitlement Submittal	Feb. 2023
General Plan Amendment for Rezoning	Feb –June 2023
***Environmental**	
Environmental Phase 1	Feb. 2022
Geotechnical Reports	March 2022
Environmental Phase 2 (if required)	April 2022
CEQA and NEPA Approval	Jan. 2023 to Aug. 2023

Finance

City Predevelopment Loan *(approved with ENA)*	Feb. 2022
Financing Concept	March 2022
Financing Plan	June 2022
Land Dispossession Agreement	March 2023

* Above assumes a mitigated negative declaration. Should a full EIR be required entitlement process could take up to 24 months. Schedule for Initial Study will be determined in coordination with the selected environmental consultant; overall project schedule will be determined upon completion of an initial study.

Community Outreach & Engagement Plan

Updated: January 14, 2022

Overview

EAH and Van Meters William Pollack (the development team) recognize that community participation is a critical component of the planning process. Providing the opportunity for public input encourages citizens to be invested in the future of their community. The public outreach and engagement plan describes how community members, project partners and stakeholders will be engaged throughout the planning and design process. The outreach and engagement plan serves as a guide for community involvement and is subject to change based on input received.

Approach

PHASE 1: Information Gathering

Identify key stakeholders and document neighborhood and community interests and concerns regarding the development of the 1 Hamilton site. This first phase usually consists of one community meeting to kick off the project, followed by small informal focus group meetings with community stakeholders.

The purpose of this phase is to assess the areas of community interest, and shape outreach materials accordingly.

PHASE 2: The Focused Community Outreach

Engage community residents and stakeholders to participate in design discussions, which include input and feedback on design concepts to refine the site plan and architectural details.

The goal of this phase is to obtain consensus on a preferred site plan and schematic design concept which will be submitted to the City for review and approval.

PHASE 3: Entitlement Package Submittal and Support

Provide on-going support to assist in the development review and approval process. Attend public hearings and document community support for the project.

PHASE 4: Ongoing Community Outreach

EAH Housing staff will continue to reach out to our neighbors long after project approval, from site development, construction, and through full occupancy. We pride ourselves on being an active and supportive partner in the communities where we develop and manage affordable housing. We consider our community outreach program as the first step in a long-term relationship between EAH and our neighbors.

ATTACHMENT #3

Communication Methods

Our methods for communication are adaptive and flexible to reach the broadest segment of the population. Utilizing both analog and digital platforms, the development team will find the means to inform and engage the community in the development process. Dependent on Covid guidelines and community preference, some or all these methods can be utilized.

Analog

Direct Mail: will be sent to residents within a defined catchment. Information will include upcoming community meetings and opportunities to provide input on the proposed development and information on general project updates.

Door to Door: information on the development and events can be delivered on doorsteps. Our development team can visit local businesses, community centers, and churches to provide information on the future development.

Local Newspapers: ads can be placed in local newspapers to inform the community about upcoming meetings and provide general information on the future project and general development updates.

Community Events: the development team can attend local community events, such as street fairs, to engage and inform the community about the future project.

Small Focus Groups: the development team will meet with small local targeted groups, such as the immediate neighbors Friends of Hauke Park, Sustainable Mill Valley, etc. to discuss specific concerns or questions regarding the future development.

In-Person Community Meetings: the development team will have community meetings to publicly discuss the development process and the specific elements of the future development project.

Digital

Direct Email: will be sent to those that sign up for our email list. Information shared will include upcoming community meetings, opportunities to provide input on the proposed development (examples: surveys or planning meetings), and general project updates.

Project Website: will provide general information on the proposed development, including a site map, affordability information, project team and contacts, upcoming events, general development timeline, frequently asked questions, and the ability to sign-up for project updates.

Online Community Groups: information can be shared via local online community forums such as Nextdoor and/or local Facebook groups.

Online Community Meetings: the development team can have community meetings using an online platform to publicly discuss the development process and the specific elements of the future development project.

Planned Community Meetings

The meetings below are the general guide to the types of community meetings we will have and the projected timeline. Additional meetings can be added. More specifically, community meetings 2 & 3 can be an iterative process with multiple rounds of community input and reporting.

At all community meetings, there will be assigned note-takers to capture community comments. Questions and answers will be shared via the development webpage.

Community Meeting 1: Project and Team Introduction
When: March 2022
Location: Mill Valley Community Center (or online*)
Goal: Lay out existing site conditions and opportunities, introduce the project and project team, and collect community questions and concerns.
Format: Formal presentation followed by an open house with stations addressing specific topics

Description:
The project team will give a short formal presentation introducing themselves, the project, and the format for the open house. At each topic station, there will be a subject matter expert and a note-taker. Individuals will be encouraged to visit stations, ask questions and give feedback on the various topics discussed below.

Information Stations. Break out rooms, or informational stations, will be used to collect input and answer questions on the following:

1. Affordable Housing Overview- What is affordable housing, rents, incomes, and how households qualify for affordable housing.
2. Development timeline and process.
3. Replacement of current uses- parking and bathroom relocations options.
4. Conceptual Design- views, massing, and site plan overview.
5. EAH property management and services.
6. Other topics areas, as needed.

*If online breakout rooms will be used in place of stations.

Focus Group Input: Small group meetings
When: Between kick off and Workshop 2
Location: Varies
Goal: Address specific concerns associated with site design and layout. Talk to direct neighbors and take suggestions for further view impact evaluations.
Format: Varies. May include online surveys or meetings on-site with the project team to discuss neighborhood concerns, led by the Architect, VMWP.

Description:
Information gathering to discuss the site layout, including affordable housing opportunities, concerns about view impacts, replacement parking, and circulation, and park restroom. The project team will document expressed concerns and take requests into design considerations.

Community Meeting 2: Initial Concepts
When: April 2022
Location: Mill Valley Community Center (or online*)
Goal: Present initial concept and collect community feedback
Format: A formal presentation followed by a design charrette.

Description:
The development team will present 2-3 concepts for site layout. For each of the concepts, the tradeoff will be presented regarding the number of homes created, parking, and massing. The team will also provide an initial overall replacement plan illustrating options for replacement parking and circulation and relocation of the park restroom. The community will then be asked to participate in a design charrette providing feedback on elements and suggestions for improvements.

The development team will collect all community comments and integrate, where feasible, into the next iteration of the design concept.

*If online breakout rooms will be used for virtual design charrette, with survey questions for design elements.

Community Meeting 3: Project Concept Update
When: June 2022
Location: Mill Valley Community Center (or online)
Goal: Layout the feedback received at the previous meeting and how those suggestions have been integrated into the updated project concepts to establish consensus for the project design concept.
Format: Formal presentation and question and answerer session followed by an open house with stations addressing specific elements of the development.

Description:
The development team will present the consensus or preferred option with small sub-options for the development as well as for surrounding potential public improvements to parking and circulation and park restroom. Time will be taken to lay out how the design was arrived at based on the community input from the previous design charrette. Once the formal presentation is completed, community members will be given the opportunity to ask questions in an open forum.

After the open forum, community members will be invited to explore stations addressing specific elements of the project's development to ask questions, provide feedback, and provide solutions. Examples of stations that may be included are parking and traffic, site plan, and/or architectural design (style or optional styles) for the development.

*If online, breakout rooms will be used in place of stations.

Community Meeting 4: Pre-Submittal Design
When: September 2022
Location: Mill Valley Community Center (or online)
Goal: Provide a final opportunity for community comment and prior to preparing entitlement package
Format: Formal presentation and open form question and answer session.

Description:
The development team will present the refined design, which is intended for submittal for design review and the zoning and general plan amendment process. It provides the community an opportunity to see the submitted proposal before the design review and provide final comments to the development team.

Ongoing Small Group Meetings
When: February to September 2022
Location: Various
Goal: Address specific concerns in small group settings to build consensus and support.
Format: Small group meetings in person or via an online platform.

Description:
The development team will continue to work with local organizations to inform and engage them in the development process for the future development at 1 Hamilton Drive.

EXHIBIT B

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

February 4, 2022

SENT VIA EMAIL (cityclerk@cityofmillvalley.org)

Kelsey Rogers, City Clerk
City of Mill Valley
Mill Valley City Hall
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to February 7, 2022 City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive

Dear Ms. Rogers:

This letter transmits additional comments regarding Agenda Item 6, a proposed Exclusive Negotiating Agreement ("ENA") with a developer for residential development at 1 Hamilton Drive ("Project"). Our prior letter, dated February 2, 2022, raised concerns that the City's approval of the ENA commits the City as a practical matter to the Project without first conducting CEQA review in violation of CEQA. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 132 (*Save Tara*).) Our further review of surrounding circumstances reinforces this concern.

We reviewed the City's staff report for Item 6, Housing Element Update, which revealed additional troubling information about the City's commitment to the Project. Specifically, a comment letter by the Mill Valley Affordable Housing Committee ("MVAHC") states, "1 Hamilton shows up on the counts but not on the map. However, we are very encouraged that it ***clearly shows up as a cast-in-stone commitment*** in this chart." (Item 5 staff report, Attachment 3, p. 2, emphasis added.) While it is unclear what chart is described, MVAHC's understanding that the City's commitment is "cast-in-stone" cannot be ignored. These facts bring the present situation even closer to that addressed in *Save Tara*:

> Circumstances surrounding City's approval of the agreements confirm City's commitment to the 1343 Laurel project. In aid of Laurel Place's HUD grant application, the city manager told the federal agency City "has approved the sale of the property" and "will commit" up to $1 million in financial aid. Once the grant was awarded, City's mayor announced it "will

> be used" for Laurel Place's project, and the City newsletter stated that, using the grant, City and Laurel Place "will redevelop the property." City officials told residents who opposed the project that while "variations" on the proposal would be entertained, City "must continue on a path that fulfills this obligation" to redevelop the property for senior housing. Similarly, at the May 3, 2004, city council meeting, City's housing manager stated that while there were "options to consider" regarding project design, options for other uses of the property (as a park, library, or cultural center) had already been ruled out.

(*Id*. at 141–142.)

MVAHC's understanding of the City's "cast-in-iron" commitment to the Project is unfortunately reinforced by our ongoing inquiry into the City's claimed analysis of alternative project sites. The City has repeatedly asserted that it analyzed 75 different City-owned parcels. FOHP members were skeptical because they received information suggesting that the City was trying to limit new affordable housing to the less affluent side of town, east of Camino Alto, where all of the existing affordable housing is located. This prompted us to submit a Public Records Act ("PRA") request to the City, explaining, "FOHP is concerned about the process and criteria utilized by the City of Mill Valley ('City') to seemingly decide upon the 1 Hamilton Drive site, adjacent to Hauke Park, as the City's preferred location for the Project."

We have now reviewed 2,068 pages produced by the City in response to our PRA request. Far from dispelling our concerns about an improper analysis for selecting viable sites, the documents produced to date support our concerns. While the City claims that it analyzed in detail 71 different City-owned cites, the City's records only identify 11 such sites. (See Exhibit 1, memo from Danielle Straude from Janet "Re: Analysis of Tax-Exempt Sites for Affordable Housing Development" dated February 10, 2021 ("Site Analysis Memo"), pp. 7, 18.) The City's document production does not even identify the remaining 64 sites, much provide detailed analysis of their suitability.

We note the Site Analysis Memo identifies an additional 37 sites "for potential sale." (Exhibit 1, Site Analysis Memo, p. 19.) The City has never clarified, however, whether these additional 37 sites "for sale" are included in the 75 sites purported analyzed for development. Even if they are included, the total of 48 sites (11 sites for development and 37 sites for sale) falls well short of the claimed 75 sites that were analyzed. In this scenario, 27 sites remain completely undisclosed.

The City's failure to document its analysis of 64 (or 27) of the 75 claimed potential housing sites is consistent with FOHP's concern that 1 Hamilton Drive has been selected for impermissible reasons.

In light of these troublesome developments, the City needs to stop the "bureaucratic and financial momentum" inexorably leading to an unlawful commitment to 1 Hamilton Drive in violation of CEQA. (*Id*. at 130.) Nothing requires the City to rush ahead with the Project at this time in this manner. Indeed, the City is now performing a comprehensive site analysis as part of the Housing Element update as described in the Item 5 staff report. The only legitimate path forward, which would comply with applicable law and restore public confidence in the City's decision-making process, is for the City to follow the process identified for its Housing Element Update.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

PMS/mre

Attachment: Exhibit 1, February 10, 2021 Site Analysis Memo

cc: John McCauley, Mayor (jmccauley@cityofmillvalley.org)
Jim Wickham, Vice Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Councilmember (ucarmel@cityofmillvalley.org)
Sashi McEntee, Councilmember (smcentee@cityofmillvalley.org)
Stephen Burke, Councilmember (c/o cityclerk@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)

EXHIBIT 1

THEHOUSINGWORKSHOP

To: Danielle Straude, Senior Planner, City of Mill Valley
From: Janet Smith-Heimer, The Housing Workshop
Re: Analysis of Tax-Exempt Sites for Affordable Housing Development
Date: 2-10-21

Introduction and Summary of Findings

This memo summarizes an initial analysis of a list of approximately 75 parcels of land owned by the City of Mill Valley, for the purposes of identifying a short list of parcels suitable for potential affordable housing development. In addition, the analysis for this memo included a review of all other identifiable property tax-exempt parcels located within City limits (e.g., owned by Marin Open Space, Marin Municipal Water District, several religious organizations, etc.). The source for identifying tax-exempt parcels, the County Assessor's database, lists all land parcels in Mill Valley by identifying number, size, owner, and tax-exempt or taxable status.

The analysis of publicly-owned/tax-exempt land parcels was commissioned by the City of Mill Valley, and prepared under the guidance of City staff and the Housing Advisory Committee. Following discussion of this initial analysis, The Housing Workshop will conduct an in-depth financial analysis of potential housing projects on two of the best-suited sites to demonstrate feasibility and facilitate potential next steps by the City.

Purpose of the Analysis

This initial study phase was conducted with two objectives: to identify City-owned or other tax-exempt parcels that could be developed into affordable housing, and to identify any parcels that could potentially be monetized (e.g., sold or leased) by the City to private parties to raise local funds that could help subsidize affordable housing projects. The review of City-owned properties aligns well with policy initiatives promoted by housing policy experts as well as the State of California, to leverage publicly-owned land assets to address the current housing crisis. This memorandum does not outline or analyze housing affordability issues in Mill Valley; several key resources to further explore those issues are referenced in Appendix A of this memorandum.

Leveraging publicly-owned land assets by making them available, typically at reduced or no cost to a non-profit affordable housing developer, is a direct method of subsidizing and creating this type of development, which otherwise faces major challenges in acquiring developable land and

raising sufficient funding to build new units. In other words, eliminating the time and cost of acquiring land (because it is contributed by a city or public agency to a project), immediately reduces the need for funding by 20 to 40% of total project cost, depending on the cost of that land. This concept, sometimes called "land write-down," was used very successfully throughout California for decades through local redevelopment agencies tasked with funding new affordable housing projects. Nearby examples of this concept can be found in San Rafael and other Marin locations.

Summary of Findings

As detailed in the following memorandum, the initial analysis concluded the following:

- Among the numerous City-owned parcels, just 4 sites were identified for further analysis, including:
    1. Public Safety Building/Hauke Field Parking Lot
    2. Boyle Park Tennis Courts
    3. Portion of Edgewood (aka Mill Valley Reservoir)
    4. Portion of Mill Valley Golf Course along Linda Vista Drive
- The factors affecting this conclusion – parcel size, degree of slope, recreation/open space designations, and environmental constraints – render many of the subject parcels infeasible for multifamily affordable housing development.
- A review of other non-City owned, tax-exempt parcels indicates that there are likely no short-term opportunities to partner with property owners.
- There are limited opportunities to monetize City-owned parcels, due to likely infeasibility of creating retail single family lots matching zoning requirements for parcel size. Three parcels that may yield up to 10 lots in total were identified as potentially saleable, but require further analysis to determine their marketability and value. It should also be noted that raising funds for potential use as subsidy in future projects does not directly resolve the lack of available project development sites.

Next steps in the study process will include preparing a financial analysis for 2 of the 4 sites identified as having near-term development potential for affordable housing. If these sites "pencil," The Housing Workshop will recommend a series of future actions to undertake City-sponsored affordable housing development on those sites.

Affordable Housing Development Challenges in Mill Valley

There are several key development constraints facing Mill Valley's publicly-owned parcels, all of which were converted into criteria to apply to the list of parcels for the analysis. These are summarized below.

Current Zoning Designations

Mill Valley owns numerous tracts of land used for active recreation (e.g., ballfields, tennis courts) along with extensive networks of trails, gardens, public parks, and designated open space areas with heritage trees. These recreation/open space lands are treasured by residents, and are considered important parts of Mill Valley's quality of life.

The community valuing of recreation/open space, and the balancing of potential development versus conservation for recreation/open space, have long been codified in the City's General Plan land use and zoning designations. The balancing of competing goals, such as development versus recreation/open space, is a tension that occurs in every city in the Bay Area. This current analysis does not seek to alter these land use designations; the work conducted every 8 years to prepare the City's Housing Element Update is meant to address those larger policy questions.

Criteria Used in Analysis. With a few exceptions as described later in this memorandum, the City-owned sites analysis considered a current zoning designation of Open Space as a given, thereby not permitting any new multifamily housing development. The few exceptions described later in this memorandum represent potential building sites located within larger open space areas, sited to be on frontage roads so as to not disturb recreation/open space enjoyment.

Parcel Size and Development Density

In Mill Valley, even though the City owns parcels of various sizes throughout the city, these assets are not easily identifiable on the ground. Mill Valley, with its desirable location, climate, and lifestyle, has long been "built-out," meaning no obvious tracts of undeveloped land await development. The downtown layout, primarily in a historic village pattern, further limits development opportunities on publicly-owned parcels.[1]

A review of Mill Valley's zoning designations indicates that the City's most dense category of residential development caps out at 29 dwelling units per acre, with these opportunities generally located in the downtown center. This density typically translates into a 3-story multifamily building with surface parking.

For 100% affordable housing projects (including housing for very low, low, and moderate income households), the California Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with a substantial "density bonus" of an 80% increase in density. For Mill Valley's current most dense residential zone category, this would yield projects with a density of 52 units per acre (1.8 X 29).

Almost all affordable rental housing developers seek yield and scale in their projects (in terms of number of units), due to the complexities and cost involved in creating these projects. In Mill Valley, this combination of relatively low maximum allowable density and typical parcel size mean that even with a density bonus, almost all professional organizations will not be able to expend the time and resources necessary to develop on very small parcels.[2] In addition, even post-development, most affordable housing projects require an on-site property manager living in one of the units, which is generally not sustainable in terms of operating costs in projects with less than 40 units, although exceptions to this rule of thumb can be found for slightly smaller projects if management is shared by the same owner with another small project nearby. The result of these scale and yield considerations means that parcels likely to attract a qualified affordable rental housing developer would need to be at least 0.75 acres (which would yield 39

[1] It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g., aging one-story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be reconsidered as potential housing or mixed-use sites during the City's upcoming Housing Element update process, because downtown infill locations typically create very desirable locations with services for multifamily projects. These kinds of projects also serve to activate streets, bring new shoppers, and contribute to a vibrant village center.

[2] Some for-profit developers of market-rate housing are able to develop on small parcels, due to the typical high profit margins available in a higher-value area such as Mill Valley. Yield and scale affect these two housing segments differently.

units per acre if zoned for 29 units and the maximum density bonus were applied).

Criteria Used in Analysis: Due to the resulting infeasibility of affordable housing development on small parcels, City-owned parcels less than 0.75 acres are considered not developable for this purpose. However, separately, some of these smaller sites may have monetary value to raise funds for a project located elsewhere, and are assessed in this memorandum for that purpose.

Degree of Slope

Due to topography, location near sensitive wetlands, areas which experience flooding, and other environmental factors, Mill Valley sites require a fine-grained assessment to determine physical development feasibility. This analysis focuses on two key physical factors: slope and floodplain/floodway status.

Steep slopes adversely affect affordable multifamily development in several ways, all of which combine to increase project costs without an ability to obtain compensation through commonly-used funding sources. Costs rise in steep slope situations because of extra site grading, design challenges, accessibility challenges for people with disabilities, and seismic safety structural mitigations. In addition, often steep slopes face erosion and other constraining soil conditions, all of which also add to project costs. Most affordable housing developers will seek other opportunities elsewhere that do not pose these increased cost risks.[3]

Criteria Used in Analysis: Sites with an average slope greater than 10% were considered infeasible for affordable housing project development. However, there are a few exceptions noted later in this memorandum, where site visits indicated that flatter building pads may exist among large parcels with otherwise average steeper slopes.

[3] It should be noted that these slope-related factors do not necessarily constrain high value new construction townhouse or single-family homes in the same way; these types of buildings can often maximize views and/or incorporate other creative design features on steeply-sloped lots, adding value to offset increased costs.

Floodplain/Floodway Status

Some portions of Mill Valley's flatter, more developed sections are affected by several waterways which can reach impactful flood stages currently defined by the Federal Emergency Management Agency (FEMA) as having a 1% chance of flooding each year (formerly called "100 year floodplain"). In simple terms, these areas require annual flood insurance premiums, which add to the operating costs in affordable projects. In some subzones of these areas, FEMA recommends architectural and engineering methods to reduce flood damage; while these may add to construction costs, they can sometimes be incorporated without creating project infeasibility (such as raising the dwelling areas above flood levels with parking on the ground floor).

In other floodplain areas, based on waterway hydrology and topography analyses, FEMA designates certain portions as Floodways, which means any building placed on the site needs to be designed so that its structure does not demonstrably impede receding water flow in the event of a flood. In simple terms, this requirement is in place to ensure that floodwaters can flow, unimpeded by structure, causing more damage elsewhere. Building housing structures is floodways is therefore quite difficult to infeasible, and sites in FEMA-designated floodways are not recommended for further consideration by the City of Mill Valley.

Criteria Used in Analysis: Parcels with a FEMA floodplain designation of "AE" or "AO" are considered as possible for development (albeit not ideal), while parcels designated as Floodway are considered not feasible for affordable housing development.

The results of applying the above criteria to the City-owned and other tax-exempt parcels are described in the following section with supporting tables included as Appendices B through D.

Potential City-Owned Affordable Housing Development Sites

The approximately 75 City-owned parcels were evaluated based on criteria outlined above, including a minimum size of at least 0.75 acres and an average slope of 10% or less.

A summary of the resulting "short list" of potentially developable affordable housing sites is shown below. Each of these sites was also visited in-person by The Housing Workshop and evaluated further per other potential site or regulatory constraints, as described below.

Table 1: City-Owned Sites with Potential Feasibility for Multifamily Affordable Rental Housing

Site #	Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
1	1 Hamlton Public Safety Building parking lot serving Hauke Field	030-250-01	0.75	10.0%	Open Area (O-A)	No	No	22-39 units	Site size estimated (part of larger parcel). Needs design study to confirm suitable building pad with sufficient distance from Bayland Corridor boundary. Parcel would require subdivision and rezoning.
2	Portion of Boyle Park Tennis courts and part of field behind it	029-212-24, possibly part of another parcel	0.80	< 10%	Open Area (O-A)	No	No	23-41 units	Site size estimated (portion of Boyle park inc. 5 tennis courts and field/parking lot at end of East Drive)
3	Edgewood (MV Reservoir)	046-070-02, 046-061-52	4.37	24.6%	Open Area (O-A)/Single Family (RS)	No	No	29-52 units	Site size and location estimated (part of larger parcel). Review of 1967 grant deed shows convenant to keep as a park. This parcel is relatively large and has some slope areas, so a portion could be removed from covenant w MMWD agreement. Yield estimate assumes 1 buildable acre within larger sloped site.
4	Portion of Mill Valley Golf Course along Vista Linda Drive	029-131-07	45.68	16.5%	Open Area (O-A)	AO	No	22-39 units	Site would be portion along Vista Linda Drive/ edge of golf course. Yield assumes a .75 acre parcel could be identified. May require relocation/redesign of nearby golf hole. Yield may be reduced depending on parcel shape and golf course safety requirements.

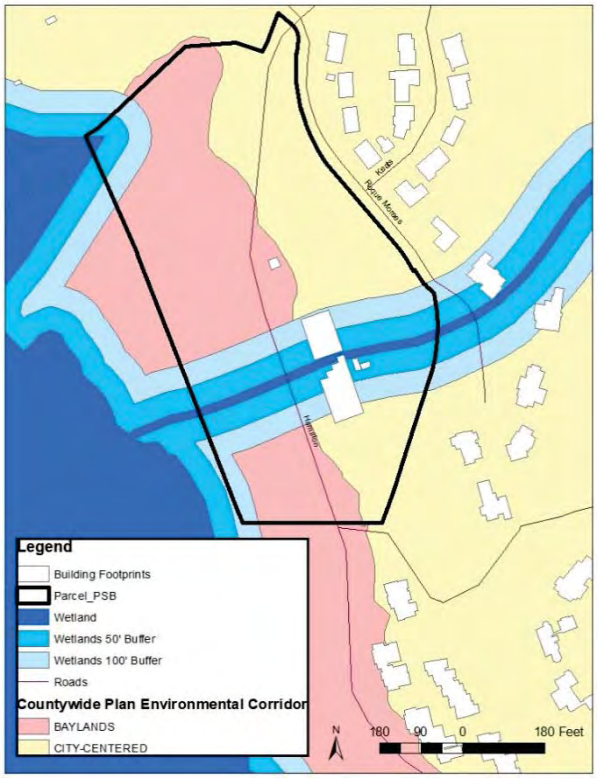
Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, buat cpdroject could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Low end of range assumes zoning for 29 units/acre. High end assumes application of state density bonus law (80% bonus for 100% affordable projects), which would yield 52 units/ ac

Site 1: Public Safety Building/Hauke Field Parking Lot

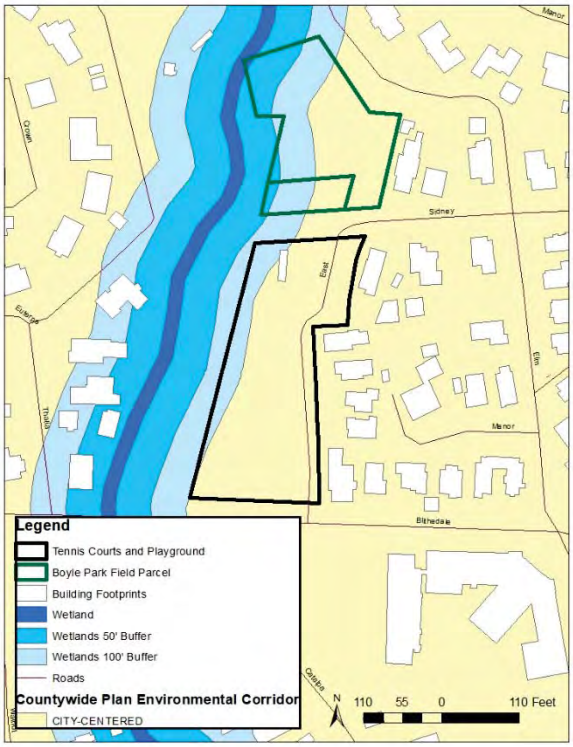




Potential 0.75 acre Housing Site

This potential housing site lies adjacent to the City's Public Safety Building complex, on its northern side. This area currently provides parking and restrooms for recreation fields located nearby. The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary. Until further biological and survey studies can be conducted, it is assumed the identified housing site could provide 0.75 acres for development, creating sufficient scale to develop a physically feasible project. Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site.

Site 2: Portion of Boyle Park



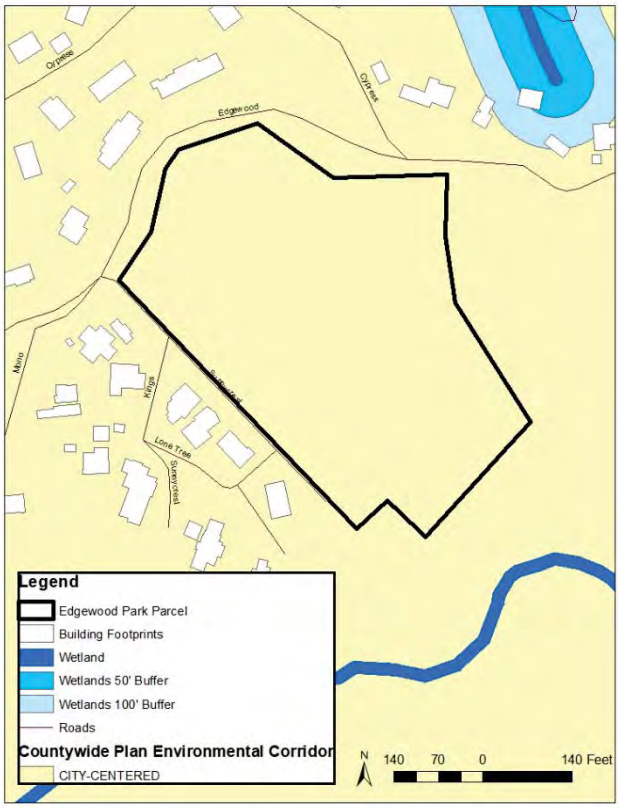


Potential 0.75 acre Housing Site

This site would be subdivided and developed in the portion of Boyle Park containing 5 tennis courts, along E. Blithedale Avenue. While reducing recreational facilities for Mill Valley's residents is less than ideal, this site is included in this memorandum because it would create a sufficiently-sized and shaped parcel in a pleasant residential neighborhood without prohibitive environmental constraints (e.g., floodplain, sensitive habitat, etc.). From an objective affordable housing development point of view, this is the best of the 4 identified sites. As described in this memorandum, identifying sites with sufficient size and yield, that also do not create extraordinary cost challenges, means that other tradeoffs would need to be made to leverage public lands.

As shown in the map on the left, although not in a floodplain or floodway, the tennis courts are located near sensitive wetlands, and would need to be designed carefully to allow for the medium blue 50 foot buffer. The lost tennis courts could potentially be relocated elsewhere in this part of Mill Valley or designed to be placed on the roof of the new housing project with separate public access provided.

Site 3: Edgewood (aka Mill Valley Reservoir)



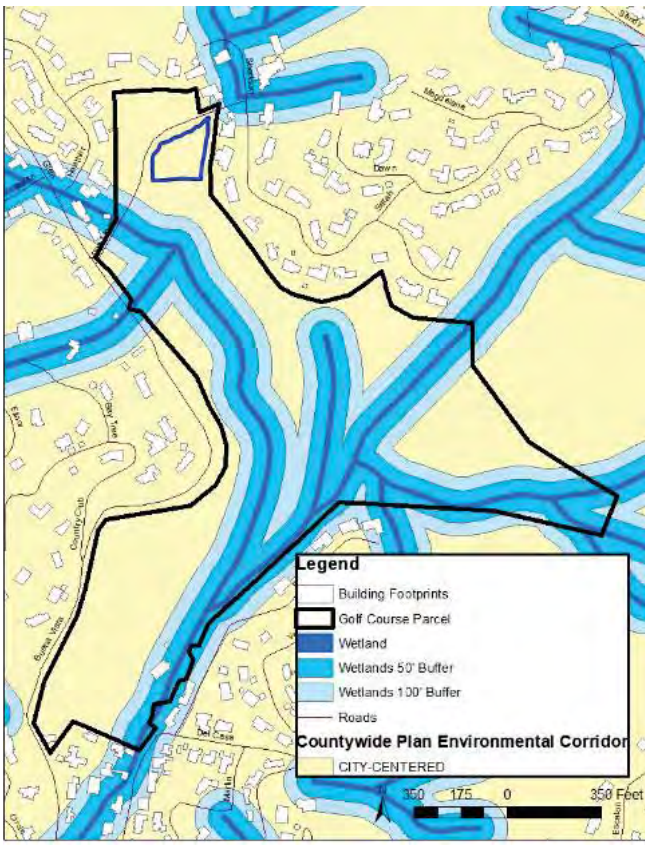


Potential 1 acre Housing Site

The Edgewood parcel contains over 4 acres, with portions containing steep slopes. The site is used as an informal open space area but has not been improved as a public park. Based on topographic map review, it is estimated that a 1-acre or more buildable portion with a feasible slope could be identified. Another development constraint is that this site was deeded by the Marin Municipal Water District to the City in 1967, with a covenant in the recorded deed that the site be maintained by the City and used as a park. However, since this site has not been improved as a park and given the age (50+ years) and nature of the grand deed, it may be possible to amend the deed to remove this covenant for a portion of the site through agreement with the MMWD.

The strategy outlined above has the additional benefit of creating a buildable parcel of 1 acre or more, allowing for a higher unit yield than the other tightly-fitted 0.75 acre sites which limit unit yield with no room to spare. In addition, it may be possible to improve other portions of this site as a park, providing new benefits to the surrounding community in exchange for supporting the 1 acre portion for use as affordable housing.

Site 4: Portion of Mill Valley Municipal Golf Course





Potential 0.75 acre Housing Site

The Mill Valley Municipal Golf Course was purchased by the City from a private owner in the 1930s and has been operated by the City since that time. It has reportedly suffered operating losses in recent years. However, any change in use status of the golf course as a whole will require a more lengthy discussion than the scope of this memorandum, and cannot be addressed here. Thus, as the City considers the future of the 45 acre, 9-hole course, for this memorandum a portion of its greenway buffering along Linda Vista was identified that may be suitable for multifamily affordable housing development in the near term.

It should be noted that the potential housing development site shown above, is across the street along Linda Vista Drive from a recently-proposed public parcel currently uses as a playing field, which engendered substantial community resistance to any development. In addition, further design of a potential building site as shown above may impact the adjacent golf hole; research indicated that 9-hole courses typically require 20 to 48 acres of land, so at 45 acres, the Mill Valley course may well reconfigurable in this section to accommodate the housing site.

City-Owned Sites Considered as Infeasible For Development

Appendix B provides a summary of six additional City-owned sites which were of sufficient size to consider, but have other constraints making them infeasible for near-term multifamily rental housing at affordable levels. These constraints are outlined below.

City Hall/Fire House Parking Lots. The first set of 3 lots are the parking lots and open space surrounding City Hall, including the entry parking area between City Hall and the Mill Valley Market, the back parking lot behind City Hall, and the open space on the far side of the historic fire house adjacent to City Hall. As noted in Appendix B, these parcels are either too small and/or in the case of the back parking lot, designated a Floodway. The table notes that either of the "side" parcels could be developed as a small number (2 to 3) moderate income ownership townhouses, with the most practical site on the open space adjacent to the fire house. This product type does not require an on-site property manager and thus can be developed at a smaller unit yield. These are often more challenging to finance, since many of the commonly-used funding sources such as Low Income Housing Tax Credits do not apply; however, with City-contributed land, there are ways to arrange for this type of housing. In the even the fire house itself were no longer needed, that historic structure could also likely be rehabilitated and converted to possibly 2 more townhouses.

Historic Depot Plaza. This 0.77 acre site is the paved, improved Plaza along with a long, linear parking lot bordering the Plaza area adjacent to and behind the historic Depot in downtown Mill Valley. Although the site is large enough to yield a feasible affordable housing project, it functions as a vital public gathering place, along with much-needed parking for downtown merchants. As such, it would require extensive further study such as a downtown parking study, and likely an urban redesign plan, to replace any public gathering plaza lost to development.

Public Parking Lot Behind D'Angelos. The parking lot behind D'Angelos, accessed from Throckmorton in downtown Mill Valley, has an infeasible configuration due to its linear alley-style parking abutting other buildings. This shape renders the site infeasible for housing of any type.

Community Center Parking Lot. The parking lot adjacent to the Mill Valley Community Center, a portion of which currently contains solar panels, is located partially within or near the Baylands Corridor boundary, meaning that only approximately a 0.5 acre potential development site could be identified. This site size is infeasible for affordable rental housing, as described previously. In addition, the soils on this property are reportedly experiencing substantial subsidence; thus, further soil and biological assessments would need to be conduced to determine if any portion

could be suitable for development. It is likely that a best-case scenario would yield a small developable parcel, which could be used to construct moderate income ownership townhouses.

Public Parking Lot at 411 Miller Avenue. The City-owned parking lot at 411 Miller Avenue offers a good rectangular set of parcels, albeit at an insufficient size for affordable multifamily residential development (smaller than the 0.75 acre threshold). In addition, a substantial portion of the site is located in a FEMA-designated Floodway, rendering new development infeasible. However, due to recent flood improvements in the area, there may be the possibility of requesting a change to the FEMA designation (which may also benefit other parcels that are privately-owned along Miller and adjacent locations such as Sloat Nursery. This would require relatively expensive hydrology studies to demonstrate to FEMA that the current situation has been improved and the Floodway finding in the area no longer applies. This process, including the necessary studies, may be fundable by state or local grants. The City should consult with the Flood Control District to ascertain next steps. If the Floodway designation could be removed, the City-owned portion, with approximately 0.54 acres, would become suitable for moderate income ownership townhouses, which do not require an on-site property manager.

Other City-Owned Parcels

Appendix C shows a summary of dozens of other city-owned parcels deemed infeasible for near-term affordable housing development for one or more of the following reasons:

- Average slopes greater than 10%, with site visits confirming steep slopes throughout parcel
- Small site size below 0.75 acres, limiting yield
- Other prohibitive environmental conditions (see Appendix C)

Potential to Monetize City-Owned Parcels

Among these infeasible-for-development parcels, there were several that may have potential value if offered for sale as a single family lot, as noted in Appendix C. The criteria used to identify salable lots were size and zoning; the parcel must be at least 6,000 square feet (the minimum single family lot size for new construction in Mill Valley) and zoned as some form of residential use. The zoning factor was applied because it is unlikely for retail lot purchasers to undertake a zoning change, especially when most of these parcels are zoned as highly-treasured Open Space.

The value of parcels potentially marketable for single family use involved analyzing sales of single family retail lots in Mill Valley that have occurred over the past 3 years (see Appendix D). As shown, the sales ranged widely, depending on slope (and cost of grading), location, size, and marketing assertions about "approved plans." [4] Because the 3 City-owned parcels identified as sufficient in size and zoning to create marketable lots shown in Appendix C are all zoned to require a minimum lot size of 1.5 acres per unit, a total of 10 potential retail lots could be identified on these 3 parcels, with a maximum retail lot value after broker commission and other selling costs was conservatively estimated at up to $1,000,000 per lot.

This analysis yields a potential total value of up to $10,000,000, but will very likely decline when more detailed site assessments are conducted to ascertain availability of utilities, identification of building sites amongst the very steep slopes, and other factors impacting marketability and value.

[4] "Approved plans" described in listing descriptions were not confirmed with the City, and are assumed to contribute only minor additions to value.

Other Tax-Exempt Parcels with Affordable Housing Development Potential

In addition to the direct potential to develop affordable housing on City-Owned parcels, Mill Valley contains numerous parcels owned by other tax-exempt agencies, non-profits, and religious organizations. These parcels were reviewed for size and slope, along with known likelihood of interest in providing land for development.

The following criteria were used to exclude tax-exempt parcels from further consideration:

- Parcels owned by Marin Open Space
- Parcels owned by Marin Municipal Water District
- Parcels owned by public school districts (which may have potential development sites, but should be considered first by the school district)

Remaining non-City owned tax-exempt parcels, described below, are owned by utilities (AT&T) and religious organizations. These parcels may have some longer-term potential for collaboration with the City of Mill Valley for affordable housing development.

Mt. Tamalpais United Methodist Church (410 Sycamore Avenue)

The church provides worship services along with childcare and other community services in a complex of buildings on a relatively large site. While the complex could possibly be envisioned in a reconfigured layout that could incorporate an affordable housing project (a possible 0.75 acre site is outlined in yellow), it is a challenging process, particularly given several environmental constraints including location near the sewage treatment plant making the site potentially unsuitable for new housing development. In addition, other buildings currently on the site would likely need to be demolished but the functions in them could be incorporated into a housing project (e.g.,



ground floor childcare facility and/or meeting rooms). The leadership of this church may be interested in partnering with the City for housing but does not have near-term plans to undertake such an initiative.

First Church of Christ, Scientist, Mill Valley (279 Camino Alto)

This church sits atop a knoll with substantial land devoted to parking, open space, and circulation. The building itself, pictured here, is relatively small but with sweeping vistas in keeping with a spiritual center. The site could be potentially reconfigured to place a 0.75 acre housing site on it that would be located beyond the requisite wetland buffer, as shown in yellow outline here. However, this would require new access driveways and reconfigured parking lots. It is not known if the leadership of this institution would be interested in collaborating with the City of Mill Valley.



AT&T Building (300 E. Blithedale)

This site contains an historic Tudor-style 3-story commercial building on a 0.48 acre parcel, which in the past has housed both telephone operations and small commercial tenants. Its current occupancy and use are not known, although it is still owned by AT&T. The building size and condition for potential rehabilitation into affordable housing are not known. Adjacent to the building is another parcel owned by AT&T configured as a parking lot to serve the building; however most of the parking lot lies in a floodway, constraining future development. If the City wished to collaborate on the building site, it or a development partner would need to most likely purchase the site from AT&T at market rates, thereby losing the benefit of leveraging publicly-owned property as a direct subsidy to a project.

Appendix A: List of Plans and Other Resources

Marin Countywide Plan 2007 (County General Plan)
https://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan

Marin County Housing Element Information (for unincorporated areas of Marin County only)
https://www.marincounty.org/depts/cd/divisions/housing/housing-element

Mill Valley 2040 (City of Mill Valley General Plan)
https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/default.htm

City of Mill Valley Housing Element Update 2013-2023 (note: the City will soon being updating the Housing Element for the next 8-year cycle)
https://www.cityofmillvalley.org/civicax/filebank/blobdload.aspx?BlobID=24590

About FEMA Flood Zones (portal to many web pages)
https://www.fema.gov/glossary/flood-zones

FEMA Information on Changing Flood Zone Maps (relevant for 411 Miller Ave Floodway)
https://www.fema.gov/flood-maps/change-your-flood-zone

Additional Explanation of FEMA Flood Zones AE AO, and Floodways Related to Insurance
https://www.amica.com/en/products/flood-insurance/what-is-an-ae-flood-zone.html

Appendix B: Infeasible City-Owned Lots Due to Size, Environmental, or Configuration Factors

Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
30 Corte Madera City Hall Portion of Parking Lot (by Fire Dept)	028-014-06	0.14	5.3%	O-A	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Maderao City Hall Portion of Parking Lot (by MVMarket)	028-014-21	0.19	6.4%	C-D	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Madera City Hall and Back Portion of Parking Lot	028-014-16	0.49	6.5%	O-A	AE	Yes	N/A	Floodway makes infeasible
Plaza & Parking Lot	028-013-15	0.77	1.3%	Downtown Commercial (C-D)	AE	No	N/A	Site is public plaza plus has long, narrow parking lot, which makes it challenging to design a housing project without eliminating vital downotown space.Reconfiguring developable area by adding portion of private parking lot next door on sunnyside was considered, but that parcel is in Floodway.
Parking Lot behind D'Angelos	028-061-35	0.71	8.1%	Downtown Commercial (C-D)	AE	Yes	N/A	Small street frontage, narrow lot, units would abut other buildings. Very hard to design as infill.
Portion of Com Center parking lot	030-111-09	0.50	2.0%	Community Facilities (C-F)	mixed No/AE	No	7-10 moderate income townhouses	Buildable site is smaller than parking lot due to location of Bayland Corridor boundary and required 50' setback. Site also likely has soil subsidence issues. Replacement parking may also need to be arranged. Needs further analysis.
411 Miller Miller Parking Lot	030-271-70, 030-071-28	0.54	<2.5%	Open Area (O-A) & Commercial (C-N)	AE	Yes	7-10 moderate income townhouses	Site is impacted by existing Floodway designation, but recent improvements have enable a change by FEMA. Would require hydrology studies to demonstrate and obtain change.

Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, but project could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Assumes townhouse development at approximately 15-18 units per acre..

Appendix D: Other City-Owned Parcels for Potential Sale

(Includes all City-Owned Parcels > minimum single family lot size of 6,000 square feet)

Location	APN	Acres	Gross Sqare Feet	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	Allowed # of Units	Notes	# of Lots	Per Lot	Total
Camino Alto and Stanton Way . Not maintained by DPW	033-102-18	5.25	228,690	42.0	RSP-5A	No		1 DU/1.5 acres	steep slope	3	$1,000,000	$3,000,000
Vasco Court / Corner of Edna Maguire	033-240-15	0.86	37,462	16.3	RSP-2A	No		1 DU/1.5 acres	Does not meet zoning			
Vasco Court / Corner across from Edna Maguire / Creek runs through property/ Bike Path	033-240-01	0.49	21,344	20.0	RSP-2A			1 DU/1.5 acres	Does not meet zoning			
Tenderfoot Trail/Zig Zag Trail. Not maintained by DPW	046-010-25	18.59	809,780	46.2	RSP-10A	No		1 DU/1.5 acres	Trail site			
Corner of Tenderfoot trail. Land Locked/ No Access. Not maintianed DPW	046-010-34	0.41	17,644	40.2	RSP-10A			1 DU/1.5 acres	Does not meet zoning			
Marsh/Margurite ROW Creek runs through site two ways.	027-272-01	0.23	9,924	19.4	RS-43	AO		7 DU/acre	Difficult to develop			
Tenderfoot trail. Not maintained by DPW	046-030-29	9.70	422,532	42.2	RS-10A	No		1 DU/1.5 acres	Nested in trails	6	$1,000,000	$6,000,000
Fern Canyon. Not maintained by DPW	027-066-40	2.07	90,155	61.1	RS-10A			1 DU/1.5 acres	May be 1 lot. Steep slope.	1	$1,000,000	$1,000,000
Next to 226 Rose. Not maintained by DPW	027-252-43	0.49	21,300	72.8	RS-10			7 DU/acre	very steep slope; likely not marketable			
Miller Grove/AE Floodway	029-101-01	11.70	509,865	20.0	O-A	AE	Yes	N/A	Floodway. Not marketable.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-066-50	7.89	343,688	63.9	O-A			N/A	Not marketable due to zoning.			
cascade park (lovell and cascade)	027-106-09	7.40	322,344	24.2	O-A	AE		N/A	Not marketable due to zoning.			
Marsh/Ralston Drive/Blithdale Canyon. Not mainted by DPW	027-033-29	6.80	296,208	36.6	O-A	No		N/A	Not marketable due to zoning.			
Edgewood/Cypress/Rose. Not maintained by DPW	046-320-01	5.47	238,273	62.4	O-A			N/A	Not marketable due to zoning.			
Park/Warner Canyon (Buena Vista/Camelita)	029-192-16	4.99	217,165	11.0	O-A	AE		N/A	Not marketable due to zoning.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-280-03	4.01	174,676	53.7	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-162-01	3.84	167,160	49.1	O-A	No		N/A	Not marketable due to zoning.			
tenderfoot trail. Not maintained by DPW	046-030-20	3.22	140,263	39.9	O-A	No		N/A	Not marketable due to zoning.			
Evelyn/Cascade Damn. Not maintained by DPW	046-010-14	3.02	131,551	49.2	O-A	No		N/A	Not marketable due to zoning.			
Golf Club House	029-084-01	2.26	98,446	33.1	O-A	No		N/A	Not marketable due to zoning.			
Old Mill Park (lower)	028-102-12	2.08	90,605	16.4	O-A	AE	Yes	N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-161-26	2.00	87,120	57.5	O-A			N/A	Not marketable due to zoning.			
Old Mill Park (upper near structure/bathrooms)	028-091-09	1.73	75,359	13.6	O-A	AE		N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-15	1.39	60,600	48.7	O-A	AE		N/A	Not marketable due to zoning.			
Sycamore/Corner of MVMS/MMWD Easement	030-161-12	1.33	58,000	14.8	O-A	No		N/A	Not marketable due to zoning.			
Molino /Cascade (Other side of Old Mill Park). Not maintained by DPW	028-132-09	1.04	45,344	59.4	O-A			N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-05	1.00	43,512	47.0	O-A	AE		N/A	Not marketable due to zoning.			
MonteVista/Earnscliff Park	027-235-28	0.90	39,282	30.9	O-A	No		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-02	0.65	28,509	30.9	O-A	No		N/A	Not marketable due to zoning.			
Fairway Drive (near Golf Course). Not maintained by DPW. Between RS-10 SFR. Could be split into two lots and sold?	029-161-47	0.59	25,760	34.5	O-A	No		N/A	Not marketable due to zoning.			
Narrow ROW near Azalea/Camino Alto and Pathway. Not maintained by DPW	033-112-01	0.53	23,000	29.4	O-A	No		N/A	Not marketable due to zoning.			
Library and back of/AE Floodplain. Maintained by DPW	028-091-11	0.48	20,757	23.8	O-A			N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-01	0.41	17,650	34.2	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	046-030-23	0.39	16,944	46.5	O-A	No		N/A	Not marketable due to zoning.			
Sycamore/ROW/AE Floodplain. 18' wide.	030-101-22	0.27	11,765	10.2	O-A	AE		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-03	0.16	6,825	46.1	O-A			N/A	Not marketable due to zoning.			
Behind 700 East Blithedale/ Roque Mar /AE Floodplain. 47' wide	030-124-11	0.16	7,171	34.9	C-G	AE		29 DU/acre	Too small for cost of building in flood plain unless combined with 700 Blithedale			

Appendix D: Recent Single Family Lot Sales

	Address	Acreage	quare Feet	Sale Date	Sale Price	Price/Sq. Ft. of Land	Notes
	50 Sandy Lane	1.154	50,268	10/20/2020	$ 1,250,000	$ 24.87	1.15 acre parcel above the Mill Valley golf course. Lot features views of the San Francisco Bay and the ridges to the West. Located at the end of a quiet cul de sac with utilities to the lot line. Near trails.
	201 Marion	0.240	10,454	3/24/2019	$ 450,000	$ 43.05	Appears to have slope. Site formerly had 1962 house on it (now demolished, foundation visible). Sold previosly in 2016 for $300,000.
	390 N. Ferndale	0.130	5,662	2/24/2019	$ 559,000	$ 98.73	Description says site has "approved plans" for 1,800 sf new home. Had former (demolished) 1918 home on it. Note: site size below min lot of 6,000 sf.
	316 W. Blithedale	0.200	8,712	7/25/2018	$ 1,050,000	$ 120.52	Sold 4 months earlier for $800,000 ($91.83 per sq. ft.). Also sold for 1.05M in 2004.
	321 Loring Avenue	0.132	5,760	6/25/2018	$ 450,000	$ 78.13	Description says "approved plans, shovel ready." Note: below min lot size.

EXHIBIT C

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED FAMILY HOUSING INVENTORY 100% LOCATED EAST OF CAMINO ALTO

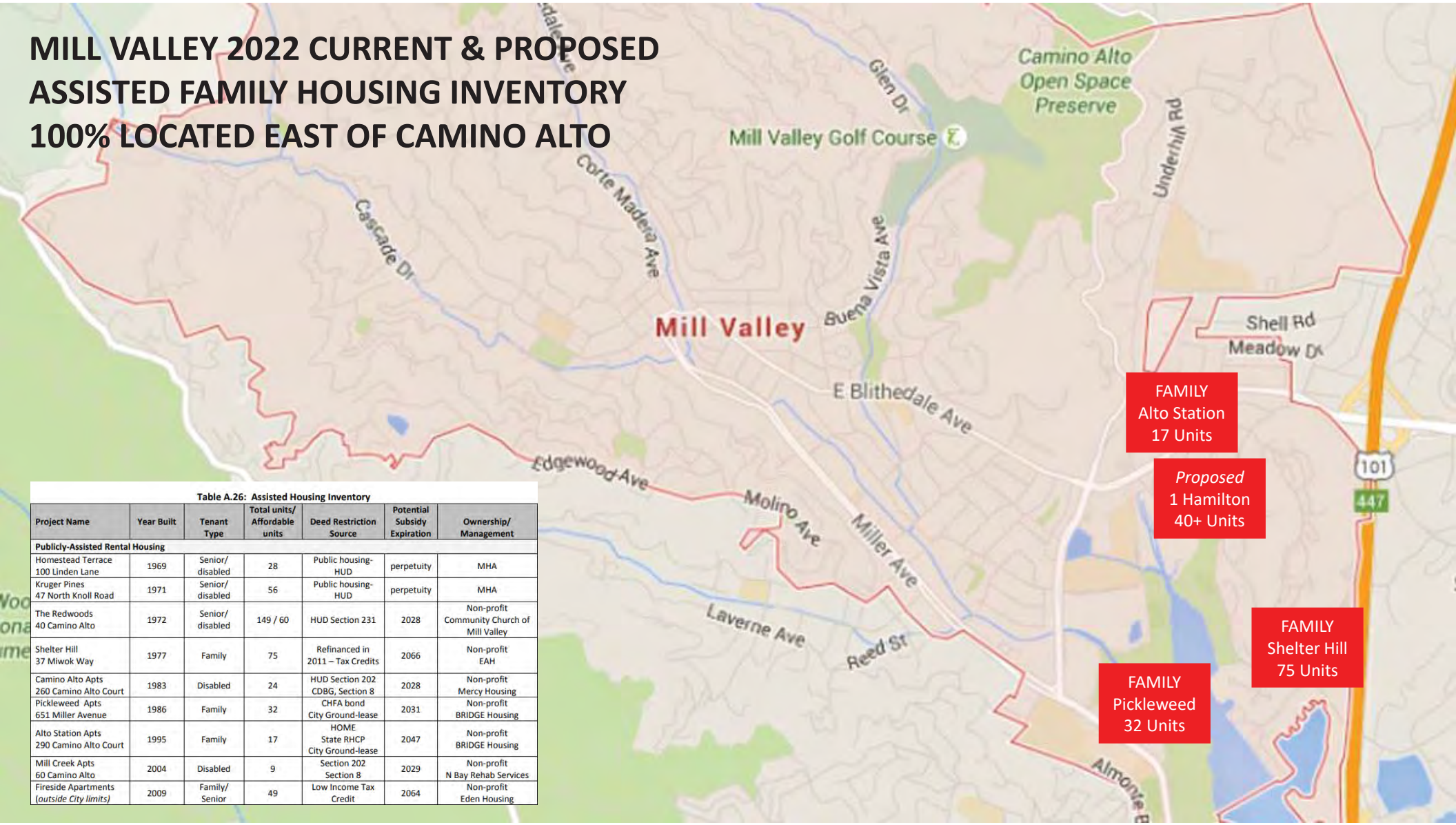


Table A.26: Assisted Housing Inventory

Project Name	Year Built	Tenant Type	Total units/ Affordable units	Deed Restriction Source	Potential Subsidy Expiration	Ownership/ Management
Publicly-Assisted Rental Housing						
Homestead Terrace 100 Linden Lane	1969	Senior/ disabled	28	Public housing-HUD	perpetuity	MHA
Kruger Pines 47 North Knoll Road	1971	Senior/ disabled	56	Public housing-HUD	perpetuity	MHA
The Redwoods 40 Camino Alto	1972	Senior/ disabled	149 / 60	HUD Section 231	2028	Non-profit Community Church of Mill Valley
Shelter Hill 37 Miwok Way	1977	Family	75	Refinanced in 2011 – Tax Credits	2066	Non-profit EAH
Camino Alto Apts 260 Camino Alto Court	1983	Disabled	24	HUD Section 202 CDBG, Section 8	2028	Non-profit Mercy Housing
Pickleweed Apts 651 Miller Avenue	1986	Family	32	CHFA bond City Ground-lease	2031	Non-profit BRIDGE Housing
Alto Station Apts 290 Camino Alto Court	1995	Family	17	HOME State RHCP City Ground-lease	2047	Non-profit BRIDGE Housing
Mill Creek Apts 60 Camino Alto	2004	Disabled	9	Section 202 Section 8	2029	Non-profit N Bay Rehab Services
Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Low Income Tax Credit	2064	Non-profit Eden Housing

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED SENIOR/DISABLED HOUSING INVENTORY
92% LOCATED EAST OF CAMINO ALTO

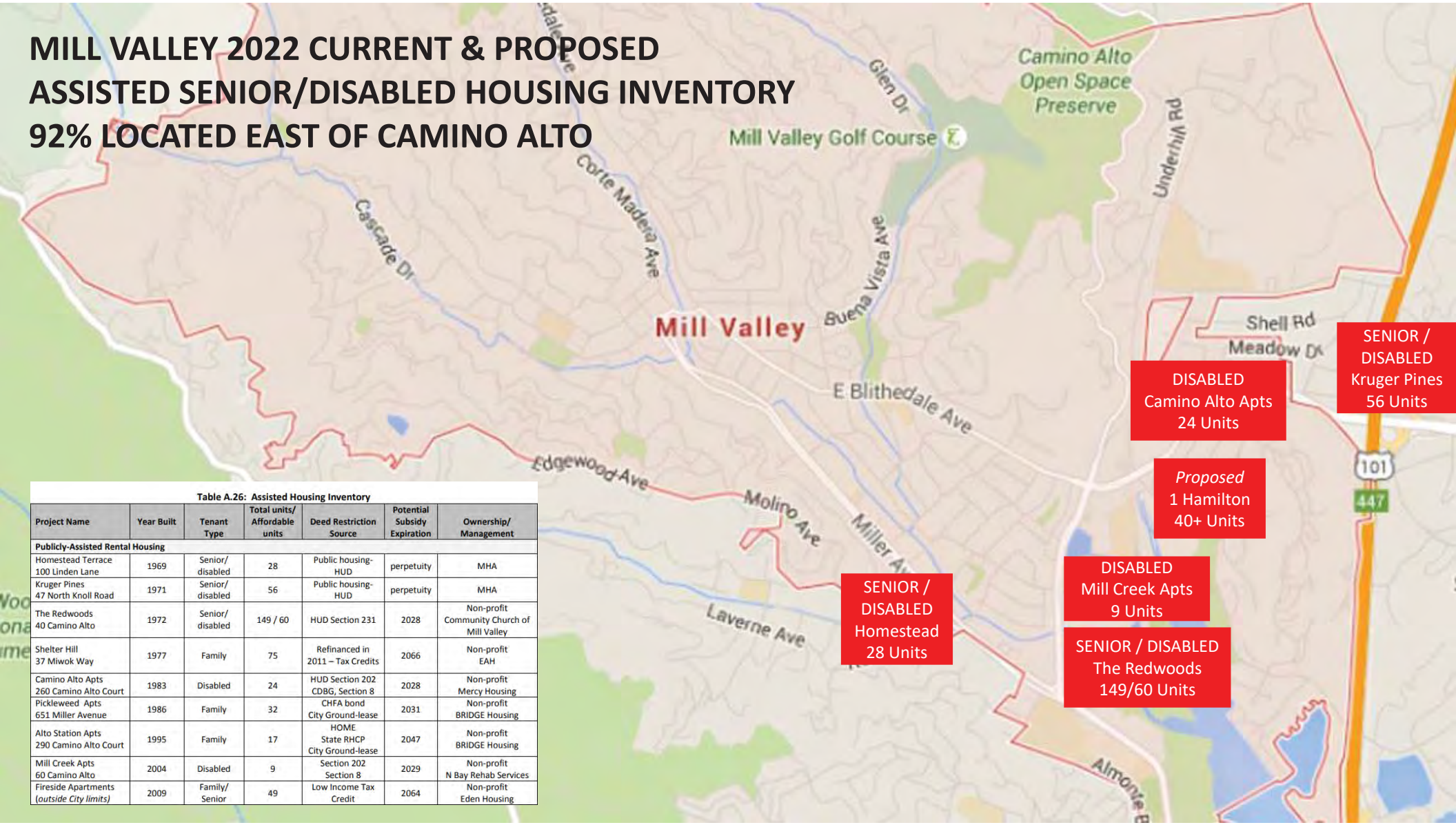


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EXHIBIT 3

City of Mill Valley
2023-2031 Housing and Land Use Elements Updates and Zoning Amendments
Notice of Preparation

Revised September 15, 2022

The information below has been revised to correct errors in the original Notice of Preparation (NOP) and to incorporate public comments received during the 30-day NOP public comment period (July 21, 2022 through August 22, 2022). Clarifications and minor editions are highlighted in track changes through ~~strike out~~ and underlined format.

2023-2031 Housing Element Update Overview

The City of Mill Valley (City) is updating its Housing Element in order update the City's housing policies and programs through 2031 and to accommodate the Regional Housing Needs Allocation (RHNA) for the City as determined by the California Department of Housing and Development and the Association of Bay Area Governments. The Housing Element update also requires amendments to the General Plan Land Use Element, as well as the Mill Valley Municipal Code (MVMC), including the Zoning Ordinance (MVMC, Title 20).

Setting/Project Location

The City of Mill Valley is bounded on the east by U.S. Highway 101 and the unincorporated neighborhoods of Strawberry and Alto; on the north by the cities of Corte Madera and Larkspur; on the west by Mount Tamalpais; and on the south by the unincorporated neighborhoods of Homestead and Almonte, and Richardson Bay. Mill Valley and its relationship to surrounding cities and communities are illustrated in Figure 1, Regional Map.

Mill Valley is surrounded by the hillsides and steep ridges of the coastal mountains and the water of Richardson Bay, which form natural edges to urban growth. Many of the ridgelines that create the dominant visual backdrop for the community are now preserved as permanent open space. Much of the bayfront land has been preserved as park and open space, providing important habitat as well as visual and physical access to Richardson Bay and the greater San Francisco Bay beyond. Creeks, marshes, redwood groves, heavily forested and grass-covered hillsides, and chaparral are commonplace. Single-family residential neighborhoods are located in the valleys and on the hillsides,

with commercial and more intensive residential uses clustered on the flat low lands, in close proximity to transit and along the main arterial roadways. The residential and commercial areas, together with the natural setting, create a small-town community character that is cherished by the area's residents (City of Mill Valley 2013).

General Plan Elements to be Amended

Housing Element

State law requires the City to have and maintain a general plan with specific contents in order to provide a vision for the City's future, and inform local decisions about land use and development, including issues such as circulation, conservation, and safety. The Housing Element is one of the state-mandated elements of the General Plan. State law specifically requires the City to update the Housing Element of its General Plan by January 15, 2023, while making any changes to other elements of the General Plan needed to maintain internal consistency and undertaking any related changes to the City's Municipal Code (including the City's Zoning Ordinance). The City's Housing Element for the 2015-2023 planning period was adopted in May 2015. In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031; this is also referred to as the 6th Cycle Housing Element Update. The City is updating its Housing Element to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories.

Regional Housing Needs Allocation (RHNA)

The Housing Element Update addresses any changes that have occurred since adoption of the current (2015-2023) Housing Element. These changes include, among others, updated demographic information, housing needs data, and analysis of the availability of housing sites. The Housing Element map of available housing sites is updated to identify sites that could accommodate the City's Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period. The final RHNA allocation, broken down by income level, for the City is shown below in Table 1, Mill Valley 2023-2031 Final RHNA Allocation.

Table 1 Mill Valley 2023-2031 Final RHNA Allocation

Income Level	Units
Very Low Income (Less than 50 percent of Area Median Income)	262
Low Income (50 to 80 percent of Area Median Income)	151
Moderate Income (80 to 120 percent of Area Median Income)	126
Above Moderate Income (Above 120 percent of Area Median Income)	326
Total RHNA Allocation	865

SOURCE: ABAG 2021

Community Outreach

Over the last nine months, the City has held four public workshops, conducted two public surveys, held a series of focus group meetings and tabling events, and held several City Council, Planning Commission, and Housing Advisory Committee Meeting debriefs as reflected in Table 2, Mill Valley Housing Element Update Outreach Events. One of the primary goals of the workshop series was to engage the community in a conversation that focused on identifying varying housing-related policy considerations and issues, and methodically developing Mill Valley's vision and planning framework for addressing regional and local housing needs, and meeting the State-mandated RHNA.

Table 2 Mill Valley Housing Element Update Outreach Events

Type of Outreach	Date	Targeted Outreach/Action	Summary of Outreach
City Council Debrief (in person)	September 1, 2021	Review and approval of Draft Schedule and Outreach Plan	Project Kick-Off: Discuss the proposed Work Plan, including schedule and public outreach for the Housing Element Update.
Survey #1 (online)	September-October 2021	Inform and gather input	Online survey (118 responses) regarding housing needs, goals and interests from the community.
Workshop #1 (online)	September 23, 2021	Inform, listen and gather input	City staff reviewed Housing Element Update requirements and overall process, discussed housing trends and demographics, and reviewed existing housing goals (38 individuals registered).
City Council Debrief (in person)	October 10, 2021	Inform and review comments	Review housing needs and input from the community, including workshop 1 and online survey.
Workshop #2 (online)	November 10, 2021	Inform, listen, and gather input	This workshop focused on the sites analysis. The workshop provided an overview of the requirements for a sites analysis, the overall process and criteria used to evaluate and identify potential locations or sites to accommodate new housing. (64 individuals registered).

Type of Outreach	Date	Targeted Outreach/Action	Summary of Outreach
Survey #2 (online and paper copies available)	January-February 2022	Inform and gather input	Online survey (1,039 responses) regarding strategies for identifying sites and housing programs of interest.
City Council Debrief (in person)	February 7, 2022	Inform and review comments	Review of Workshop 2 and preliminary responses from online survey #2.
Focus Group Meetings and Tabling (online and in person)	January-March 2022	Inform, listen, and gather input	Focus groups to discuss: housing needs; strategies to address RHNA and developing housing programs, including: Mill Valley School District (January 12, 2022); Farmers Market (February 9, 2022); Housing Advocates, including Mill Valley Affordable Housing Committee, Mill Valley Force for Racial Equity and Empowerment and Mount Tam Community Land Trust (February 10, 2022).
Workshop #3 (online)	February 16, 2022	Inform, listen and gather input	City staff reviewed a series of draft scenarios to develop its sites inventory to achieve the City's RHNA allocation (175 individuals registered).
Joint City Council/Planning Commission Meeting (in person)	March 22, 2022	Comment and advise	Joint study session to review the proposed housing strategies and draft sites inventory list to achieve the City's RHNA allocation.
Workshop #4 (online)	April 28, 2022	Inform, listen, and gather input	City staff reviewed existing housing programs and provided an opportunity to discuss new housing policies and programs to address community interests (64 individuals registered).
Housing Advisory Committee Meeting (online)	May 17, 2022	Review, comment, and advise	Review of feedback from Workshop 4 and Draft Chapter 2, Housing Programs (48 individuals registered).

SOURCE: City of Mill Valley 2022

Sites Inventory

The Housing Element Update will identify specific sites appropriate for the development of multifamily housing (including affordable units), and the City would rezone those sites as necessary to meet the requirements of State law. The preliminary sites inventory list of existing and proposed sites that can accommodate development of multifamily housing includes sites that are located throughout Mill Valley, and is subject to refinement based on additional public input and review of the draft Housing Element by City's Planning Commission and City Council, and the California Department of Housing and Community Development. A summary of the maximum development potential for all sites is included below in Table 3, Sites Inventory Summary. Locations of the potential housing sites are shown on Figure 2, Sites Inventory Map.

Table 3 Sites Inventory Summary

Type of Site	Number of Sites	Number of Units (Anticipated Based on Existing Use without Rezoning)	Number of Units (Maximum Based on Allowable Density After Rezoning)
Vacant Single-Family Zoned Sites	88	88	88
Projected SB 9 Lot Splits	9 ~~10~~	36 ~~40~~	~~40~~ 36
City-Owned Site (1 Hamilton)	1	0 ~~40~~	50
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre with Housing Overlay[1]	33 ~~35~~	138 ~~149~~	294 ~~328~~
Opportunity Sites: Commercial Zoned Sites over ½ acre with Housing Overlay[1]	27	258	492
Office Conversions with Housing Overlay	13	65	173
Totals	171 ~~174~~	585 ~~640~~	1,133 ~~1,171~~

SOURCE: City of Mill Valley 2022

NOTE: 1. The City anticipates no change in the existing commercial square footage on each of the opportunity sites with existing commercial uses.

In addition to the Sites Inventory, the City anticipates an additional 160 Accessory Dwelling Units (ADUs) based on the City's 4-year trend of issuing over 20 new ADU building permits a year. Additional units are also anticipated based on three overlay districts proposed and the rezoning of 300 East Blithedale and the Presidio Neighborhood. See details below.

Land Use Element

The Land Use Element will be amended to redesignate land use designations on the Land Use Map and Land Use Categories Table contained in the General Plan based on proposed rezoning for the parcels and areas discussed below.

Amendments to Land Use/Zoning

The proposed project includes amending the general plan land use designations and redesignating the zoning district for several parcels in Mill Valley in order to create consistent land use and zoning designations and accommodate the City's RHNA allocation. The sites identified by City staff requiring amendments to land use designations and zoning amendments include the following locations as reflected in Figure 2, Sites Inventory and Figure 3, 300 East Blithedale Ave and Presidio Neighborhood.

1 Hamilton Drive

Mill Valley City Council has declared the northern portion of 1 Hamilton Drive (030-250-01) as "exempt surplus land" for the sole purpose of building affordable rental housing on the site. The 1 Hamilton parcel is approximately 11 acres in size and is zoned Open Area (O-A) with a land use designation of Community Facility (C-F) containing the Bayfront and Hauke Park, Public Safety Building (PSB), Hauke Park and PSB parking lots, electric vehicle charging stations, ground-mounted solar panels, and community garden. The surplus land is identified as the northern portion of 1 Hamilton ("the site") and is approximately 1.6 - 1.73 acres in size, pending additional survey, topographical and preliminary site planning required to determine the feasibility of relocating existing facilities that are on the site. In order to build affordable housing on the site, a separate parcel will be created with rezoning and land use amendments required. Zoning and land use amendments are assumed to be similar as those multi-family residences in the surrounding area, which are zoned Multi-Family Residential Bayfront (RM-B) with a land use designation of Multi-family (MFR-2) allowing up to 29 units/acre.

300 East Blithedale Avenue

The 0.5-acre site, located at 300 East Blithedale Avenue, is currently operating as a server building for Comcast inside an existing building. The parcel is currently zoned for single-family use. Amending the General Plan designation and rezoning the property to multi-family would result in a maximum of eight units. Table 4, 300 East Blithedale Existing and Proposed Conditions, presents a breakdown of existing and proposed land use and zoning conditions at the site.

Table 4 300 East Blithedale Existing and Proposed Conditions

	Existing	Proposed
General Plan Land Use Designation	Single Family Residential (SFR-2)	Multi-Family Residential (MFR-1)
Zoning District	Single-Family Residential, minimum lot size of 6,000 square feet (RS-6)	Multi-Family Residential Parkway (RM-P)
Density Range	One (1) dwelling units per acre to seven (7) dwelling units per acre	Nine (9) dwelling units per acre to 15 dwelling units per acre
Total Units (excluding Accessory Dwelling Units permitted by-right under State law)	0	8

SOURCE: City of Mill Valley 2022

Presidio Neighborhood (Properties Currently Zoned RM-3.5)

Currently the Presidio neighborhood, located in close proximity to Downtown between Forrest Street and Millwood Street, consist of 64 parcels in which the Single-Family land use designation in the General Plan does not align with the RM-3.5 zoning designation. As part of the Housing Element Update, the land use and zoning for these properties will be updated to ensure General Plan and zoning consistency. The General Plan land use designation for these properties will be amended from Single Family to "Downtown Residential" and the "RM 3.5" zoning will be modified to "Downtown Residential" with maximum densities increasing from ~~remaining at~~ 15 units/acre to 16 units/acre. Table 5, Presidio Neighborhood Existing and Proposed Conditions, presents a breakdown of existing and proposed land use and zoning conditions at the site.

Table 5 Presidio Neighborhood Existing and Proposed Conditions

	Existing	Proposed
General Plan Land Use Designation	Single Family Residential (SFR-2)	~~Multi-Family((MFR-1~~ Downtown Residential-(DR-1)
Zoning District	Multi-family Residential minimum lot 3,500 square feet (RM-3.5)	Downtown Residential (DR)
Density Range	Per SFR 2 Land Use: One (1) dwelling units per acre to seven (7) dwelling units per acre Per RM 3.5 Zoning: up to 15 units per acre	Nine (9) dwelling units per acre to 16~~15~~ dwelling units per acre
Units (excluding Accessory Dwelling Units or Duplexes permitted by-right under State Law)	94	15

SOURCE: City of Mill Valley 2022

In the Presidio Neighborhood, assessor data indicates one (1) parcel operating as commercial use; 22 parcels operating as multi-family use and 41 parcels operating as single-family use. Modification

of the zoning designation to Downtown Residential allows all existing uses to remain, and permits the redevelopment and use of property as either single-family or multi-family. The average size parcel in this neighborhood is less than 5,000 square feet. Based on allowable densities ~~and assuming that all parcels convert to a multi-family use, an additional~~ 15 units could be added (excluding Accessory Dwelling and Duplex Units permitted by right under State Law).

Site Inventory Housing Overlays

To accommodate its regional housing numbers and to facilitate the development of housing in Mill Valley, the following three Overlay Zoning Districts and Zoning Map Update will be adopted in conjunction with the Housing Element Update process. As such, the following housing overlays will specifically apply to those properties identified on the City's Sites Inventory list under the categories of office conversion; underutilized "small lot" sites and opportunity sites.

- **Small Lot Housing Overlay:**

  The "small lot overlay zone" will apply to those parcels that are less than ½ acre as identified on the sites inventory list.

  The following modified standards apply to projects seeking to develop a parcel through this overlay district:

  1. reduced parking (1 space per unit for units less than 1,000 square feet);
  2. increased height up to 40-feet for buildings being raised to address the floodplain management requirements or to provide higher ceiling heights on the first floor of a mixed-use building;
  3. increased density up to 40 units/acre;
  ~~3.~~4. modified Floor Area as allowed under State Law (SB 478); and
  ~~4.~~5. exemption to the inclusionary housing requirement for those projects that provide units that are 1,000 square feet or less.

- **Opportunity Site Housing Overlay:** Those parcels identified on the sites inventory that are ½ acre or more may apply for the "opportunity site housing overlay" and Density Bonus as part of the redevelopment of the parcel, which will include the following modified standards:

  1. reduced parking (1 parking space for units less than 1,000 square feet);
  2. increased height up to 40' for buildings being raised to address the floodplain or to provide higher ceiling heights on the first floor of a mixed use building;
  3. revised density standards: minimum density of 20 units/acre and maximum density of 40 units/acre;
  4. full residential projects permitted;
  5. mixed use projects must have at least 50% of the floor area for residential uses;
  6. lot consolidation permitted to facilitate proposed development; ~~and~~

7. modified Floor Area as allowed under State Law (SB 478);

~~7.~~8. subject to inclusionary requirements, established in MVMC 20.80, with the following incentives: a) projects subject to the inclusionary regulations must include six or more new units, b) waiving the maximum micro-unit standards in MVMC 20.24.040(B)(1) for those projects that allocate 25% of the inclusionary units as low income, and 3) waiving one affordable inclusionary unit for projects that provide one three-bedroom unit as a low-income inclusionary unit; and

~~8.~~9. those redevelopment projects that designate 20% of the units as affordable to lower income households are subject to by-right ministerial approval by the Planning Director (not subject to a hearing or discretionary review) as required by state law.

- **Office Conversion Overlay:** The "office conversion overlay zone" will apply to those parcels identified on the sites inventory that currently utilize upper floor space as office space.

  The following modified standards apply to projects seeking to develop a parcel through this overlay district:

  1. grandfathering parking based on existing parking on site so long as the proposed units are 1,000 square feet or less and the footprint of the building is not expanded;
  2. modified density standard, up to 40 units/acre;
  3. exemption to the inclusionary housing requirement for those projects that provide units that are 1,000 square feet or less; and
  4. ministerial approval (no hearing) based on objective standards to streamline approval.

Other Zoning Code Amendments

Various amendments to code section addressing Commercial Zones (20.36 through 20.48), plus some changes under 20.66 Design Review.

- Modifications to Design Review, as discussed above;
- Removal of Conditional Use Permit for residential use in commercial zoned districts;
- Modification of Development Standards based on state law, including but not limited to State Density Bonus and creating objective standards and guidelines; and
- Modification of allowable uses and development standards based on state law, including but not limited to emergency shelters, residential care facilities and low barrier navigation centers.

Summary of Zoning Map and Land Use Amendments

The proposed project includes amending the Zoning Ordinance as referenced above. In doing so, as reflected in Table 6, Summary of Zoning Map and Land Use Amendments, the following amendments will be made to the Zoning Map and General Plan Land Use Map and Land Use Categories Table.

Table 6 Summary of Zoning Map and Land Use Amendments

Site/Location	Proposed Zoning Amendment	Proposed Land Use Map	Proposed Land Use Density Category
1 Hamilton Drive	Multi-Family Residential Bayfront (RM-B)	Multi-Family Residential (MFR-2)	17 dwelling units per acre to 29 dwelling units per acre
300 East Blithedale Avenue	Multi-Family Residential Parkway (RM-P)	Multi-Family Residential (MFR-1)	Nine (9) dwelling units per acre to 15 dwelling units per acre
Presidio Neighborhood (RM3.5 Zoning District)	Downtown Residential (DR)	Multi-Family Residential (MFR-1)	Nine (9) dwelling units per acre to 15 dwelling units per acre
Small Lot Overlay Zoning District	Overlay district applied to sites identified Table 2 and Figure 2	Overlay district applied to sites identified Table 2 and Figure 2	17 dwelling units per acre to 40 dwelling units per acre
Office Conversion Overlay Zoning District	Overlay district applied to sites identified Table 2 and Figure 2	Overlay district applied to sites identified Table 2 and Figure 2	17 dwelling units per acre to 40 dwelling units per acre
Opportunity Site Overlay Zoning District	Overlay district applied to sites identified Table 2 and Figure 2	Overlay district applied to sites identified Table 2 and Figure 2	20 dwelling units per acre to 40 dwelling units per acre

SOURCE: Mill Valley 2022

Subsequent EIR Approach

Consistent with CEQA Guidelines Section 15162, the EIR will provide subsequent environmental analysis to the 2013 *City of Mill Valley 2040 General Plan Certified Final EIR* (general plan EIR), updating existing analysis where appropriate, and presenting new analysis where necessary. This subsequent EIR will evaluate only the impacts resulting from the amendments to the general plan elements. The subsequent EIR will not evaluate total buildout of the amended General Plan.

CEQA Guidelines section 15146 states that, "The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." The underlying activity is adoption of the 2023-2031 Housing Element and associated general plan and zoning amendments. Therefore, the subsequent EIR will evaluate the environmental impacts of the 2023-2031 Housing Element to the greatest degree feasible; however, later environmental review in compliance with CEQA may be required when development proposals

requiring discretionary action are proposed. Later projects may be able to "tier" off of this SEIR, meaning they can rely on the environmental analysis in this document to the extent applicable to their project, limiting environmental analysis to impacts not previously identified, or increases to impacts that were previously identified.

Probable Environmental Effects

Based on a review of the general plan EIR, the following environmental issues have been determined to be adequately addressed in the general plan EIR and will not be addressed further in the subsequent EIR:

- Agricultural and Forestry Resources;
- Cultural Resources (with the exception of Tribal Cultural Resources);
- Geology and Soils (including Paleontological Resources);
- Hazards and Hazardous Materials (with the exception of Sea Level Rise and Wildfire);
- Hydrology and Water Quality; and
- Mineral Resources.

Environmental effects to be addressed in the subsequent EIR will be based on a review of the environmental analysis contained in the general plan EIR and an understanding of current conditions in the city. Probable environmental effects associated with adoption of the 2023-2031 Housing Element and associated updates to the City's Land Use Element and Zoning Ordinance will be addressed in the subsequent EIR and are briefly discussed below.

Aesthetics

The aesthetics discussion and analysis in the general plan EIR will be utilized in this section, and updated where necessary to address the proposed project. For example, the project may include increasing the allowed heights of buildings. This section will address both project-level and cumulative visual resource impacts.

Air Quality

This section of the subsequent EIR will reflect current air quality analyses, as well as current federal, state, regional, and local regulations. The proposed project could result in an increase in operational criteria air emissions through new vehicle trips generated by additional housing. The proposed project may also increase community health risks and hazards by placing sensitive receptors near existing or planned sources of toxic air contaminants (TACs) or other hazardous emissions.

Biological Resources

The biological resources section of the subsequent EIR will utilize the California Natural Diversity Database (CNDDB) to determine whether there have been any status changes to special status plant and wildlife species, and whether the general plan EIR adequately addresses sensitive biological resources to current standards.

Energy

The proposed project is presumed to create new development capacity that would result in increased energy demand. The three primary sources of energy demand would likely be fuel use in vehicles, and electricity and natural gas use in buildings. The net change in demand for these types of energy will be modeled in CalEEMod and EMFAC. Because the threshold of significance for energy impacts is qualitative, the impact discussion and analysis will also be qualitative.

Greenhouse Gas Emissions

The City is anticipating that it will adopt and updated climate action plan (CAP) in the summer of 2022. The forthcoming update to the City's will include GHG emission projections that incorporate the new residential development capacity enabled by the Housing Element Update. Consequently, the Housing Element would be consistent with the CAP and GHG reduction measures included in the CAP would be applicable to that new residential development. Consequently, the GHG impact analysis can be streamlined pursuant to CEQA Guidelines section 15183.5. The Housing Element Update GHG impact would be less than significant provided each new future individual project made possible is conditioned to implement applicable GHG reduction measures found in the updated CAP.

In addition, this section of the subsequent EIR will address potential impacts associated with sea level rise. CEQA does not require the evaluation of the environment's impact on a project, but does require an analysis if a project contributes to an environmental effect that could have an effect on a project. The general plan EIR and updated CAP address sea level rise. Existing documentation will be used in this section of the subsequent EIR to present the anticipated flooding impacts of sea level rise, and a qualitative discussion as to how the project could exacerbate these flooding issues.

Noise

This section will address whether the proposed project would result in an increase in the noise levels identified in the general plan EIR with implementation of the proposed project. Cumulative project impacts will be discussed.

Public Services

This section will address whether the proposed project would require new or expanded public services facilities, and whether those facilities would result in significant environmental impacts.

Public services to be addressed include fire protection and emergency medical services, law enforcement, public schools and recreation facilities. Cumulative project impacts will be discussed.

Transportation

The transportation section of the subsequent EIR will address the vehicle miles traveled (VMT) impacts of the project. VMT was not a required component of a CEQA transportation impact analysis when the general plan EIR was prepared.

Tribal Cultural Resources

This section of the subsequent EIR will report on the City's SB 18 and AB 52 Tribal Consultation process, which was not a required component of the CEQA cultural resources impact analysis when the general plan EIR was prepared. If consultation does occur, this section will address whether the proposed project may have an adverse change on the significance of a tribal cultural resource.

Utilities and Service Systems

This section will address possible physical changes associated with expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, sufficient water supplies, waste water treatment capacity, and solid waste. Various agencies will be consulted including City of Mill Valley, Marin Municipal Water District, Sewerage Agency of Southern Marin, PG&E, Mill Valley Refuse Service, and the Redwood Landfill. Cumulative project impacts will be discussed.

Wildfire

This section of the subsequent EIR will address whether the project would substantially impair an adopted emergency response plan or emergency evacuation plan; expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope of downstream flooding or landslides as a result of runoff, postfire slope instability, or drainage changes. Cumulative project impacts associated with wildfire hazards will also be discussed.

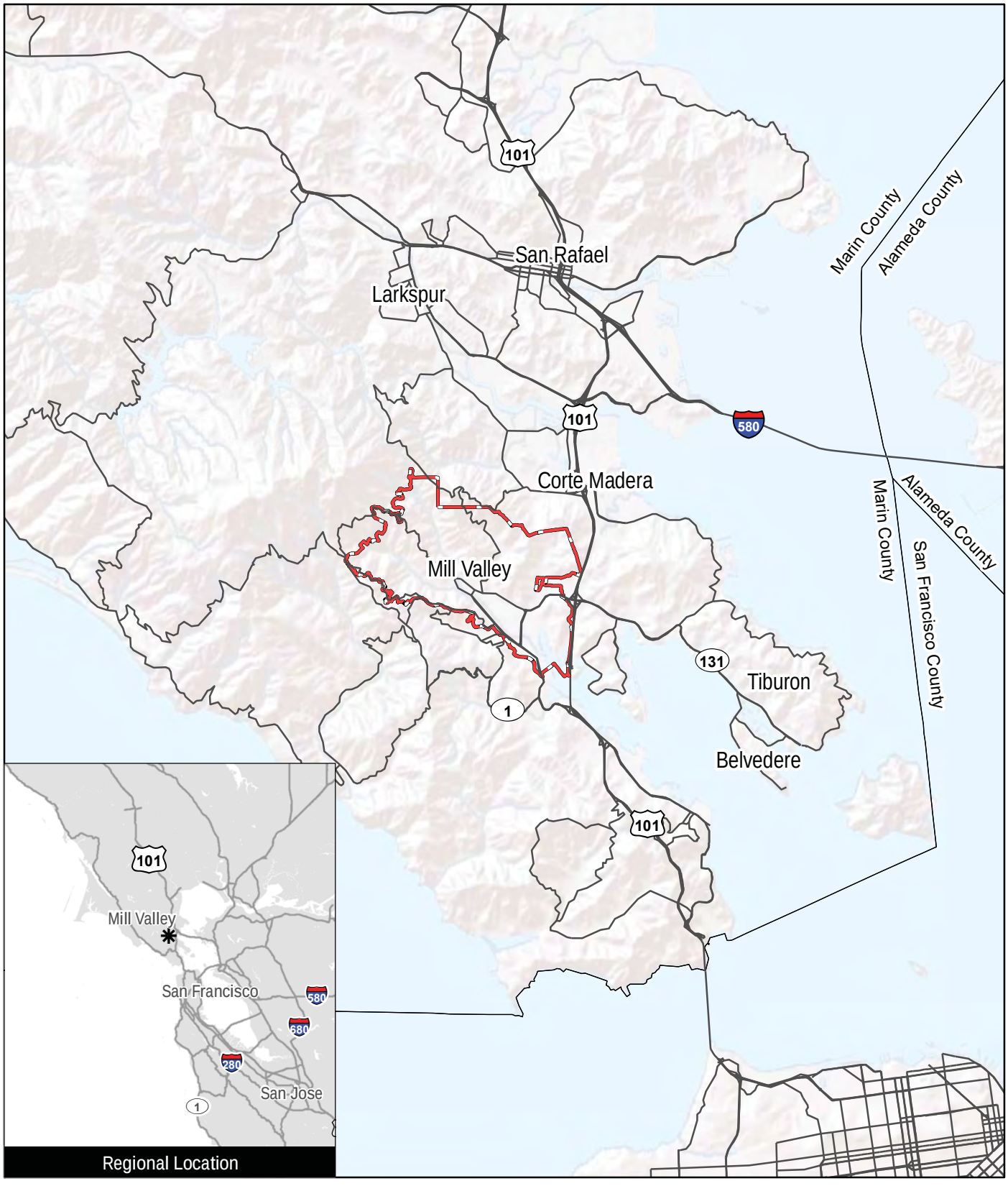


Figure 1

Regional Map

City of Mill Valley 2023-2031 Housing and Land Use Element Update and Zoning Amendments NOP

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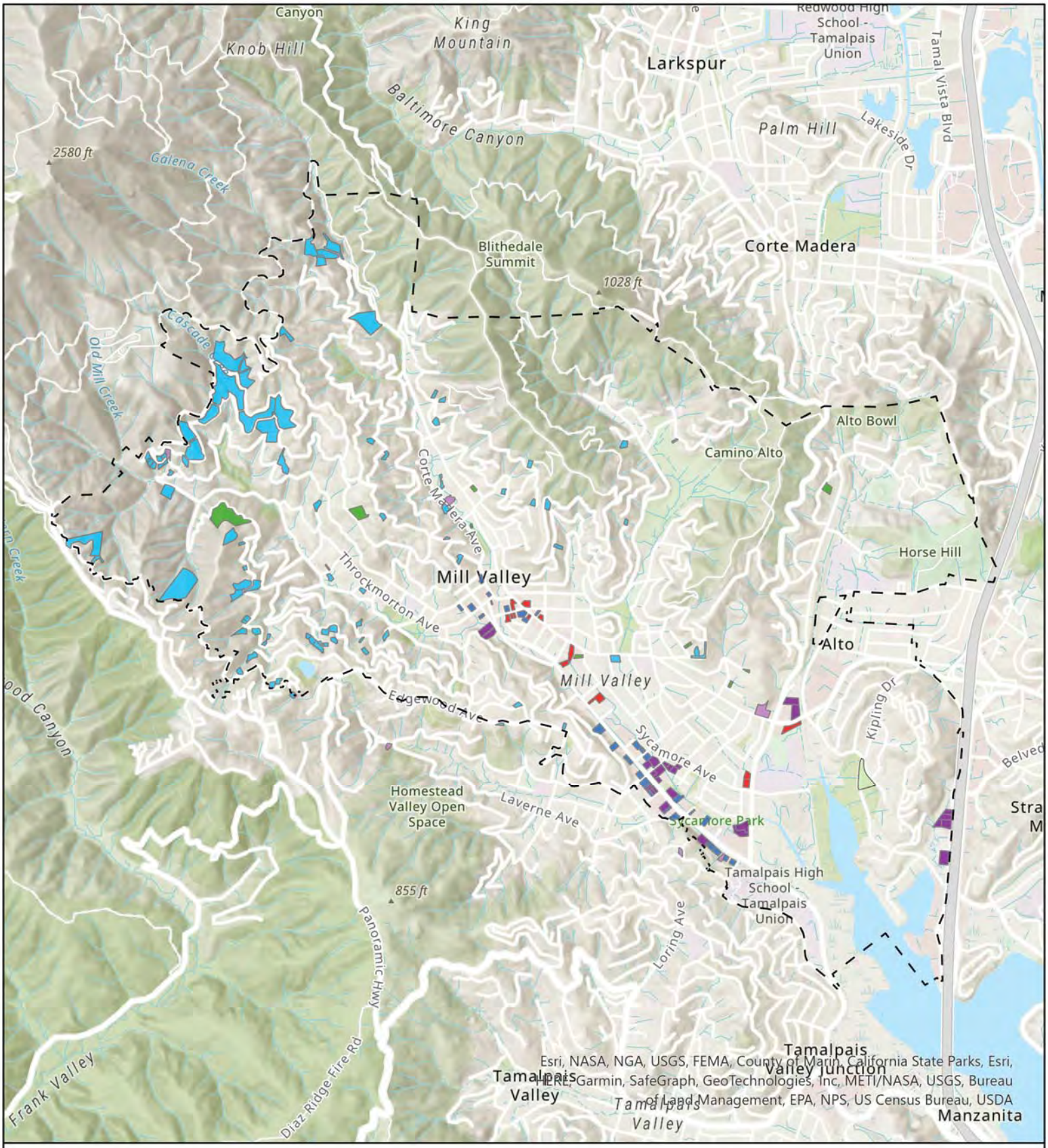


Table A

Site Category

- City-Owned Site
- Pipeline Projects
- Vacant SF (Not SB9)
- Vacant SF (SB9)

Table B

Site Category

- Office Conversion
- Opportunity Sites (>0.5 acre)
- Underutilized Sites (<0.5 acres)
- City Boundary

N

0 0.5 1

Miles

Figure 2

City of Mill Valley

Site Inventory

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0 350 feet

300 E. Blithedale Ave.

Presidio Neighborhood

Source: Marin County GIS 2022, Google Earth 2022

Figure 3

300 East Blithedale Ave and Presidio Neighborhood

City of Mill Valley 2023-2031 Housing and
Land Use Element Update and Zoning Amendments NOP

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EXHIBIT 4

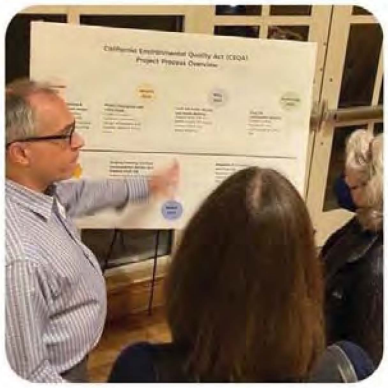
Planning & Building

Posted on: October 20, 2022

City Hosts 1 Hamilton Open House







On October 13, 2022, the City of Mill Valley and EAH Housing hosted a community Open House to discuss building approximately 40-50 affordable rental apartments on the northern portion of the city-owned parcel at 1 Hamilton Drive. The main topics at the Open House included preliminary design and building concepts based on input, Council direction, and financial feasibility. We thank the many community members that attended and shared their feedback with the planning team.

Open House materials included:

- Project Update (LINK)
- Conceptual Designs and Site Planning/Relocation of Existing Uses (LINK)
- FAQs (LINK)

The conceptual designs presented at the Open House identify specific features such as unit count, building height, building location(s), driveway locations, number of parking spaces and relocation of existing facilities on the site. These details are required for the City to fully evaluate building housing on the site, including design review and environmental review.

Project website:

Tools

RSS

Notify Me®

View Archived

Categories

- All Categories
- City Main Home News
- Library
- Recreation
- SASM
- Diversity, Equity and Inclusion
- Planning & Building
- Police
- Public Works
- Fire Department/Emergency Preparedness
- Road Closures
- Sustainability News

Select Language

Answers to recent questions asked are available on the 1 Hamilton project website (LINK).

Other City-related work:

The City of Mill Valley is also updating its Housing Element and has identified a program (#10) in the Draft Housing Element Update to rezone and amend the General Plan land use designation for the northern portion of 1 Hamilton. The land use designation for the site will be revised to “multi-family residential” in order to effectuate the Housing Element Update.

The Housing Element is one of the required elements of the General Plan, and adoption of the Housing Amendment amends the General Plan. In order to maintain internal consistency within the General Plan, the City Council will amend the land use designations in the General Plan Land Use Element at the time of Housing Element adoption to revise the land use designation for the 1 Hamilton site to “multi-family residential.” This will occur concurrently with the adoption of the Housing Element. See, Government Code Section 65302(a).

Identification and evaluation of other city-owned sites will also continue as part of the housing program.

For more information about the Housing Element Update, click here

⇐ **Previous**
Richardson Terrace Update – 575 East Blithedale Avenue

Next ⇒
1 Hamilton Update: Council Approves Relocation of Facilities, City Hosts Open House in October

Other News in Planning & Building

1 Hamilton Joint City Council/Planning Commission Meeting Canceled/Postponed

Posted on: October 27, 2022

Richardson Terrace Update – 575 East Blithedale Avenue

Posted on: October 12, 2022

1 Hamilton Update: Council Approves Relocation of Facilities, City Hosts Open House in October



Posted on: September 22, 2022

Housing Element Environmental Review: 30-day Public Comment Period

Posted on: July 26, 2022

Select Language

Green Building – Community Meeting June 22 (6pm)

Posted on: June 17, 2022

Proposal to Renovate the Sequoia Theater

Posted on: May 26, 2022

Request for Qualifications for Housing-Related Environmental Services



Posted on: January 13, 2022

New City Hall Lobby Kiosk



Posted on: January 13, 2022

City Council Scheduled to Update the Accessory Dwelling Unit (ADU) Regulations

Posted on: November 2, 2021

Climate Action Plan Update - November 2021

Posted on: November 2, 2021

1 Hamilton Drive - Join us for an Online Workshop on March 10

Posted on: February 22, 2022

Housing Element Update - November 2021

Posted on: November 2, 2021

Zoning Code Updates - October 2021

Posted on: October 8, 2021

Richardson Terrace - 575 E Blithedale Avenue



Posted on: May 13, 2021

City of Mill Valley's Tree Ordinance



Posted on: April 12, 2021

Housing Advisory Committee Meeting #9

Posted on: May 14, 2021

Richardson Terrace - 575 E Blithedale Update

Posted on: December 28, 2020

Select Language

575 E. Blithedale / Richardson Terrace Preliminary Application

Posted on: July 16, 2020

Housing Element Update

Posted on: September 7, 2021



Government Websites by CivicPlus®

Select Language

EXHIBIT 5

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

August 15, 2022

SENT VIA EMAIL (pkelly@cityofmillvalley.org)

Patrick Kelly, Director of Building and Planning
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to the City of Mill Valley's Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

Dear Mr. Kelly:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding the City of Mill Valley's Notice of Preparation ("NOP") for the General Plan Housing and Land Use Element Update and Zoning Amendments ("Project"). As explained more fully below, the NOP includes substantive inconsistencies and even factual misrepresentations regarding existing conditions as well as the scope of the Project and its relationship to the proposed residential development at 1 Hamilton ("Hamilton Project"). Action is required by the City, including possibly a revised NOP, to correct these deficiencies.

1. False Information Regarding Existing Conditions

CEQA requires that an EIR evaluate, and that public agencies mitigate or avoid, significant effects of projects in the "area which will be affected by a proposed project." (Cal. Code Regs., tit. 14, § 15000 et seq. ("CEQA Guidelines"), § 15360.) The project description is the activity the EIR must evaluate for environmental impact (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271-272; Pub. Resources Code, § 21065), while the environmental setting (i.e., baseline) is the condition of the environment against which the EIR will evaluate project changes for environmental harm (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 315). Therefore, CEQA requires that an EIR adequately describe the environmental setting. (*Ibid*; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 874; CEQA Guidelines, § 15125.)

Here, the City is off to a bad start as the NOP sets forth demonstrably false information regarding existing conditions. Specifically, the NOP asserts that 40 residential units are allowed at 1 Hamilton under existing conditions:

Table 3 Sites Inventory Summary

Type of Site	Number of Sites	Number of Units (Anticipated Based on Existing Use without Rezoning)	Number of Units (Maximum Based on Allowable Density After Rezoning)
Vacant Single-Family Zoned Sites	88	88	88
Projected SB 9 Lot Splits	10	40	40
City-Owned Site (1 Hamilton)	1	40	50
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre with Housing Overlay[1]	35	149	328
Opportunity Sites: Commercial Zoned Sites over ½ acre with Housing Overlay[1]	27	258	492
Office Conversions with Housing Overlay	13	65	173
Totals	**174**	**640**	**1,171**

SOURCE: City of Mill Valley 2022

NOTE: 1. The City anticipates no change in the existing commercial square footage on each of the opportunity sites with existing commercial uses.

This information is demonstrably false. 1 Hamilton's General Plan land use designation is Community Facilities (Land Use Element, p. 25), and its zoning designation is Open Area ("O-A") (see existing Housing Element, p. C-19). Both designations prohibit residential development. The Land Use Element's Community Facilities description includes, "All City facilities including City golf course, parks, City Hall, Community Center, Public Safety Building, etc.; public schools and private schools." (Land Use Element, p. 24.) It further states that a residential density range is "not applicable." (*Ibid*.) Eliminating any confusion on this point, the draft Housing Element states, "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.)

As we explained to the City by letter dated July 29, 2022, there is no question that residential uses are prohibited at 1 Hamilton based on its General Plan land use designation and its zoning designation. Six days later, the City's PowerPoint presentation

for the Project's scoping meeting included a revised table that implicitly acknowledges the NOP's error:

PROJECT DESCRIPTION SUMMARY

Type of Site	Number of Sites	Number of Units (Anticipated Based on Existing Use without Rezoning)	Number of Units (Maximum Based on Allowable Density After Rezoning)[2]
Vacant Single-Family Zoned Sites	88	88	88
Projected SB 9 Lot Splits	10	40	40
City-Owned Site (1 Hamilton)	1	0	50
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre with Housing Overlay[1]	35	149	328
Opportunity Sites: Commercial Zoned Sites over ½ acre with Housing Overlay[1]	27	258	492
Office Conversions with Housing Overlay	13	65	173
Totals[2]	**174**	**600**	**1,171**

NOTE 1: The City anticipates no change in the existing commercial square footage on each of the sites with existing commercial uses.
NOTE 2: The "number of units" identified in this table is a conservative estimate of the number of units that will be built on these sites. In most instances the number indicated in this table will be larger than the number of units estimated for the purpose of meeting the City's Regional Housing Needs Assessment (RHNA) allocation. The number of units estimated for RHNA purposes takes into account site constraints, environmental constraints, and market trends to devise an estimate of the realistic number of units that will be built on-site. The number of units used for CEQA purposes takes into account maximum build-out to ensure that the City has analyzed potential environmental impacts adequately.

While we speculate that this PowerPoint slide represents some effort by the City to correct the NOP, more is required to acknowledge this error and eliminate any confusion resulting from the NOP's fundamentally misleading information. The environmental impacts of ten additional residential units (as suggested by the NOP) to an existing residential area are dramatically different from the environmental impacts of 50 new residential units in an area where all residential development was previously prohibited. Setting that aside, the NOP's suggestion that "existing" conditions allow residential uses raises serious questions regarding whether the City intends to rely on a shifting and inconsistent project description in order to thwart adequate CEQA review of the Hamilton Project, which is addressed below.

2. Shifting and Inconsistent Project Description

The courts have consistently held that an "accurate and stable project description" is a bedrock requirement of CEQA—the sine qua non (that without which there is nothing) of an adequate CEQA document:

> Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other

> alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.

(*Inyo v. Los Angeles* (1977) 71 Cal.App.3d 185, 192-93 (*Inyo*).) The ability of informed citizens to participate in environmental review is a key component of CEQA. (*Washoe Meadows v. Dept. of Parks and Recreation* (2017) 17 Cal.App.5th 277, 285 (*Washoe*) ["Informed public participation is essential to environmental review under CEQA."]; *Inyo*, *supra*, 71 Cal.App.3d at 192 ["The EIR process facilitates CEQA's policy of supplying citizen input."].) Through the EIR process, CEQA "provide[s] public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." (*Washoe*, *supra*, 17 Cal.App.5th at 286 [quoting Pub. Resources Code, § 21061].)

An interrelated bedrock CEQA principle of informed public participation is that all aspects of a proposed project, i.e., the "whole of the action," must be analyzed in an EIR. (See CEQA Guidelines, § 15378, subd. (a) [a project is the "whole of an action" which may result in direct or indirect physical changes to the environment].) This means that an EIR must include analysis of "all phases of a project" and all "reasonably foreseeable consequences" of a project. (CEQA Guidelines, § 15126 [EIR's impact analysis must consider all phases of a project]; *Laurel Height Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376 [EIR must analyze "reasonably foreseeable consequence" of a project.)

Concerns about both of these interrelated CEQA requirements are raised because the NOP is internally inconsistent about whether the Project includes changing the General Plan land use designation and zoning designation for 1 Hamilton. On one hand, NOP page 6 states, "The proposed project includes amending the general plan land use designations and redesignating the zoning district for . . . the following locations as reflected in Figure 2," which includes 1 Hamilton. (See NOP, Figure 2.) Further, Table 3 to the NOP 3 identifies 1 Hamilton as allowing up to 50 residential units "after rezoning." This information strongly suggests the Project includes General Plan amendment and rezoning action in order to accommodate the Hamilton Project. On the other hand, Table 6, "Summary of Zoning Map and Land Use Amendments," appears to omit any reference to 1 Hamilton. (NOP, p. 9.)

This inconsistency leaves the public to speculate about the scope of the CEQA "project" to be analyzed in the EIR. To the extent the NOP's mischaracterization of 1 Hamilton's "current" zoning is premised on the City's intention to revise 1 Hamilton's General Plan land use designation and zoning designation as part of the Project, the EIR

will need to include adequate analysis of the Hamilton Project. We ask the City to directly address two simple questions:

(1) Does the CEQA project include changing 1 Hamilton's General Plan land use designation to allow residential uses?

(2) If the answer to the first question is "yes," why is the City suggesting that it will prepare a subsequent EIR for the Hamilton Project since a subsequent approval would ostensibly be exempt from CEQA review pursuant to Public Resource Code section 21083.3?

A member of FOHP attended the City's public scoping meeting on August 4, 2022, in an attempt to obtain answers to these questions. Incredibly, City officials refused to answer and, in order to avoid any follow-up questions, ended the scheduled three-hour meeting after only thirty minutes. The City's obfuscation thwarts the public's efforts to understand the City's environmental review strategy for both the Project and the Hamilton Project.

To eliminate any confusion, if the Project includes revisions to the General Plan Land Use Element and/or Zoning Ordinance that would authorize residential use of 1 Hamilton, the City must use its best efforts to find out and disclose all that it reasonably can about the Hamilton Project. (*Laurel Heights*, *supra*, 47 Cal.3d at 395-396; *Environmental Protection & Information Center v. Cal. Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503.) As will be demonstrated by other comment letters submitted in response to the NOP, detailed project-level information is presently available regarding the proposed affordable housing project and will continue to be refined over the next several months. The City will not be allowed to shirk its duty to prepare adequate CEQA analysis of the Hamilton Project by claiming either that it has not yet been approved, or by promising (well-intentioned or not) to perform such review in the future.[1]

---

[1] Even if the City were to commit in good faith to prepare an EIR for the Hamilton Project and actually followed through with that promise, the City could later argue that any deficiencies in that EIR are not prejudicial and therefore require no corrective action. (*Del Cerro Mobile Estates v. City of Placentia* (2011) 197 Cal.App.4th 173, 179 [rejecting argument that by "preparing and certifying the EIR as if CEQA applied, the City waived any right to later invoke a potential CEQA exemption"].)

* * *

The City must take unmistakable, legally-cognizable action to correct the NOP's deficiencies identified above. A failure to do so will likely be construed by a reviewing court as evidence that the City is misleading the public regarding the Hamilton Project and the City's intended process for future review and approval. Thank you for the opportunity to comment.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Jim Wickham, Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Sashi Sabaratnam, Councilmember (smcentee@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org; krogers@cityofmillvalley.org)

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

August 30, 2022

SENT VIA EMAIL (gkhalsa@rwglaw.com)

Inder Khalsa
City Attorney, City of Mill Valley
1 Sansome Street, Suite 2850
San Francisco, CA California 94104

RE: Additional Comments to the City of Mill Valley's Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

Dear Ms. Khalsa:

This responds to your letter dated August 26, 2022, which purports to answer a question raised in our letter dated August 15, 2022. Unfortunately, your letter does not directly answer our question, and so we will restate it more concisely:

> Does the project to be analyzed in the so-called "Housing Element EIR" include changes to 1 Hamilton's General Plan land use and zoning designations to allow residential use for that site?

To clarify the matter for the public, a "yes" or "no" would be helpful and appropriate.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Jim Wickham, Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)

Sashi Sabaratnam, Councilmember (smcentee@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org,
krogers@cityofmillvalley.org)

EXHIBIT 6

Inder Khalsa

T 415.421.8484
F 415.421.8486
E ikhalsa@rwglaw.com

1 Sansome Street, Suite 2850
San Francisco, CA 94104-4811
rwglaw.com

August 26, 2022

VIA ELECTRONIC MAIL
PATRICK@SEMLAWYERS.COM

Patrick M. Soluri
Soluri Meserve, A Law Corporation
510 8th Street
Sacramento, CA 95814

Re: **2023-2031 General Plan Housing Element Update**

Dear Mr. Soluri:

I am writing in response to your letters, dated August 15 and August 22, as well as several comments we have received from Mill Valley residents inquiring about how the City plans to handle the environmental analysis required under the California Environmental Quality Act ("CEQA") for the proposed development of affordable housing on the northern portion of the City-owned property known as 1 Hamilton Drive (the "Property").

The City has included the Property on its sites inventory in the draft Housing Element and the maximum of 50 units based on allowable density after rezoning[1] will be analyzed in the Subsequent Environmental Impact Report for the Housing Element ("Housing Element EIR") which was described in the City's recent notice of preparation. The Housing Element EIR will be a "program EIR" which will analyze the impacts of the policies laid out in the Housing Element on the City of Mill Valley as a whole, pursuant to CEQA Guidelines Section 15168. The Housing Element EIR will not include a site-specific, project-level analysis of the proposed 1 Hamilton development or any other site described in the sites inventory, nor is it required to include such an analysis.

Rather, the City will follow the analysis laid out in CEQA Guidelines Sections 15168(c) and 15162 to determine what additional CEQA analysis is required for later projects that tier off of the Housing Element EIR. In the case of the proposed affordable housing development that the City is considering for the Property, the City is currently working with the community to prepare a

[1] Thank you for your feedback on Table 3 (Sites Inventory Summary) of the Housing Element. We have corrected the referenced table to show that the Property is not currently zoned for residential development.

project description for the site-specific project-level CEQA analysis. While nothing is finalized at this point in time, we anticipate that the project-level CEQA analysis will be an EIR or focused EIR, and that it will be circulated for public comment after publication of the Housing Element EIR (and Council action to certify the EIR and approve the Housing Element), but (as required by law) before final approval of the rezoning, ground lease, and other approvals associated with the development of the Property. In short, I wanted to reassure you and your clients that the City currently plans to analyze both the concept of housing on the site at a programmatic level in the Housing EIR ***and*** the details of any specific development of the Property in a later project-level CEQA document.

In your most recent letter to the City, you also inquired as to the status of the City's preliminary studies and reports related to the Property, including the geotechnical study. The City will, through its consultants, prepare a number of preliminary reports in preparation for a full and robust CEQA analysis, but any studies conducted to date are currently in draft form and being reviewed internally. All studies will be included with the project-level CEQA analysis when that is released to the public.

Very truly yours,

Inder Khalsa

Inder Khalsa
City Attorney
City of Mill Valley

cc: Alan Piombo, City Manager
Todd Cusinamo, City Manager effective September 1, 2022
Patrick Kelly, Planning Director
Danielle Staude, Senior Planner
Hannah Politzer, City Clerk
Jim Wickham, Mayor
Urban Carmel, Vice Mayor
Stephen Burke, Councilmember
Max Perrey, Councilmember

12219-0001\2709079v2.doc

EXHIBIT 7

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

August 22, 2022

SENT VIA EMAIL (pkelly@cityofmillvalley.org)

Patrick Kelly, Director of Building and Planning
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, California 94941

RE: Public Comments to the City of Mill Valley's Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

Dear Mr. Kelly:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides additional comments and information regarding the City of Mill Valley's Notice of Preparation ("NOP") for the General Plan Housing and Land Use Element Update and Zoning Amendments ("Project").

Our prior letter explained that we would later describe the considerable project-level information regarding the proposed Hamilton Project that is currently available, and will continue to be developed in the future. This is relevant because, as also explained previously, the City must use its best efforts to find out and disclose all that it reasonably can about the Hamilton Project. (*Laurel Heights* Improvement *Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 395-396; *Environmental Protection & Information Center v. Cal. Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503.)

Back on February 7, 2022, the City Council took action that staff described as:

> The proposed actions direct staff to execute an ENA that establishes the contractual agreement to commence negotiations regarding disposition of a portion of 1 Hamilton Drive, as well as initiating preliminary site analysis and design work that will further define an affordable housing development that would constitute a "project" under CEQA.

(Staff report dated February 7, 2022, p. 5.) The staff report also set forth a timeline for future work to define the project:



Further, the "Schedule of Performance" between the City and the developer sets forth milestones for defining the project and even CEQA review. It provides that the "schematic design" will be developed from February through July 2022, "Environmental Phase 1" would occur in February 2022, and "Environmental Phase 2 (if necessary)" would occur in April 2022.

Consistent with this schedule, the developer hosted a public meeting on May 3, 2022, to announce its project designs. The developer proposed two different designs, the "T" and "U" designs, that also included detailed site and building layouts, building cross-sections, visual simulation, view simulation, and even "building style examples." (See Exhibit 1.) There is no question that project-level information for the Hamilton Project is well underway, which is more than adequate to support project-level CEQA review.

Indeed, the developer's architect stated at the public meeting on May 3, 2022, that a geological report for the Hamilton Project was being prepared, would be completed by the end of May, and would be shared with the public. Based on this representation, a representative of FOHP asked the City on May 26, 2022, for a copy of that geotechnical report. The City representative would not acknowledge that a geological report was being prepared, obliquely stating, "A Geologic Hazards Evaluation ***will be completed*** as part of a comprehensive environmental impact report for the project. Geotechnical studies ***will serve*** to complete the Geologic Hazards Evaluation." (Exhibit 2, email dated May 26, 2022.) Having declined to acknowledge or deny its existence, the City did not provide geological report as requested.

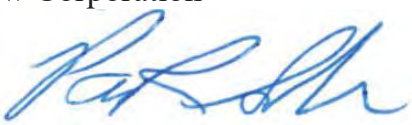
The City's obfuscation is troubling since it strongly suggests that the City is attempting to shield from public disclosure the existence of project-level information about the Hamilton Development as well as the existence of any technical studies that would be based on that project-level information. If the City intends for the scope of the

Project to include changes to 1 Hamilton's land use and zoning designations allowing for residential uses of any density, the City will not be allowed to shirk its duty to prepare adequate CEQA analysis of the Hamilton Project by claiming that inadequate project-level information is available.

Thank you for the opportunity to comment.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

Attachments:

Exhibit 1	Project posters presented at the May 3, 2022, public meeting
Exhibit 2	May 26, 2022, Email from Patrick Kelly, Director of Planning and Building, City of Mill Valley

cc: Jim Wickham, Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Sashi Sabaratnam, Councilmember (smcentee@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org; krogers@cityofmillvalley.org)

EXHIBIT 1

BUILDING STYLE EXAMPLES



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6

1 HAMILTON DRIVE

MILL VALLEY, CA | MAY 2, 2022 | EAH HOUSING

MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

"U"-SHAPED BUILDING CONCEPT

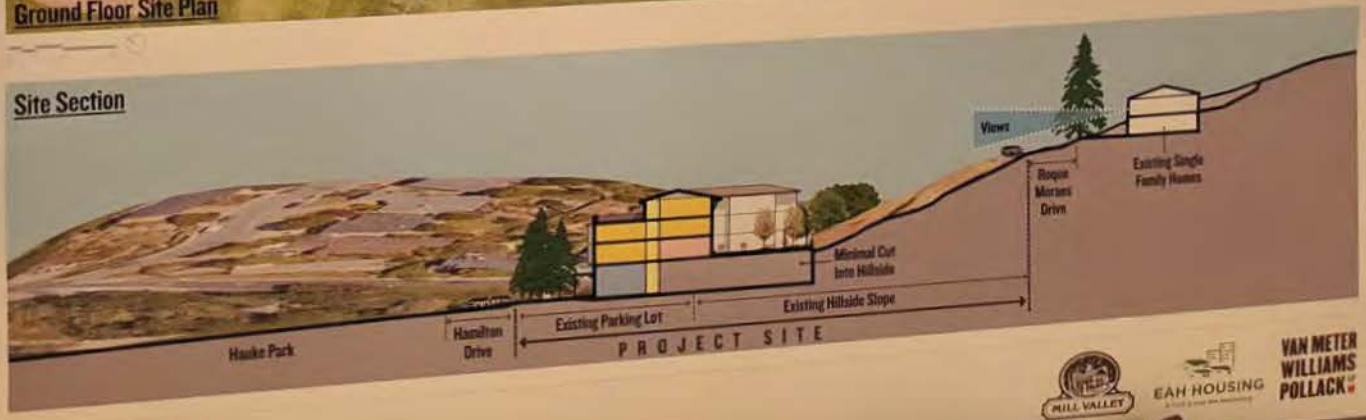
REAR COURTYARD





Ground Floor Site Plan





MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

1 HAMILTON DRIVE

MILL VALLEY, CA | MAY 2, 2022 | EAH HOUSING

"T"-SHAPED BUILDING CONCEPT

FRONT COURTYARD





Ground Floor Site Plan





MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

1 HAMILTON DRIVE

MILL VALLEY, CA | MAY 2, 2022 | EAH HOUSING

VIEW SIMULATION COMPARISONS

View Facing South on Hamilton Drive

"U"-SHAPED BUILDING CONCEPT



SKETCH A

"T"-SHAPED BUILDING CONCEPT



SKETCH B

View from Intersection of Roque Moraes Drive and Keats Drive

"U"-SHAPED BUILDING CONCEPT



SKETCH C

"T"-SHAPED BUILDING CONCEPT



SKETCH D

MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

VIEW SIMULATION COMPARISONS

View from Hamilton Drive Across from Fire Station

"U"-SHAPED BUILDING CONCEPT



SKETCH E

"T"-SHAPED BUILDING CONCEPT



SKETCH F

View from Hauke Park

"U"-SHAPED BUILDING CONCEPT



SKETCH G

"T"-SHAPED BUILDING CONCEPT



SKETCH H

1 HAMILTON DRIVE

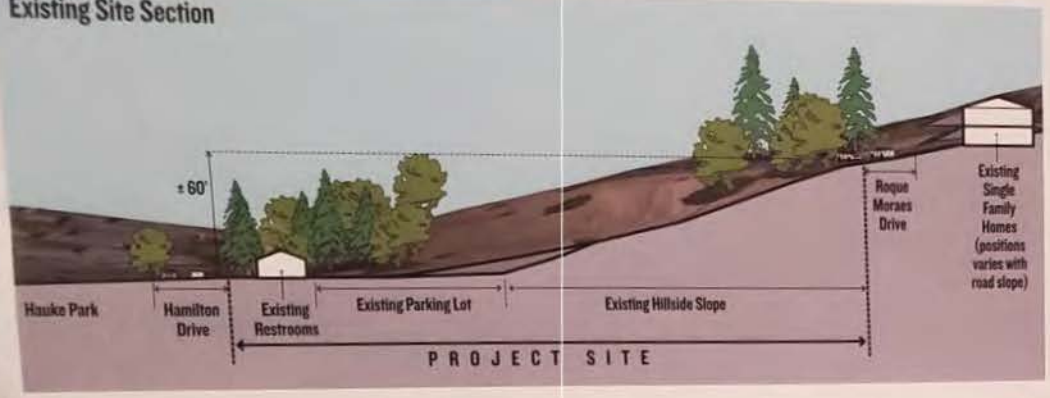
MILL VALLEY, CA | MAY 2, 2022 | EAH HOUSING

MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

Existing Site Section



Existing View of Parking Lot from Fields





VAN METER WILLIAMS POLLACK

EAH HOUSING

EXISTING SITE CONDITIONS







MILL VALLEY | EAH HOUSING | VAN METER WILLIAMS POLLACK

I HAMILTON DRIVE | POTENTIAL BUILDING LOCATIONS

How we look at a Property

Building Program - What goes into the building?

UTILITIES
- Mechanical room
- Electrical room
- Communications room
- Water pump room
- Trash / recycling room
- Transformer

APARTMENTS + CIRCULATION
- Corridors and stairs
- Studio: 400 sf
- 1 Bedroom: 450 - 500 sf
- 2 Bedroom: 750 - 850 sf
- 3 Bedroom: 950 - 1,000 sf
- 20 - 25% circulation

PARKING
- 50-65 spaces
- Approximately 400 sf per parking space
- Bike storage room

COMMUNITY ROOM
- 1,000 - 1,500 sf
- Laundry room
- Service offices

MANAGEMENT + ENTRY
- Management offices
- Lobby and elevators

EXHIBIT 2

From: Patrick Kelly
To: paula@weavermcgrath.com
Cc: Danielle Staude
Subject: RE: [External] Request for Geotechnical Report for 1 Hamilton
Date: Thursday, May 26, 2022 3:52:31 PM

Paula,

A Geologic Hazards Evaluation will be completed as part of a comprehensive environmental impact report for the project. Geotechnical studies will serve to complete the Geologic Hazards Evaluation. The environmental impact report will be initiated following completion of a project description which is a work in progress. The draft environmental impact report will be published for public review at which time the public will have the opportunity to review and comment on the document.

I will add your email address to the interested parties list to receive notifications regarding the environmental review process for the project.

Patrick Kelly, MPA, AICP
Director of Planning and Building
City of Mill Valley
26 Corte Madera Ave.
P. 415-388-4039

> **From:** Paula Weaver <paula@weavermcgrath.com>
> **Date:** May 26, 2022 at 1:25:35 PM PDT
> **To:** Danielle Staude <dstaude@cityofmillvalley.org>
> **Subject: [External] Request for Geotechnical Report for 1 Hamilton**
>
> Dear Danielle,
>
> Is the geotechnical report for the 1 Hamilton project completed and ready to be shared with the public? If so, I would like to receive a copy.
>
> Thank you.
> Paula McGrath

14

Comment 14 is all of Exhibit 2
Total number of pages - 4

EXHIBIT 2

From: Danielle Staude
To: Patrick Soluri
Cc: Mae Ryan Empleo; Patrick Kelly
Subject: Re: [External] Notice of Availability - DSEIR for the Mill Valley Housing Element
Date: Thursday, February 16, 2023 8:03:57 PM

Mr. Soluri,

The revised Housing Element is now available online at:
www.cityofmillvalley.org/housingelement

The draft is in redline format to view edits and changes to the document.

Danielle Staude

Sent from my i-phone

> On Feb 15, 2023, at 11:31 AM, Patrick Soluri <patrick@semlawyers.com> wrote:
>
> Ms. Staude,
>
> I am following up regarding the Housing Element Update. Your email below states that the revised Housing Element Update would be available early February. I reviewed both HCD and the City's websites (https://www.cityofmillvalley.org/748/Housing-Element-Update-2023-2031), and could not find that document. We understand that the public comment period on the Housing Element Update ends on March 3, 2023. Please send us the revised Housing Element Update immediately so that we can assess and comment upon the EIR's adequacy as an informational document. As you concede below, the revised Housing Element Update will be substantively modified from the August 2022 version in response to HCD's (and hopefully others') concerns. We cannot determine whether the EIR satisfies CEQA's informational disclosure mandates without knowing what the underlying project is.
>
> Regards,
> Pat
> Patrick M. Soluri
>
> ☎ *tel:* 916.455.7300 ▪ *fax:* 916.244.7300 ▪ *mobile:* 916.599.0474 ▪ ✉ *email:* patrick@semlawyers.com
>
> ---
>
> **From:** Danielle Staude <dstaude@cityofmillvalley.org>
> **Sent:** Thursday, January 19, 2023 9:15 AM
> **To:** Patrick Soluri <patrick@semlawyers.com>
> **Subject:** RE: [External] Notice of Availability - DSEIR for the Mill Valley Housing Element

Hello Mr. Soluri,

The City is in the process of incorporating HCD comments into a revised Draft HEU. The redlined version will be released in early February. This revision contains clarifications to existing language and administrative edits to incorporate and better define requirements of state law, as outlined in the HCD letter. The sites inventory remains the same, with the exception of a reduced unit count to address HCD comments related to SB9. This change and reduction in unit count will not impact the results of the DSEIR. Policies and programs remain similar to those contained in the DSEIR, with additional clarifying language and further detailed explanation of meaningful actions with metrics to further fair housing. As noted in the DSEIR a new program is recommended to mitigate potential significant impacts related to VMT. This program will be included in the revised HEU and further discussed in the FEIR.

Sincerely,
Danielle L. Staude
Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
(415) 388-4033

www.cityofmillvalley.org

From: Patrick Soluri <patrick@semlawyers.com>
Sent: Tuesday, January 17, 2023 5:30 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Cc: Patrick Kelly <pkelly@cityofmillvalley.org>; Mae Ryan Empleo <Legal@semlawyers.com>; Jim Wickham - Mill Valley mail <jwickham@cityofmillvalley.org>; Urban Carmel <ucarmel@cityofmillvalley.org>; Stephen Burke <sburke@cityofmillvalley.org>; Max Perrey <mperrey@cityofmillvalley.org>; 'gkhalsa@rwglaw.com' <gkhalsa@rwglaw.com>
Subject: RE: [External] Notice of Availability - DSEIR for the Mill Valley Housing Element

Ms. Straude,

Thank you for the emailed notice of the Draft EIR for the Housing Element Update. I was unaware that the City had prepared a revised Housing Element that responds to HCD's comments. I reviewed the appendices to the DEIR and noticed that the revised Housing Element is not included. **Please send me the revised Housing Element immediately**, which is required for public review and comment on the Draft EIR that purports to analyze it. The public cannot possibly review and comment on the adequacy of the DEIR's analysis of the Housing Element Update without having access to the Housing Element Update.

Regards,
Patrick M. Soluri

☎ *tel:* 916.455.7300 ▪ *fax*: 916.244.7300 ▪ *mobile:* 916.599.0474 ▪ *email*: patrick@semlawyers.com

---

From: Danielle Staude <dstaude@cityofmillvalley.org>
Sent: Tuesday, January 17, 2023 4:02 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Cc: Patrick Kelly <pkelly@cityofmillvalley.org>
Subject: Notice of Availability - DSEIR for the Mill Valley Housing Element

Thank you for your interest in Mill Valley's Draft Housing Element. Attached is a Notice of Availability for the environmental document to support the Housing Element, referred to as the Draft Subsequent Environmental Impact Report (DSEIR).

Please note that the Notice also includes information about submitting comments as well as a meeting that will be hosted on February 28th to collect oral comments.

Project website for the Housing Element is www.cityofmillvalley.org/housingelement

Sincerely,
Danielle L. Staude
Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
(415) 388-4033

www.cityofmillvalley.org

15

Comment 15 is all of Exhibit 3
Total number of pages - 11

EXHIBIT 3

NOTICE OF PREPARATION AND NOTICE OF SCOPING MEETING

To: Interested Parties

Date: December 21, 2022

Subject: Notice of Preparation of Draft Environmental Impact Report, City of Mill Valley, 1 Hamilton Drive Affordable Housing Development

Lead Agency: City of Mill Valley

Project Website: www.cityofmillvalley.org/hamilton

NOTICE IS HEREBY GIVEN THAT the City of Mill Valley will be the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare a Draft Environmental Impact Report (DEIR) for the proposed project. This NOP includes a project description and an overview of the potential impacts that will be addressed in the DEIR.

Project Title: 1 Hamilton Drive Affordable Housing Development

Project Applicant: City of Mill Valley

Project Location: City of Mill Valley

The project description, location map, project site diagram, and the potential environmental effects are contained in the attached document.

The purpose of this notice is: (1) to serve as the Notice of Preparation to potential Responsible Agencies, agencies involved in funding or approving the project, and Trustee Agencies responsible for natural resources affected by the project, pursuant to Section 15082 of the CEQA Guidelines; and (2) to advise and solicit comments and suggestions regarding the preparation of the DEIR, environmental issues to be addressed in the DEIR, and any related issues, from interested parties in addition to those noted above, including interested or affected members of the public. The City of Mill Valley requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).

All parties that have submitted their names and mailing addresses will be notified as part of the project's CEQA review process. If you wish to be placed on the mailing list or have any questions or need

additional information, please contact the person identified below. A copy of the NOP and attachment document is on the City's website (https://cityofmillvalley.org/) and is on file at the City Hall offices, located at the address provided below.

Scoping Meeting:

Date: Thursday, January 12, 2023

Time: 6:30 pm

Location: Mill Valley City Hall, 26 Corte Madera Avenue

30-Day NOP Review Period: In accordance with CEQA, should your agency have any comments, it is requested to provide a written response to this NOP within the mandated (minimum of) 30-day NOP review period that will begin December 22, 2022 and end January 27, 2023. Written comments must be received at the address below no later than 5:00 p.m. on January 27, 2023.

Please indicate a contact person in your response and send it to the following contact:

Patrick Kelly, Director of Building & Planning
pkelly@cityofmillvalley.org
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

December 21, 2022

Date

Patrick Kelly, Director of Building & Planning

BACKGROUND: The City of Mill Valley (City) is currently updating its General Plan Housing Element, which aims to achieve goals addressed by the Mill Valley 2040 General Plan (GP) that specifically addresses the challenge of housing supply and affordability by seeking to diversify housing stock to accommodate a range of income levels and lifestyles within the community. The existing (2014-2022) and draft (2023-2031) Housing Element contain policy guidance to explore and identify public-owned parcels to build affordable housing. In 2020, City staff worked with the City's Housing Advisory Committee to identify potential publicly owned and tax-exempt sites for redevelopment. On September 20, 2021, the City Council took action to: 1) declare a portion of the property located at 1 Hamilton Drive as "exempt surplus land" as required under the California Surplus Land Act (Government Code 54220 et seq.) pursuant to Government Code Section 54221(f)(1)(A) and 2) authorize the City Manager to negotiate and draft an Exclusive Negotiating Agreement (ENA) with EAH Housing for the purpose of negotiating the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the northern portion of 1 Hamilton Drive. Figure 1 indicates the location of the project site within the City of Mill Valley and the surrounding region.

On February 6, 2022, the City Council authorized the approval of the ENA and outreach plan to further evaluate relocating existing facilities on the northern portion of 1 Hamilton, including public restrooms, 38 public parking spaces and one electric (EV) charger with two ports or "stations" and further explore building affordable housing on the proposed site.

In March 2022, City staff began working with the EAH Team to advance work as part of the ENA, including supporting EAH as it conducted a series of large public workshops and smaller scale neighborhood meetings. This input led to the formulation of a range of project design options and on- and off-site needed improvements and other suggestions that could benefit the surrounding community.

On September 19, 2022, the City Council directed staff to further consider and evaluate relocating existing facilities (38 parking spaces, restroom facilities and one electric vehicle charging station) to the adjacent Public Safety Building (PSB) parking lot.

On November 30, 2022, City Staff and the EAH Team presented the preliminary site planning and design work to City Council and Planning Commission, with a recommended building concept and site plan for the relocation of existing facilities to the adjacent parking lot as a condition of building and managing affordable housing on the site. Planning Commission and City Council supported the recommendation and Council directed staff to assemble a development review package, which includes the environmental review of the proposed project.

INTRODUCTION: The purpose of an EIR is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; examine methods of reducing adverse environmental impacts; and consider alternatives to the project.

The 1 Hamilton Drive Affordable Housing Development Project Draft EIR will be prepared and processed in accordance with CEQA and the CEQA Guidelines. In accordance with CEQA, the Draft EIR will include the following:

- Summary of the proposed project and its potential environmental effects;
- Description of the proposed project;
- Description of the existing environmental setting, potentially significant environmental impacts, and mitigation measures;
- Alternatives to the proposed project;
- Cumulative impacts; and
- CEQA conclusions, including: 1) the growth-inducing impacts of the proposed project; 2) any significant environmental effects which cannot be avoided if the project is implemented; 3) any significant irreversible and irretrievable commitments of resources; and 4) effects found not to be significant.

PROJECT LOCATION: The project site is located on the northern portion of the parcel at 1 Hamilton Drive in the City of Mill Valley, situated in Marin County, California. The project site is a triangle shape bounded by Hamilton Drive to the west and northwest and Roque Moraes Drive to the east and northeast. The entire parcel is zoned as Open Area (OA) with the General Plan Land Use designation of Community Facilities (CF). The City's Public Safety Building (PSB) is located adjacent to the project site to the south. Surrounding General Plan Land Use designations include Single Family Residential to the north; Single Family and Multi Family Residential to the south and east; and Community Facilities, including the PSB, community garden, Hauke Park and playing fields to the south and west.

The 1 Hamilton Drive parcel (Accessor Parcel Number: 030-250-01) is owned by the City and is approximately 11 acres in size. The western portion of the parcel is considered Bayland and includes Hauke Park and Bayfront Park. The southeastern portion of the parcel includes the City's PSB and an associated parking lot that serves the administrative offices of the City's Police Department and Fire Station 7, a ground mounted solar array, and a community garden to the south. The project area comprises the northern portion of the parcel and is approximately 1.6 to 1.8 acres in size. The actual size of the project site will be determined based on community input and physical design of the proposed housing. The northern portion of the parcel currently includes vacant land, a public parking lot with 38 parking spaces, one electric vehicle charging station with two ports, and public restrooms.

The project site contains 66 trees including 42 native trees. Tree species on-site include coast live oak, cork oak, Canary Island pine, black locust, blackwood acacia, ash, and California buckeye. Vegetation on the remainder of the site consists of non-native annual grassland. No trees on-site qualify as heritage trees under the City tree ordinance (Chapter 12.04, MVMC). Two seasonal wetlands potentially subject to jurisdiction by the U.S. Army Corps of Engineers and Regional Water Quality Control Board totaling 0.01 acre are located on the project site adjacent to Hamilton Drive.

PROPOSED PROJECT/PROJECT DESCRIPTION: The project includes the development of up to 50 affordable housing units, 65 on-site residential parking spaces, and private outdoor spaces. The project also includes the replacement of the existing public parking lot and restroom facilities currently located in the southwestern corner of the project site. The relocation of these facilities will be accomplished by reconfiguring the PSB parking lot, which will include up to 50 public parking spaces, public restrooms, and electric vehicle charging. The new public restrooms will be located adjacent to the northern side of the PSB. The project site, proposed development footprint, and surrounding land uses are depicted on Figure 2. Proposed project characteristics are described in more detail below.

Replacement of Existing Facilities

The proposed project would reconfigure the Public Safety Building (PSB) parking lot to accommodate up to 50 public parking spaces, public restrooms, and electric vehicle charging as a required condition of approval to develop housing on the project site. The public parking spaces would be configured into a "Lot A" and "Lot B" located on each side of the PSB, as shown on Figure 2.

Approximate Unit Count and Size

Based on site considerations, construction costs and the current financing environment, EAH estimates the number of units required to build on the property is approximately 45 units. This is consistent with the Exclusive Negotiating Agreement (ENA) established with EAH to evaluate the feasibility of building 40-50 affordable rental units on the site. The Draft EIR will analyze 50 units as a conservative measure to evaluate the maximum potential number of anticipated units. The affordable bedroom mix is anticipated to be as follows: 39% 1-bedroom units (approximately 575 square feet); 36% 2-bedrooms (approximately 836 square feet); 25% 3-bedrooms (approximately 1,025 square feet). There is also one dedicated 3-bedroom unit to house the property manager on site.

Residential Parking

The proposed project would provide at least 65 residential parking spaces in a podium style parking garage underneath the proposed housing units. Building affordable housing allows for reduced parking standards through the State Density Bonus Law. Recent changes to the law allow for further reductions; however, the proposed project design provides at least 1 residential parking space per unit. Based on the maximum unit count of 50 units, the proposed parking ratio is approximately 1.3 parking spaces per unit. Visitor parking is not required based on state requirements but is proposed as part of the reconfigured PSB parking lot in association with general public parking.

Entry to Residential Parking Garage

The proposed entry to the residential parking garage connects to the proposed public parking Lot B to reduce curb cuts along Hamilton Drive.

Visitor Parking and Parking Management

The City is recommending creating time-limited parking restrictions (e.g., 4-hour limit) for the public parking spaces in Parking Lots A and B depicted in Figure 2 that are adjacent to the proposed housing

site on Hamilton Drive. This will allow for the turnover of parking regardless of use and will address concerns about extended residential and/or visitor parking in the public parking area.

Building Footprint, Massing and Location

The proposed building footprint for the housing development is located on flat and level areas of the site in order to minimize the amount of necessary grading. The maximum anticipated gross building area is approximately 66,000 square feet.

Conceptual design refinements are currently underway and are expected to be completed by the time the DEIR is circulated for public review. At this time, preliminary building designs include a ground floor parking garage (up to 22,000 square feet), with a 3-story podium building (up to 29,000 square feet) that includes residential area (up to 40,000 square feet); common area (up to 2,500 square feet); office space (up to 1,300 square feet); and circulation area (up to 16,500 square feet). The total residential Floor Area anticipated as part of the project is .80 and the maximum height of the structure would be 58 feet at its highest peak, depending on final roof design and podium height. Private outdoor spaces for residents include a front courtyard area, approximately 6,000 square feet in size.

Tree Removal and Replacement

Based upon current site plans, approximately 40 of the trees on-site would be removed in order to construct the proposed project. Approximately 20 of these trees are coast live oaks, having an average size of 13.6 inches diameter at breast height and an average height of 19 feet. The project will be required to obtain a permit to remove trees from the site and comply with all applicable tree replacement or in-lieu fee mitigation requirements.

Project Approvals

The final project application to the City will include:

- Proposed site plans and building designs for Design Review.
- A proposed tentative parcel map to create a separate parcel for the northern portion of 1 Hamilton.
- A request to rezone the newly created parcel from O-A (Open Area) to RM-B (Multi-family Residential-Bayfront) to permit multi-family residential on the property.
- Tree removal permit.
- A long-term ground lease or similar document allowing EAH to construct and manage housing on the site.

RELATIONSHIP TO HOUSING ELEMENT DSEIR: The City is also analyzing the concept of housing on the 1 Hamilton site on a programmatic level in the Draft Subsequent Housing Element EIR (DSEIR). The Housing Element DSEIR is a “program EIR” which analyzes the impacts of the policies laid out in the Housing Element on the City of Mill Valley as a whole, pursuant to CEQA. The Housing Element DSEIR will not include a site-specific, project-level analysis of the proposed 1 Hamilton development or any other site described in the sites inventory, nor is it required to include such an analysis.

This NOP is for a project-level DEIR that will specifically evaluate the direct and indirect impacts of the proposed 1 Hamilton project. It is anticipated that this project-level DEIR will be circulated for public comment after publication of the Housing Element DSEIR.

PROBABLE ENVIRONMENTAL EFFECTS: An Initial Study providing more detail regarding the anticipated scope of the DEIR will be released on the project website (www.cityofmillvalley.org/hamilton) in January during the scoping period. It is anticipated that the proposed project may have potentially significant environmental effects in the following areas: Aesthetics; Biological Resources; Cultural Resources; Energy; Geology and Soils; Hazards and Hazardous Materials; Land Use and Planning; Noise; Population and Housing; Public Services; Recreation; Transportation; Tribal Cultural Resources; and Utilities and Service Systems. The project is not anticipated to result in potentially significant environmental effects in the following areas: Agriculture and Forestry Resources; Air Quality; Greenhouse Gas Emissions; Hydrology and Water Quality; Mineral Resources; and Wildfire. The level of analysis for these subject areas may be refined or additional subject areas may be analyzed based on responses to this NOP, the Initial Study, and/or refinements to the proposed project. More detail concerning the proposed DEIR analyses is presented below.

Aesthetics

The aesthetics discussion and analysis in the DEIR will evaluate the visual impact of the project with regard to building height, bulk/mass, and viewshed alteration/obstruction. The project will be evaluated for consistency with applicable City design guidelines and other policies related to the protection of views from public corridors.

Biological Resources

This section of the DEIR will evaluate the project's impact on trees, wetlands, and other vegetation at the project site, as well as the project's potential to impact special status plant and wildlife species. A discussion of the potential relevant regulatory agency approvals necessary for project implementation will also be included.

Cultural Resources

This section of the DEIR will evaluate the project's potential to disturb archaeological resources, both known and unknown, at or within the vicinity of the project site.

Energy

The proposed project would create new development capacity that would result in increased energy demand. The three primary sources of energy demand would likely be fuel use in vehicles, and electricity and natural gas use in buildings. The net change in demand for these types of energy will be evaluated. Because the threshold of significance for energy impacts is qualitative, the impact discussion and analysis will also be qualitative.

Geology and Soils

The project site is located on a sloping hillside. This section of the DEIR will evaluate the potential for the project to exacerbate the effects of geologic hazards, such as landslides, soil instability, and seismic ground shaking/surface rupture. In addition, the presence of naturally occurring asbestos on-site will be evaluated and relevant mitigation identified as necessary.

Hazards and Hazardous Materials

The project site is located adjacent to the City of Mill Valley's PSB, which includes fire and police stations and is a staging location for emergency response. This section of the DEIR will evaluate the project's potential impact on adopted emergency response and evacuation plans.

Land Use and Planning

This section of the DEIR will evaluate the project's consistency with adopted land use policies that are applicable to the project and project site. A discussion of project conformance with the City's current Housing Element and draft Housing Element Update will be included.

Noise

This section will address whether the proposed project would result in an increase in noise levels during both construction and future operation in violation of City policies and applicable municipal regulations.

Population and Housing

The DEIR will evaluate the impact of the project on population and housing within the City.

Public Services

This section of the DEIR will address whether the proposed project would require new or expanded public services facilities, such as fire/police protection, schools, parks, and libraries, and whether those facilities would result in significant environmental impacts.

Recreation

This section of the DEIR will address whether the proposed project would require new or expanded recreational facilities and whether the project would adversely affect existing parks and recreational facilities within the City.

Transportation

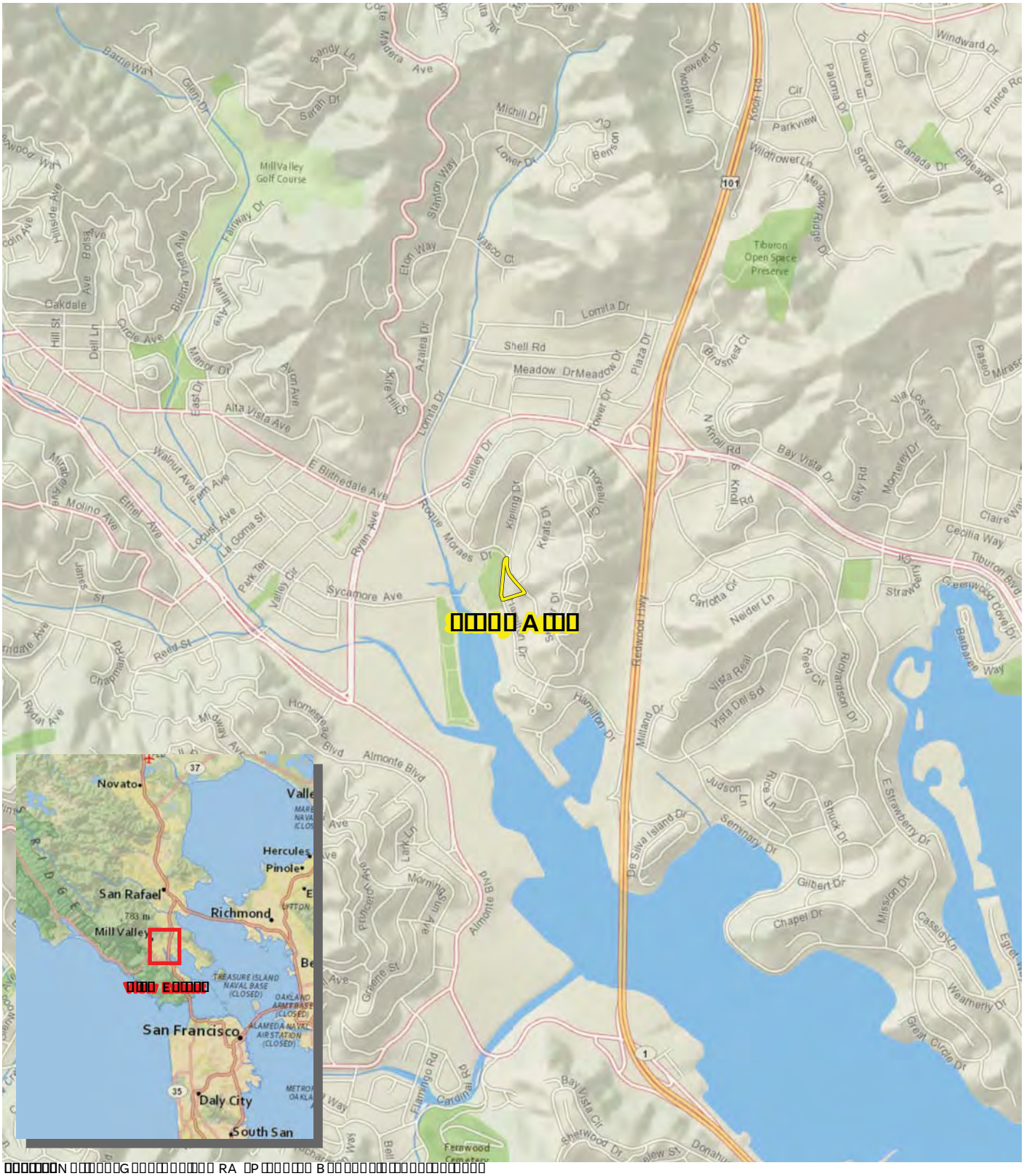
This section of the DEIR will address the vehicle miles traveled (VMT) impacts of the project as well as the project's consistency with applicable General Plan policies pertaining to City roadway performance criteria, safety, and multi-modal accessibility (pedestrian circulation, bicycle routes).

Tribal Cultural Resources

This section of the DEIR will describe the City's AB 52 tribal consultation process for the project and evaluate whether the project may result in an adverse change on the significance of a tribal cultural resource.

Utilities and Service Systems

This section will address possible physical changes associated with expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunication services at the project site. The ability of existing water supplies, water/wastewater treatment capacity, and solid waste disposal systems to serve the project will be evaluated. Multiple relevant agencies and utilities will be consulted in the preparation of this analysis.


Project Area
Project Location
Mill Valley
San Rafael
Novato
Richmond
Hercules
Pinole
San Francisco
Daly City
South San
Tiburon
Corte Madera
Larkspur
Belvedere
Sausalito
Strawberry
Almonte Blvd
Redwood Hwy
Tiburon Blvd
Shell Rd
Meadow Dr
Lomita Dr
Sycamore Ave
E Blithedale Ave
Miller Ave
Evergreen Ave
Alta Vista Ave
Bay Vista Dr
Vista Del Sol
Hamilton Dr
Seminary Dr
Gilbert Dr
Chapel Dr
Mission Dr
Tiburon Open Space Preserve
Mill Valley Golf Course
Bay Vista Cir
Flamingo Rd
Cardinal Rd
Ferrywood Cemetery
Almonte Blvd
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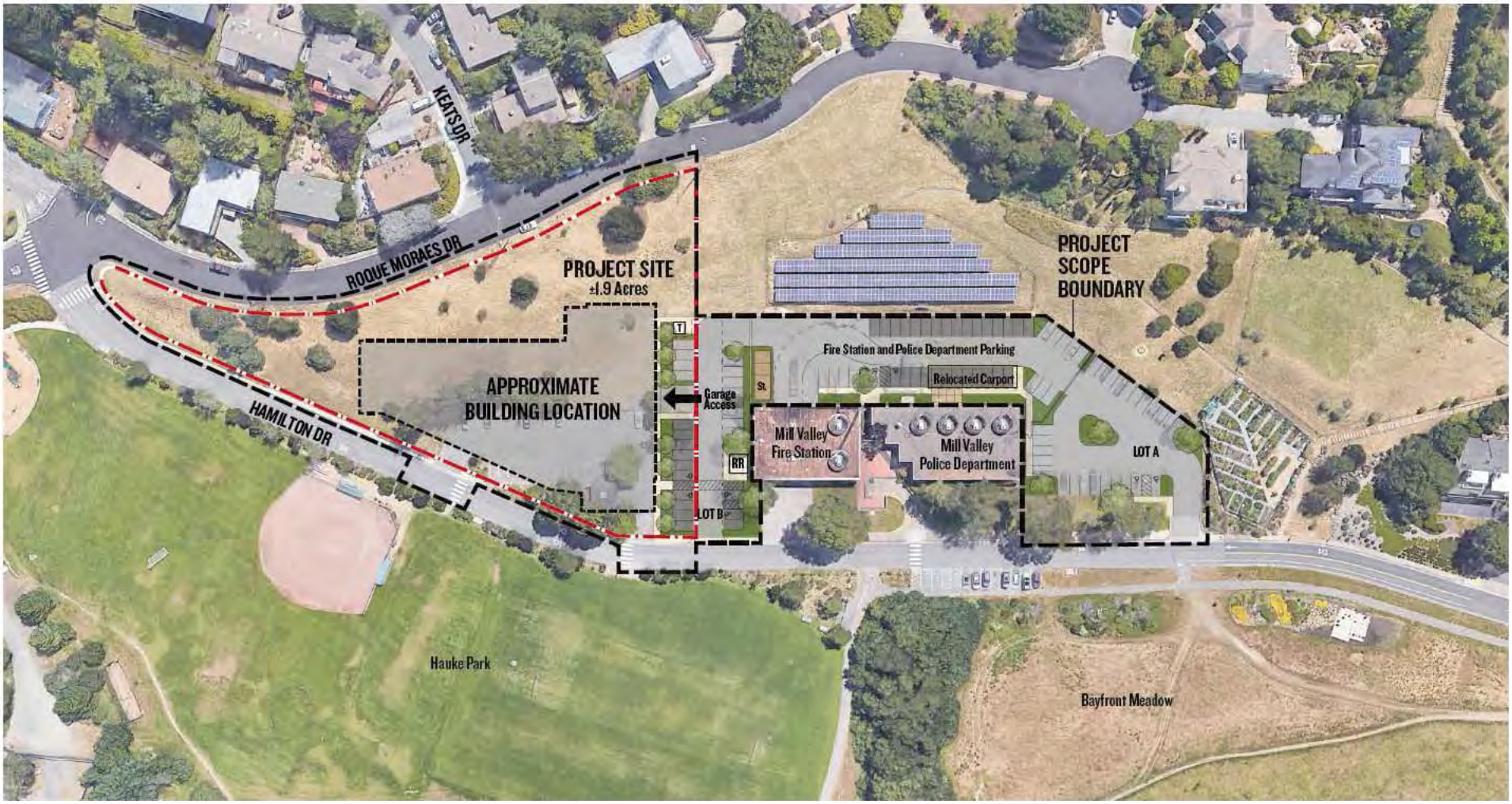


Figure 2. Project Site Plan

1 Hamilton Affordable Housing Development Project
Mill Valley, California

wra
Environmental
Consultants

16

Comment 16 is all of Exhibit 4
Total number of pages - 6

EXHIBIT 4

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

August 15, 2022

SENT VIA EMAIL (pkelly@cityofmillvalley.org)

Patrick Kelly, Director of Building and Planning
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to the City of Mill Valley's Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

Dear Mr. Kelly:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding the City of Mill Valley's Notice of Preparation ("NOP") for the General Plan Housing and Land Use Element Update and Zoning Amendments ("Project"). As explained more fully below, the NOP includes substantive inconsistencies and even factual misrepresentations regarding existing conditions as well as the scope of the Project and its relationship to the proposed residential development at 1 Hamilton ("Hamilton Project"). Action is required by the City, including possibly a revised NOP, to correct these deficiencies.

1. False Information Regarding Existing Conditions

CEQA requires that an EIR evaluate, and that public agencies mitigate or avoid, significant effects of projects in the "area which will be affected by a proposed project." (Cal. Code Regs., tit. 14, § 15000 et seq. ("CEQA Guidelines"), § 15360.) The project description is the activity the EIR must evaluate for environmental impact (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271-272; Pub. Resources Code, § 21065), while the environmental setting (i.e., baseline) is the condition of the environment against which the EIR will evaluate project changes for environmental harm (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 315). Therefore, CEQA requires that an EIR adequately describe the environmental setting. (*Ibid*; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 874; CEQA Guidelines, § 15125.)

Here, the City is off to a bad start as the NOP sets forth demonstrably false information regarding existing conditions. Specifically, the NOP asserts that 40 residential units are allowed at 1 Hamilton under existing conditions:

Table 3 Sites Inventory Summary

Type of Site	Number of Sites	Number of Units (Anticipated Based on Existing Use without Rezoning)	Number of Units (Maximum Based on Allowable Density After Rezoning)
Vacant Single-Family Zoned Sites	88	88	88
Projected SB 9 Lot Splits	10	40	40
City-Owned Site (1 Hamilton)	1	40	50
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre with Housing Overlay[1]	35	149	328
Opportunity Sites: Commercial Zoned Sites over ½ acre with Housing Overlay[1]	27	258	492
Office Conversions with Housing Overlay	13	65	173
Totals	**174**	**640**	**1,171**

SOURCE: City of Mill Valley 2022

NOTE: 1. The City anticipates no change in the existing commercial square footage on each of the opportunity sites with existing commercial uses.

This information is demonstrably false. 1 Hamilton's General Plan land use designation is Community Facilities (Land Use Element, p. 25), and its zoning designation is Open Area ("O-A") (see existing Housing Element, p. C-19). Both designations prohibit residential development. The Land Use Element's Community Facilities description includes, "All City facilities including City golf course, parks, City Hall, Community Center, Public Safety Building, etc.; public schools and private schools." (Land Use Element, p. 24.) It further states that a residential density range is "not applicable." (*Ibid*.) Eliminating any confusion on this point, the draft Housing Element states, "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.)

As we explained to the City by letter dated July 29, 2022, there is no question that residential uses are prohibited at 1 Hamilton based on its General Plan land use designation and its zoning designation. Six days later, the City's PowerPoint presentation

for the Project's scoping meeting included a revised table that implicitly acknowledges the NOP's error:

PROJECT DESCRIPTION SUMMARY

Type of Site	Number of Sites	Number of Units (Anticipated Based on Existing Use without Rezoning)	Number of Units (Maximum Based on Allowable Density After Rezoning)[2]
Vacant Single-Family Zoned Sites	88	88	88
Projected SB 9 Lot Splits	10	40	40
City-Owned Site (1 Hamilton)	1	0	50
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre with Housing Overlay[1]	35	149	328
Opportunity Sites: Commercial Zoned Sites over ½ acre with Housing Overlay[1]	27	258	492
Office Conversions with Housing Overlay	13	65	173
Totals[2]	**174**	**600**	**1,171**

NOTE 1: The City anticipates no change in the existing commercial square footage on each of the sites with existing commercial uses.
NOTE 2: The "number of units" identified in this table is a conservative estimate of the number of units that will be built on these sites. In most instances the number indicated in this table will be larger than the number of units estimated for the purpose of meeting the City's Regional Housing Needs Assessment (RHNA) allocation. The number of units estimated for RHNA purposes takes into account site constraints, environmental constraints, and market trends to devise an estimate of the realistic number of units that will be built on-site. The number of units used for CEQA purposes takes into account maximum build-out to ensure that the City has analyzed potential environmental impacts adequately.

While we speculate that this PowerPoint slide represents some effort by the City to correct the NOP, more is required to acknowledge this error and eliminate any confusion resulting from the NOP's fundamentally misleading information. The environmental impacts of ten additional residential units (as suggested by the NOP) to an existing residential area are dramatically different from the environmental impacts of 50 new residential units in an area where all residential development was previously prohibited. Setting that aside, the NOP's suggestion that "existing" conditions allow residential uses raises serious questions regarding whether the City intends to rely on a shifting and inconsistent project description in order to thwart adequate CEQA review of the Hamilton Project, which is addressed below.

2. Shifting and Inconsistent Project Description

The courts have consistently held that an "accurate and stable project description" is a bedrock requirement of CEQA—the sine qua non (that without which there is nothing) of an adequate CEQA document:

> Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other

> alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.

(*Inyo v. Los Angeles* (1977) 71 Cal.App.3d 185, 192-93 (*Inyo*).) The ability of informed citizens to participate in environmental review is a key component of CEQA. (*Washoe Meadows v. Dept. of Parks and Recreation* (2017) 17 Cal.App.5th 277, 285 (*Washoe*) ["Informed public participation is essential to environmental review under CEQA."]; *Inyo*, *supra*, 71 Cal.App.3d at 192 ["The EIR process facilitates CEQA's policy of supplying citizen input."].) Through the EIR process, CEQA "provide[s] public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." (*Washoe*, *supra*, 17 Cal.App.5th at 286 [quoting Pub. Resources Code, § 21061].)

An interrelated bedrock CEQA principle of informed public participation is that all aspects of a proposed project, i.e., the "whole of the action," must be analyzed in an EIR. (See CEQA Guidelines, § 15378, subd. (a) [a project is the "whole of an action" which may result in direct or indirect physical changes to the environment].) This means that an EIR must include analysis of "all phases of a project" and all "reasonably foreseeable consequences" of a project. (CEQA Guidelines, § 15126 [EIR's impact analysis must consider all phases of a project]; *Laurel Height Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376 [EIR must analyze "reasonably foreseeable consequence" of a project.)

Concerns about both of these interrelated CEQA requirements are raised because the NOP is internally inconsistent about whether the Project includes changing the General Plan land use designation and zoning designation for 1 Hamilton. On one hand, NOP page 6 states, "The proposed project includes amending the general plan land use designations and redesignating the zoning district for . . . the following locations as reflected in Figure 2," which includes 1 Hamilton. (See NOP, Figure 2.) Further, Table 3 to the NOP 3 identifies 1 Hamilton as allowing up to 50 residential units "after rezoning." This information strongly suggests the Project includes General Plan amendment and rezoning action in order to accommodate the Hamilton Project. On the other hand, Table 6, "Summary of Zoning Map and Land Use Amendments," appears to omit any reference to 1 Hamilton. (NOP, p. 9.)

This inconsistency leaves the public to speculate about the scope of the CEQA "project" to be analyzed in the EIR. To the extent the NOP's mischaracterization of 1 Hamilton's "current" zoning is premised on the City's intention to revise 1 Hamilton's General Plan land use designation and zoning designation as part of the Project, the EIR

will need to include adequate analysis of the Hamilton Project. We ask the City to directly address two simple questions:

(1) Does the CEQA project include changing 1 Hamilton's General Plan land use designation to allow residential uses?

(2) If the answer to the first question is "yes," why is the City suggesting that it will prepare a subsequent EIR for the Hamilton Project since a subsequent approval would ostensibly be exempt from CEQA review pursuant to Public Resource Code section 21083.3?

A member of FOHP attended the City's public scoping meeting on August 4, 2022, in an attempt to obtain answers to these questions. Incredibly, City officials refused to answer and, in order to avoid any follow-up questions, ended the scheduled three-hour meeting after only thirty minutes. The City's obfuscation thwarts the public's efforts to understand the City's environmental review strategy for both the Project and the Hamilton Project.

To eliminate any confusion, if the Project includes revisions to the General Plan Land Use Element and/or Zoning Ordinance that would authorize residential use of 1 Hamilton, the City must use its best efforts to find out and disclose all that it reasonably can about the Hamilton Project. (*Laurel Heights*, *supra*, 47 Cal.3d at 395-396; *Environmental Protection & Information Center v. Cal. Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503.) As will be demonstrated by other comment letters submitted in response to the NOP, detailed project-level information is presently available regarding the proposed affordable housing project and will continue to be refined over the next several months. The City will not be allowed to shirk its duty to prepare adequate CEQA analysis of the Hamilton Project by claiming either that it has not yet been approved, or by promising (well-intentioned or not) to perform such review in the future.[1]

---

[1] Even if the City were to commit in good faith to prepare an EIR for the Hamilton Project and actually followed through with that promise, the City could later argue that any deficiencies in that EIR are not prejudicial and therefore require no corrective action. (*Del Cerro Mobile Estates v. City of Placentia* (2011) 197 Cal.App.4th 173, 179 [rejecting argument that by "preparing and certifying the EIR as if CEQA applied, the City waived any right to later invoke a potential CEQA exemption"].)

* * *

The City must take unmistakable, legally-cognizable action to correct the NOP's deficiencies identified above. A failure to do so will likely be construed by a reviewing court as evidence that the City is misleading the public regarding the Hamilton Project and the City's intended process for future review and approval. Thank you for the opportunity to comment.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Jim Wickham, Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Sashi Sabaratnam, Councilmember (smcentee@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org; krogers@cityofmillvalley.org)

17

Comment 17 is all of Exhibit 5
Total number of pages - 2

EXHIBIT 5

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

August 30, 2022

SENT VIA EMAIL (gkhalsa@rwglaw.com)

Inder Khalsa
City Attorney, City of Mill Valley
1 Sansome Street, Suite 2850
San Francisco, CA California 94104

RE: Additional Comments to the City of Mill Valley's Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

Dear Ms. Khalsa:

This responds to your letter dated August 26, 2022, which purports to answer a question raised in our letter dated August 15, 2022. Unfortunately, your letter does not directly answer our question, and so we will restate it more concisely:

> Does the project to be analyzed in the so-called "Housing Element EIR" include changes to 1 Hamilton's General Plan land use and zoning designations to allow residential use for that site?

To clarify the matter for the public, a "yes" or "no" would be helpful and appropriate.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Jim Wickham, Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)

Sashi Sabaratnam, Councilmember (smcentee@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org,
krogers@cityofmillvalley.org)

18

Comment 18 is all of Exhibit 6, as well as its 2 Exhibits
Total number of pages - 14

EXHIBIT 6

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

August 22, 2022

SENT VIA EMAIL (pkelly@cityofmillvalley.org)

Patrick Kelly, Director of Building and Planning
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, California 94941

RE: Public Comments to the City of Mill Valley's Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

Dear Mr. Kelly:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides additional comments and information regarding the City of Mill Valley's Notice of Preparation ("NOP") for the General Plan Housing and Land Use Element Update and Zoning Amendments ("Project").

Our prior letter explained that we would later describe the considerable project-level information regarding the proposed Hamilton Project that is currently available, and will continue to be developed in the future. This is relevant because, as also explained previously, the City must use its best efforts to find out and disclose all that it reasonably can about the Hamilton Project. (*Laurel Heights* Improvement *Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 395-396; *Environmental Protection & Information Center v. Cal. Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503.)

Back on February 7, 2022, the City Council took action that staff described as:

> The proposed actions direct staff to execute an ENA that establishes the contractual agreement to commence negotiations regarding disposition of a portion of 1 Hamilton Drive, as well as initiating preliminary site analysis and design work that will further define an affordable housing development that would constitute a "project" under CEQA.

(Staff report dated February 7, 2022, p. 5.) The staff report also set forth a timeline for future work to define the project:



Further, the "Schedule of Performance" between the City and the developer sets forth milestones for defining the project and even CEQA review. It provides that the "schematic design" will be developed from February through July 2022, "Environmental Phase 1" would occur in February 2022, and "Environmental Phase 2 (if necessary)" would occur in April 2022.

Consistent with this schedule, the developer hosted a public meeting on May 3, 2022, to announce its project designs. The developer proposed two different designs, the "T" and "U" designs, that also included detailed site and building layouts, building cross-sections, visual simulation, view simulation, and even "building style examples." (See Exhibit 1.) There is no question that project-level information for the Hamilton Project is well underway, which is more than adequate to support project-level CEQA review.

Indeed, the developer's architect stated at the public meeting on May 3, 2022, that a geological report for the Hamilton Project was being prepared, would be completed by the end of May, and would be shared with the public. Based on this representation, a representative of FOHP asked the City on May 26, 2022, for a copy of that geotechnical report. The City representative would not acknowledge that a geological report was being prepared, obliquely stating, "A Geologic Hazards Evaluation ***will be completed*** as part of a comprehensive environmental impact report for the project. Geotechnical studies ***will serve*** to complete the Geologic Hazards Evaluation." (Exhibit 2, email dated May 26, 2022.) Having declined to acknowledge or deny its existence, the City did not provide geological report as requested.

The City's obfuscation is troubling since it strongly suggests that the City is attempting to shield from public disclosure the existence of project-level information about the Hamilton Development as well as the existence of any technical studies that would be based on that project-level information. If the City intends for the scope of the

Project to include changes to 1 Hamilton's land use and zoning designations allowing for residential uses of any density, the City will not be allowed to shirk its duty to prepare adequate CEQA analysis of the Hamilton Project by claiming that inadequate project-level information is available.

Thank you for the opportunity to comment.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

Attachments:

Exhibit 1	Project posters presented at the May 3, 2022, public meeting
Exhibit 2	May 26, 2022, Email from Patrick Kelly, Director of Planning and Building, City of Mill Valley

cc: Jim Wickham, Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Sashi Sabaratnam, Councilmember (smcentee@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org; krogers@cityofmillvalley.org)

EXHIBIT 1

BUILDING STYLE EXAMPLES



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6

1 HAMILTON DRIVE

MILL VALLEY, CA | MAY 3, 2022 | EAH HOUSING

MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

"U"-SHAPED BUILDING CONCEPT

REAR COURTYARD





Ground Floor Site Plan





MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

1 HAMILTON DRIVE

MILL VALLEY, CA | MAY 2, 2022 | EAH HOUSING

"T"-SHAPED BUILDING CONCEPT

FRONT COURTYARD





Ground Floor Site Plan





MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

1 HAMILTON DRIVE

MILL VALLEY, CA | MAY 2, 2022 | EAH HOUSING

VIEW SIMULATION COMPARISONS

View Facing South on Hamilton Drive

"U"-SHAPED BUILDING CONCEPT



SKETCH A

"T"-SHAPED BUILDING CONCEPT



SKETCH B

View from Intersection of Roque Moraes Drive and Keats Drive

"U"-SHAPED BUILDING CONCEPT



SKETCH C

"T"-SHAPED BUILDING CONCEPT



SKETCH D

MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

VIEW SIMULATION COMPARISONS

View from Hamilton Drive Across from Fire Station

"U"-SHAPED BUILDING CONCEPT



SKETCH E

"T"-SHAPED BUILDING CONCEPT



SKETCH F

View from Hauke Park

"U"-SHAPED BUILDING CONCEPT



SKETCH G

"T"-SHAPED BUILDING CONCEPT



SKETCH H

1 HAMILTON DRIVE

MILL VALLEY, CA | MAY 2, 2022 | EAH HOUSING

MILL VALLEY

EAH HOUSING

VAN METER WILLIAMS POLLACK

Existing Site Section



Existing View of Parking Lot from Fields



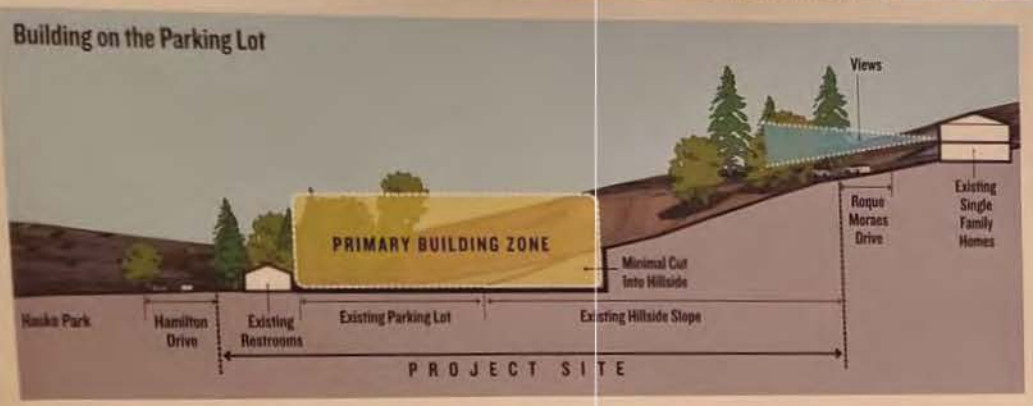


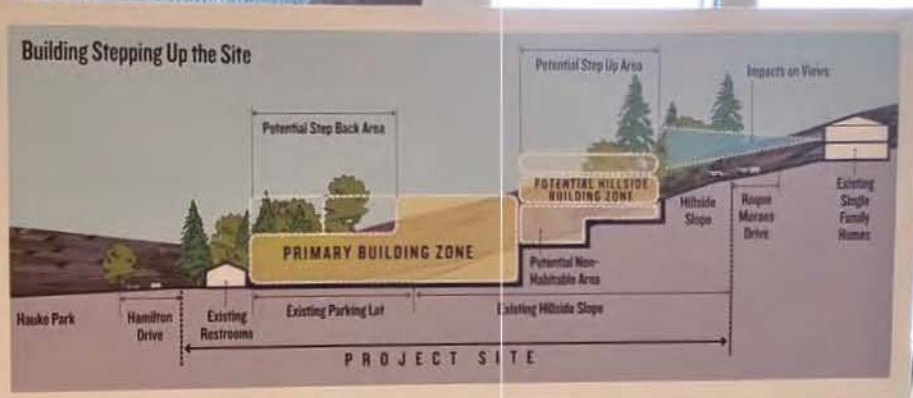
VAN METER WILLIAMS POLLACK

EAH HOUSING

MILL VALLEY

EXISTING SITE CONDITIONS







1 HAMILTON DRIVE | POTENTIAL BUILDING LOCATIONS

MILL VALLEY
EAH HOUSING
VAN METER WILLIAMS POLLACK

How we look at a Property

Building Program - What goes into the building?

UTILITIES
- Mechanical room
- Electrical room
- Communications room
- Water pump room
- Trash / recycling room
- Transformer

APARTMENTS + CIRCULATION
- Corridors and stairs
- Studio: 400 sf
- 1 Bedroom: 450 - 500 sf
- 2 Bedroom: 750 - 850 sf
- 3 Bedroom: 950 - 1,000 sf
- 20 - 25% circulation

PARKING
- 50-65 spaces
- Approximately 400 sf per parking space
- Bike storage room

COMMUNITY ROOM
- 1,000 - 1,500 sf
- Laundry room
- Service offices

MANAGEMENT + ENTRY
- Management offices
- Lobby and elevators

EXHIBIT 2

From: Patrick Kelly
To: paula@weavermcgrath.com
Cc: Danielle Staude
Subject: RE: [External] Request for Geotechnical Report for 1 Hamilton
Date: Thursday, May 26, 2022 3:52:31 PM

Paula,

A Geologic Hazards Evaluation will be completed as part of a comprehensive environmental impact report for the project. Geotechnical studies will serve to complete the Geologic Hazards Evaluation. The environmental impact report will be initiated following completion of a project description which is a work in progress. The draft environmental impact report will be published for public review at which time the public will have the opportunity to review and comment on the document.

I will add your email address to the interested parties list to receive notifications regarding the environmental review process for the project.

Patrick Kelly, MPA, AICP
Director of Planning and Building
City of Mill Valley
26 Corte Madera Ave.
P. 415-388-4039

> **From:** Paula Weaver <paula@weavermcgrath.com>
> **Date:** May 26, 2022 at 1:25:35 PM PDT
> **To:** Danielle Staude <dstaude@cityofmillvalley.org>
> **Subject: [External] Request for Geotechnical Report for 1 Hamilton**
>
> Dear Danielle,
>
> Is the geotechnical report for the 1 Hamilton project completed and ready to be shared with the public? If so, I would like to receive a copy.
>
> Thank you.
> Paula McGrath

19

Comment 19 is all of Exhibit 7
Total number of pages - 2

EXHIBIT 7

California Department of Fish and Wildlife
Biogeographic Data Branch
California Natural Diversity Database

License Agreement for the California Natural Diversity Database

June 2018

The following terms and conditions govern the use of data from the Department of Fish and Wildlife's (DFW) California Natural Diversity Database (CNDDB). By using the CNDDB applications, associated CNDDB Geographic Information Systems (GIS) data, and/or the Spotted Owl Database, the user agrees to the following:

1. The CNDDB and Spotted Owl Database are proprietary databases owned by the California Department of Fish and Wildlife.
   a) The user may not resell, redistribute, or repackage CNDDB or Spotted Owl data, except as allowed by this agreement.
   b) The user may make copies of the CNDDB and Spotted Owl data in digital or hardcopy form for use or distribution within the local office of the user's department, agency, business, or corporation. This copy privilege does not extend to professional organizations, associations, or affiliations.[1]
   c) Subcontractors may have access to these data during the course of any given project, but they must not be given a copy, or access, for use on subsequent, unrelated work.[2]
   d) The CNDDB and Spotted Owl data may be shared freely between current subscribers, but should not be released to the public or non-subscribers.
2. The CNDDB is dynamic. DFW adds, modifies, and updates records daily, and the CNDDB data in our web applications are updated on a regular basis. It is the user's responsibility to update their copy of the CNDDB GIS data from the CNDDB webpage. Check the Updates page and log in to download the current version.
3. When creating maps for public viewing, please refer to our Data Use Guidelines document to answer questions regarding the appropriate ways to depict CNDDB data in user products. Correct interpretation of the CNDDB GIS data relies on utilizing the biological attribute data embedded in the GIS polygon features. For information on interpreting the data within the Spotted Owl Database, please refer to the Spotted Owl Information page.
4. When creating static or interactive maps or products for public viewing in print or over the internet, care must be taken not to violate our "no redistribution or repackage" clause (see 1.a. above). The information within these databases may not be displayed over the internet except with DFW's express permission. DFW understands there are situations where an organization may need to display CNDDB and Spotted Owl data on its website for business purposes. In those cases, the user must contact the CNDDB program for guidance and written permission on how to properly display CNDDB data on the website. As a general rule, data from the CNDDB and Spotted Owl Database may only be displayed at such a scale (no larger than a scale of 1:350,000), or in such a way that the viewers/users cannot determine exact location information of the elements mapped in the system. The CNDDB

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[1] Such groups may not purchase one subscription for distribution to all members of the group.

[2] Consulting firms that subcontract work on portions of a project to another contractor that is not a subscriber may share the CNDDB data for that project. However, the subcontractor must relinquish access to the data when that work is completed. Counties that subscribe to the CNDDB may not share their subscription copy of RareFind with all consultants that develop EIRs for their Planning Office; those consultants must subscribe individually to the CNDDB.

and Spotted Owl data include location information for the state's most imperiled species, and these are sensitive resources.

5. Data within the CNDDB and Spotted Owl Database require biological expertise for proper analysis, interpretation, and application. It is the user's responsibility to ensure that the data obtained from DFW are used correctly. DFW staff are available by phone to advise users in the technical aspects of the data. In addition, DFW has tutorials and videos online to help interpret the CNDDB and Spotted Owl data. DFW periodically offers CNDDB training. Visit the CNDDB's training page for information on these resources.
6. DFW does not portray its databases as an exhaustive or comprehensive inventory of all rare species and natural communities statewide. For any given location in California, a lack of species occurrences or records in no way indicates or implies that the species do not occur there. Field observations by qualified persons and using the proper protocols at appropriate times are necessary to support negative findings. Much of the state has never been surveyed for plant and animal species.
7. The user's contribution of data to the CNDDB and Spotted Owl Database is important and encouraged. DFW accepts data in many formats. For the CNDDB, please visit our reference webpage Submitting Data to the CNDDB for guidance on data submissions. For Spotted Owl data submissions, please contact the Spotted Owl Data Manager (OwlObs@wildlife.ca.gov).
8. Citations to the CNDDB and/or Spotted Owl Database shall be made in the user's reports, papers, publications, internet products, and maps that incorporate CNDDB or Spotted Owl data.[3]

[3] Citations should include the version of the database used (government or commercial, month and year), as well as the platform (e.g. Rarefind, BIOS, CDFW Data Portal) and date accessed. Version information can be found in the Metadata for GIS datasets, or in the margins of reports (lower left corner of CNDDB RareFind reports, upper left corner of Spotted Owl reports).

Examples:
California Department of Fish and Wildlife. (2018). California Natural Diversity Database (CNDDB) – Government version dated June 1, 2018. Retrieved June 08, 2018 from https://map.dfg.ca.gov/rarefind/view/RareFind.aspx.

California Department of Fish and Wildlife. (2018). Spotted Owl Observations [ds704] – version updated May 31, 2018. Retrieved June 8, 2018, from http://bios.dfg.ca.gov.

20

Comment 20 is all of Exhibit 8, as well as its 3 Exhibits
Total number of pages - 70

EXHIBIT 8

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

July 29, 2022

SENT VIA EMAIL (dstaude@cityofmillvalley.org)

Danielle Staude, Project Planner
City of Mill Valley
Mill Valley City Hall
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to Mill Valley's Draft Housing Element

Dear Ms. Staude:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding Mill Valley's Draft Housing Element. As set forth more fully below, the City's reliance on 1 Hamilton to meet its Regional Housing Needs Assessment ("RHNA") is arbitrary and lacks evidentiary support. The Draft Housing Element's discussion of 1 Hamilton is also misleading and at times demonstrably erroneous. The City must provide a credible explanation for excluding dozens of City-owned sites that contain similar characteristics as 1 Hamilton.

Government Code section 65583.2 requires a city to inventory land that is suitable for residential development and must further identify sites that can be developed for housing within the planning period. The purpose of this inventory is to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) Land that is suitable for residential development includes, "Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county." (*Id*. subd. (a)(4).)

"If a housing element contains the elements mandated by the statute, it will be found to conform with state law unless it is 'arbitrary, capricious, or entirely lacking in evidentiary support.'" (The California Municipal Law Handbook, § 10.27, quoting *Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191.) The City's Draft Housing Element has arbitrarily excluded nearly all City-owned sites from the Sites Inventory. Further, the Sites Inventory includes 40 low-income units from a property zoned Open Area, which prohibits residential development. The City's conclusions lack evidentiary support and are the result of an insidious scheme to keep affordable housing out of downtown and select wealthy neighborhoods in Mill Valley.

I. THE 1 HAMILTON SITE REQUIRES A GENERAL PLAN AMENDMENT AND REZONING

A. Neither General Plan Designation "Community Facilities" nor Zoning Designation "O-A" Permit Residential Development

The Draft Housing Element asserts that 1 Hamilton's zoning allows for residential development. This is inexcusably false and misleading. 1 Hamilton's General Plan designation is Community Facilities (Land Use Element, p. 25), and its zoning designation is Open Area ("O-A") (Current Housing Element, p. C-19). Both designations prohibit residential development. The Land Use Element's Community Facilities description includes, "All City facilities including City golf course, parks, City Hall, Community Center, Public Safety Building, etc.; public schools and private schools." (Land Use Element, p. 24.) It also states that the residential density range is not applicable. (*Ibid*.) Further, the Draft Housing Element states, "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.) Thus, there is no question that residential uses are prohibited on parcels designated as Community Facilities or zoned as O-A. 1 Hamilton is both.

The City has been consistent in its prohibition of residential development on parcels zoned as O-A. The language in the Current Housing Element shows that the City never intended to include O-A zoned parcels in its publicly-owned inventory. Program Objective 12 states, "By 2018, prepare an inventory of publicly-owned land **that is not already zoned for open space**, including parking lots, and examine the feasibility of their use of housing. Consider modifying the City's zoning regulations to allow residential uses in the C-F zone subject to the approval of a conditional use permit." (Current Housing Element, p. II-12 [bold added].)

As a result of these prohibitions, any development proposed on land that is zoned O-A would require a General Plan amendment and rezoning. The Draft Housing Element fails to discuss this requirement for 1 Hamilton and so falsely claims that residential development is allowed on this site. It is not. This misrepresentation is so blatant that one can only surmise that it is intentional by City officials, which is inexcusable.

B. The Draft Housing Element Fails to Describe the Process Required to Develop 1 Hamilton

The City has previously represented the need to amend 1 Hamilton's land use designation and zoning in order to allow residential development. A staff report from the February 7, 2022, City Council meeting plainly states that both a General Plan

Amendment and Rezoning of the parcel would occur between February through June 2023. (Exhibit A, February 7, 2022, City Council Staff Report re: 1 Hamilton Drive, p. 25, Exhibit B.) However, the Draft Housing Element fails to mention that 1 Hamilton requires both legislative actions in order to be developed. Ignoring this reality, the Draft Housing Element includes 1 Hamilton as part of the Site Inventory that calculates potential units from "existing zoning." (Draft Housing Element, p. III-4; see also p. III-10 [Table 3.7 indicates 1 Hamilton could accommodate 40 units as currently zoned].)

The City's Draft Housing Element has inexplicably chosen to whitewash the inescapable fact that 1 Hamilton allows no residential units whatsoever under "existing zoning." As part of its arbitrary and capricious scheme to manufacture rationale for limiting affordable housing to 1 Hamilton, the City has failed to comply with its duty under state law to identify all suitable properties for housing.

To the extent the Draft Housing Element's mischaracterization of 1 Hamilton's "current" zoning is premised on the City's intention to revise 1 Hamilton's General Plan land use designation and zoning designation as part of the proposed Land Use Element update, the EIR will need to fully analyze on a project level the proposed housing project. (See CEQA Guidelines, §§ 15378, subd. (a) [a project is the "whole of an action" which may result in direct or indirect physical changes to the environment]; 15126 [EIR's impact analysis must consider all phases of a project]; *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal*. (1988) 47 Cal.3d 376 [EIR must analyze "reasonably foreseeable consequence" of a project].) The Draft Housing Element does not indicate that the City intends to comply with this duty, and the City's past conduct suggests that it may attempt to misuse the concept of "tiering" to evade full public disclosure.

II. THE CITY ARBITRARILY RELIES ON THE HOUSING WORKSHOP AND OTHER CRITERIA TO UNLAWFULLY EXCLUDE NUMEROUS CITY-OWNED PARCELS

As explained above, the City has a duty to prepare an inventory of land that is suitable for residential development in order to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) The shifting and inconsistent explanation for its planning process in this regard reveals that it is failing to comply with that duty.

Although the City previously stated that the Housing Workshop is a completely separate process from its RHNA analysis, the Draft Housing Element now reveals that the City is relying on that process to identify — or, more accurately, exclude — suitable land for its RHNA requirements. By doing so, the Draft Housing Element arbitrarily narrows

the potential sites where residential housing could be located in violation of its duties under state law.

A. The City Previously Claimed That the Housing Workshop Findings are a Separate and Distinct Analysis

The City hired a consultant to prepare an analysis of City-owned parcels that could be developed for affordable housing. After excluding more than 100 sites for various reasons, the analysis concluded that the City should conduct additional analysis on only four different sites. (The Housing Workshop, p. 2.) The Housing Workshop's analysis was patently perfunctory, and public commenters questioned why this separate process was occurring at all in light of the City's Housing Element Update that was being drafted at the same time. (Exhibit B, February 4, 2022, Letter re: Public Comments to February 7, 2022, City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive, pp. 1-3.) Purporting to respond directly to these concerns, Mayor McCauley asserted at the February 7, 2022, Council meeting that the RHNA process is completely separate from the Housing Workshop process. He stated in relevant part:

> Another thing, there is a confusion here about the idea of doing an analysis of regional housing needs authority or RHNA sites and the city site analysis that was done so as a part of the HCC hazard advisory committee we went down two paths. One path was can we find surplus land we can sell to raise money to provide the ability to develop land with another party maybe a church or whatever. The second process we had was can the city on its own find a site that we can offer to a developer, a low-income mission driven developer to create a site. **That is completely different than the analysis which is going on to find out where we are going to come up with these 865 units for RHNA which is all generally private property**. They are completely different things, so I just want to make sure that people understand that difference.

(Mill Valley City Council Meeting, February 7, 2022, at 3:03:00[1] [bold added].)

The Draft Housing Element now reveals the Mayor's statements to be false. Public comments were not confused. Rather, it was the Mayor who was either confused or intentionally misrepresented the relationship between the Housing Workshop's analysis and the Housing Element Update. There is no question that the Draft Housing

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[1] The meeting can be accessed at https://cityofmillvalley.granicus.com/MediaPlayer.php?view_id=2&clip_id=1694.

Element expressly relies on the Housing Workshop's analysis to exclude suitable properties. (Draft Housing Element, pp. III-11, C-2.) As explained more fully below, the Draft Housing Element's reliance on the Housing Workshop's analysis means that the City has not complied with its duties under state law.

B. The Draft Housing Element Excludes Numerous City-Owned Parcels Without Adequate Explanation or Factual Support

Although the City claimed that the RHNA process is completely separate from the Housing Workshop process, the City nevertheless based the Draft Housing Element's entire discussion of City-owned properties on the Housing Workshop's analysis. For example, the Housing Workshop analysis determined that 27 of 38 City-owned sites were "not marketable due to zoning," all of which are zoned O-A. (The Housing Workshop, p. 19.) The Draft Housing Element uncritically adopted these parameters, which resulted in the improper exclusion of properties from the Draft Housing Element. (Compare The Housing Workshop, p. 19 with the Draft Housing Element, Sites Inventory List.)

A housing element is required to include land suitable for residential development, including "Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county." (Gov. Code, § 65583.2, subd. (a)(4).) Thus, the statute requires the City to include City-owned sites that are currently zoned nonresidential, but could be redeveloped for residential use. The Draft Housing Element follows a similar procedure for Program 21, which rezones 300 East Blithedale from RM3.5 to Downtown Residential, which allows multi-family residential. (Draft Housing Element, p. IV-22.) The parcel is then included under the Sites Inventory for above-moderate housing. (Draft Housing Element, Appendix C [APN 028-233-36].) Thus, the City has included similar programs for some properties, but is completely silent on the omission of others.

Put simply, that properties are "not marketable due to zoning" is both logically and legally irrelevant to whether they are "suitable for residential development" for purposes of the City's RHNA obligations since the definition of "land suitable for residential development" specifically includes properties "[s]ites zoned for nonresidential use that can be . . .rezone[d] . . . to permit residential use." (Gov. Code, § 65583.2, subd. (a)(4).) The Draft Housing Element fails to provide any explanation for omitting scores of City-owned parcels that could be rezoned for residential use.

This excludes the majority of City-owned sites based on similar arbitrary criteria. First, there are sites already zoned for residential and commercial. The Draft Housing Element states that those City-owned properties zoned residential or commercial, "that are not on the Sites Inventory are due to the parcels being in the right of way or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) The City fails to provide an explanation of what "being in the right of way" entails and how parcels could physically be in the right of way. Second, the City disregards all religious and public education institutions because "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.) Omitting parcels based on these unsupported criteria results in an overly constricted Site Inventory and artificially limits the City-owned properties that could be developed.

Additionally, the City fails to discuss the other potential development sites identified in the Housing Workshop such as the Boyle Park tennis facilities and a portion of the Mill Valley Municipal Golf Course, which are both zoned O-A and were determined to be potential sites for affordable housing, similar to 1 Hamilton. In fact, the Housing Workshop analysis of Boyle Park states, "From an objective affordable housing development point of view, this is the best of the 4 identified sites." (The Housing Workshop, p. 9.)

III. OTHER FACTORS SHOW THAT THE DRAFT HOUSING ELEMENT IS DEFECTIVE

The Draft Housing Element ignores several other factors impacting the ability to develop 1 Hamilton. As explained previously, the Draft Housing Element incorrectly assumes that 1 Hamilton could provide 40 units for very low- and low-income housing as zoned. This assumption disregards the obvious conflict with the General Plan and zoning designations, and further fails to consider environmental constraints at the property. The City's disregard for other parcels, in order to push development at 1 Hamilton, appears to further Mill Valley's discriminatory housing practices.

A. Baylands Corridor

Government Code section 65583.2, subdivision (b)(4) requires "[a] general description of any environmental constraints to the development of housing within the jurisdiction[.]" The Draft Housing Element provides, "Those city-owned sites that are zoned residential and commercial that are not on the Sites Inventory are due to the parcels being in the right of way or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) However, the Draft

Housing Element does not provide an explanation for how environmental constraints may interfere with development at a specific parcel. According to the California Department of Housing and Community Development's ("HCD") Guidance, a local entity must:

> Provide in the analysis a general description of any known environmental or other features (e.g., presence of floodplains, protected wetlands, oak tree preserves, very high fire hazard severity zones) that have the potential to impact the development viability of the identified sites. The housing element need only describe those environmental constraints where documentation of such conditions is available to the local government. **This analysis must demonstrate that the existence of these features will not preclude development of the sites identified in the planning period at the projected residential densities/capacities**.

(HCD Housing Element Sites Inventory Guidebook, p. 10 [bold added].)

1 Hamilton is adjacent to the County's Baylands Corridor, but the Draft Housing Element completely ignores this fact. This omission is inexcusable given that the City was well aware of this circumstance, and the Housing Workshop determined:

> The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary.

(The Housing Workshop, p. 8.) The Draft Housing Element fails to acknowledge this environmental constraint. Therefore, even if the City were to rezone the parcel, it may not be able to physically accommodate 40 units.

B. Omission of Parcels Located West of Camino Alto

There are nine affordable housing options in or near Mill Valley. All but one of those properties is located east of Camino Alto, and the ninth is located south of Miller Avenue. Thus, not one is located near downtown. The City now apparently intends to continue its historic segregation of affordable housing by arbitrarily constricting the City-owned properties in the Sites Inventory to 1 Hamilton. This decision excludes several

potential parcels that could be developed west of Camino Alto such as Boyle Park and the Mill Valley Municipal Golf Course.

The City is well aware of this trend. Multiple public comments provided in the Draft Housing Element illustrate the City's determination to keep affordable housing out of the City center, and push it toward the highway. (Draft Housing Element, Survey 2, pp. 42, 60.) This is also shown in the attached PowerPoint slides previously submitted to the City. (Exhibit C.) All of the City's actions suggest an intent by City officials to keep affordable housing out of the City center and other select wealthy neighborhoods west of Camino Alto.

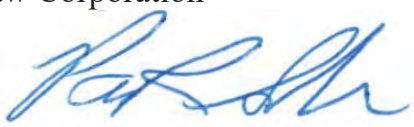
As previously discussed, the Housing Workshop identified four parcels that it recommended for additional analysis, three were discarded by the City. 1 Hamilton is the only parcel the City chose to include in its Site Inventory. The three parcels it chose to exclude are all located west of Camino Alto. The City has failed to provide any explanation for excluding two of the properties identified in the Housing Workshop.

* * *

The City has arbitrarily erected barrier after barrier in order to single out 1 Hamilton for affordable housing — a parcel with land use and zoning designations that prohibit any and all residential use. By doing so, the City has artificially constricted the potential locations that could be used to meet its RHNA requirements and thereby violates the City's duty to identify all land that is suitable for residential development. The result is an inaccurate, misleading and ultimately unlawful Housing Element that also continues the City's history of segregating affordable housing.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org)
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Attachments:

Exhibit A February 7, 2022, City Council Staff Report re: 1 Hamilton Drive
Exhibit B February 4, 2022, Letter re: Public Comments to February 7, 2022, City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive
Exhibit C PowerPoint Slides submitted to the City on July 10, 2022

EXHIBIT A

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT 1 Hamilton Drive: Receive report from staff on recommended next steps to build affordable rental housing on the northern portion of 1 Hamilton Drive (Assessor's Parcel Number 030-250-01) ("the Property"), which includes: 1) the approval of an Exclusive Negotiating Agreement (ENA) between the City of Mill Valley and EAH Housing; 2) allocation of Affordable Housing Trust Funds in support of the ENA; and 3) approval of Community Outreach Plan.

DATE: February 7, 2022

Approved for Forwarding:

Alan E. Piombo, Jr., City Manager

Issue: Approval of next steps to partner with EAH Housing and conduct predevelopment activities including but not limited to community outreach, site planning and design, and environmental review to build affordable rental housing on the northern portion of 1 Hamilton Drive.

Recommendation: Staff recommends that City Council receive a report from staff, consider public comments, and adopt Resolution No. 22-__: A Resolution (ATTACHMENT 1) authorizing the following:

1) Execution of an Exclusive Negotiating Agreement ("ENA"/ATTACHMENT 2) between the City of Mill Valley and EAH Housing to allow the City and EAH to negotiate with respect to the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of the 1 Hamilton Property; and

ITEM 6

2) Release and allocate Affordable Housing Trust Funds to support predevelopment activities, including but not limited to community outreach, site planning, design, and environmental review; and

3) Approval of the Community Outreach Plan (ATTACHMENT 3).

Background: On September 20, 2021 City Council took action to: 1) declare a portion of the property located at 1 Hamilton Drive as "exempt surplus land" as required under the California Surplus Land Act (Government Code 54220 et seq.) pursuant to Government Code Section 54221(f)(1)(A)[1] and 2) authorize the City Manager to negotiate and draft an Exclusive Negotiating Agreement (ENA) with EAH Housing for the purpose of negotiating the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of 1 Hamilton Drive, as described herein.

The EAH Housing Team ("EAH Team") was selected by City Council on September 20, 2021, based on their qualifications and recommendations of the selection committee (City Manager, Planning and Building Director, two members of the Housing Advisory Committee), which interviewed the EAH Team on September 10, 2021. The EAH Team is comprised of the following firms:

- EAH Housing: Development, property management, and resident services
- Van Meter Williams Pollack LLP: Lead design and architect
- Adobe Associates, Inc: Civil Engineer

As noted during the September 20, 2021, Council meeting, the EAH Team has direct experience in guiding successful public/private partnerships to create affordable housing opportunities within Marin County communities as well as the greater Bay Area and California.

Discussion: Staff is returning to City Council to report back on negotiations with the EAH Team to build affordable rental housing on the Northern portion of 1 Hamilton Drive. For purposes of this report, the proposed site for affordable housing will be referred to as the "Property," whereas the larger 1 Hamilton Drive parcel will be referred to as "1 Hamilton."

Staff and City Council has acknowledged that a team of experts is required to further determine the number of potential homes that can be placed on the Property, balancing the interests of the

[1] Because the City plans to ground lease (or sell) the Property for the development of a 100% affordable housing project to persons and families of low or moderate income, the proposed lease (or sale) meets the criteria for "exempt surplus land" under Government Code Section 54221(f)(1)(A), including the following provisions: (a) Not less than 80 percent of the area of the parcel will be used for the development of housing; and (b) Not less than 40 percent of the total number of those housing units developed on the parcel shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households, and at least half of which shall be affordable to very low-income households; and (c) Dwelling units produced for persons and families of low or moderate income under Government Code Section 37364 shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years, with such regulatory agreement recorded in the office of the county recorder in which the housing development is located.

community, construction feasibility, and financing opportunities. The ENA will allow City staff to exclusively partner with EAH Housing to focus on site planning and preliminary design, which includes the relocation of existing restrooms, electric charging station, and public parking (with the goal of providing up to a total of 50 spaces).

The EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country. The architectural team also has a deeply established connection to Marin County and has successfully designed multi-family projects in the area.

The ENA provides EAH Housing with a specific time during which the Property is not available to other parties and sets forth a framework for the selected developer's performance during the ENA period. The ENA also sets forth the City's terms to fund a portion of pre-development studies, necessary because non-profit organizations do not have large amounts of funding for this work. The ENA does not grant any rights related to land use entitlements, project approvals, or any other future City action not specified in the ENA.

Staff recommends that Council adopt the attached Resolution (ATTACHMENT 1) authorizing the City Manager to execute an ENA with EAH Housing in substantially the form attached (ATTACHMENT 2). The resolution also allocates Affordable Housing Trust Funds as part of cost sharing negotiations outlined in the ENA for predevelopment activities as well as approving the Draft Community Outreach Plan to allow the City to kick off site planning and design work with the community. Details about the ENA, proposed outreach and budget are discussed below.

Exclusive Negotiating Agreement (ENA). The ENA (ATTACHMENT 2) outlines the general scope, cost sharing, and expectations with respect to predevelopment work and negotiations for a final project and disposition of the site.

The ENA does not commit the City to ground lease or sell the Property nor grant the City's approval of the development of the Property, but rather sets the terms under which the parties will negotiate for a final project and disposition and the predevelopment activities that are necessary to move the project forward towards design. The ENA includes performance milestones and expected schedule for the period needed to design the project. The ENA also outlines the City of Mill Valley's commitment to advance the project, including a loan for certain pre-development expenses such as preliminary design, site planning including relocation of public parking and restrooms.

The following provides a summary of some key points contained in the ENA:

- Term: The ENA sets out a "Negotiation Period," which shall extend until September 1, 2023. The City has the option to extend the Negotiation period.

- Milestones: The ENA includes a Schedule of Performance (Exhibit B) which establishes milestones with respect to community outreach, design and entitlements, environmental review, and a financing plan.

- City Responsibilities: City agrees to negotiate in good faith with EAH and not to negotiate with respect to the site with any other parties during the term of the ENA. City also agrees to loan the Housing Team up to $150,000, to be used towards certain predevelopment costs. Assuming the project is approved, the ENA lays out the terms for repayment. The City also agrees take steps with respect to the zoning and entitlements on the site, which will include hiring various consultants to conduct the environmental review for the project.

- EAH Responsibilities: EAH agrees to negotiate in good faith with the City with respect to the disposition of the site, to share any work product that arises from the predevelopment work with the City, to work with the City on community outreach as described in the Community Outreach Plan, and to meet other specified milestones with respect to due diligence and predevelopment work on the site. If the project is approved, EAH agrees to repay the predevelopment loan issued by the City through project financing.

If Council authorizes the City Manager to execute the ENA, staff and the EAH Housing Team will begin negotiating an agreement for the final disposition of the site, as well as conducting due diligence and predevelopment work. In addition, the City will kick off community outreach, which is discussed below. Once CEQA review and approval of project entitlements occurs, it is anticipated that the City would enter into a development agreement and formal ground lease (or sale) with the EAH Housing Team.

Community Outreach Plan. City Council has continued to emphasize the importance of outreach and community participation in the design of the project since its initial discussion on June 21, 2021. The EAH Team is looking forward to kicking off the outreach program to gather input from the community on interests and concerns that will help guide the site planning and design process.

Community outreach is divided into three different phases: 1) information gathering, 2) focused outreach on design concepts and 3) confirming design and assembling materials for the planning and entitlement application. Outreach will begin upon adoption of the resolution. Staff and the EAH Housing Team anticipate hosting the first community workshop in mid-March. This workshop is part of the information gathering stage and will focus on gathering community input on preliminary site planning work, such as the relocation of public parking and restrooms and the overall massing for the site. The workshop will also provide an opportunity for the community to ask questions and identify concerns

The illustration on page 5 summarizes the overall outreach process and timing. See ATTACHMENT 3 containing the Draft Community Outreach Plan for additional details.

Proposed Community Outreach Process and Timeline



Affordable Housing Trust Fund. At its June 21, 2021, City Council meeting, Council authorized use of the Affordable Housing Trust Fund to assist in preliminary site investigations. Staff is further recommending that City Council authorize use of the Affordable Housing Trust Funds to assist in the cost sharing of predevelopment activities, as outlined in the ENA. The ENA provides that the City will provide up to $150,000 to EAH as a predevelopment loan to assist with specified predevelopment costs including site analysis and design. Approval of the resolution will also allow City staff to hire consultants to conduct the environmental review of the proposed project.

Staff believes the $150,000 loan to EAH for predevelopment activities is appropriate, particularly since the EAH team will be providing design and consultant assistance to plan and design off-street public parking in the surrounding area and the relocation of the public restrooms. The EAH team is also contributing substantial staff time and organizational resources to provide preliminary conceptual designs to support the planning application for Planning Commission and City Council review and approval.

Environmental Review: Site planning and preliminary design will help inform the environmental review required for the eventual housing development. The level of environmental review will be determined once the scope of the project is determined.

The resolution before Council is not subject to the California Environmental Quality Act ("CEQA") because the approval of an ENA and the other activities authorized by the resolution are excluded from the definition of a "project" by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. A "project" is an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment." The proposed actions direct staff to execute an ENA that establishes the contractual agreement to commence negotiations regarding disposition of a portion of 1 Hamilton Drive, as well as initiating preliminary site analysis and design work that will further define an affordable housing development that would constitute a "project" under CEQA. The proposed actions are therefore considered an administrative activity of government which does not result in direct or indirect physical change to the environment. No commitment to any project is being made at this time.

Notwithstanding that there is no "project" for purposes of CEQA, as discussed above, the City's actions are also covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA Guidelines § 15061(b)(3). There is no evidence that the City's agreement to negotiate with a potential affordable housing development partner or undertake predevelopment activities or community outreach will have any direct or indirect effect on the environment, since the City is not committing itself to any final project now and may still decide not to move forward with a project on the site.

CEQA review requirements must and will be completed before any commitment to a housing development occurs and appropriate environmental review pursuant to CEQA will be completed and considered by the City Council at such time.

Fiscal Impact: There is no impact to the City's General Fund. The City intends to authorize Affordable Housing Trust Funds as part of executing the ENA and work on predevelopment activities.

Next Steps: Should City Council adopt the proposed resolution; staff will work to execute the ENA. Once the ENA is signed by both parties, staff and the Housing Team will begin site planning and design and kick off the community engagement process. Assuming the project proceeds forward, CEQA review would occur, and Council would later consider project entitlements based on Planning Commission's recommendations, along with separate agreements with EAH for development and disposition (ground lease or sale) to construct the housing.

Overview of Next Steps



Solicit Developer
July 19, 2021

- Prepare Request for Qualifications (RFQ) per City Council direction
- Issue RFQ
- Provide site tours, answer questions

Select Dev Partner
September 20, 2021

- Review submittals for completeness
- Panel to interview
- City Council to authorize

Design Project
2022

- Sign exclusive agreement with EAH Housing
- Community input on design, including workshops, charettes
- Conduct studies for CEQA, subdivision map act, surplus land act, etc.

Entitle Project
2022-23

- Identify any development impact to be mitigated
- Survey/Split Parcel
- Public hearings including public input and testimony to approve Planned Development

Finance & Build
2023-24

- Can take 2+ years to obtain financing
- Can take 2 years to build
- Open in 2025 or 2026

Attachments:

1. Resolution No. 22-___: Authorizing execution of an Exclusive Negotiating Agreement with EHA Housing, authorizing the allocation of Affordable Housing Trust Funds and approval of the Community Outreach Plan
2. Exclusive Negotiating Agreement
3. Community Outreach Plan

Online Materials and Resources:

- Project website: https://ca-millvalley.civicplus.com/931/Hamilton-Drive

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AUTHORIZING THE EXECUTION OF AN EXCLUSIVE NEGOTIATING AGREEMENT WITH EAH HOUSING, INC. TO NEGOTIATE THE TERMS UNDER WHICH THE CITY WOULD ALLOW THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING ON THE NORTHERN PORTION, AS DESCRIBED HEREIN, OF A CITY-OWNED PARCEL LOCATED AT I HAMILTON DRIVE [ASSESSOR'S PARCEL NO. 030-250-01], AUTHORIZING THE ALLOCATION OF AFFORDABLE HOUSING TRUST FUNDS FOR PREDEVELOPMENT ACTIVITIES ON THE SITE, AND APPROVING THE COMMUNITY OUTREACH PLAN

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City of Mill Valley ("City") is the owner in fee simple of that certain real property located at 1 Hamilton Drive (Assessor's Parcel 030-250-01).

SECTION 2. The City desires to ground lease or sell a portion of the property located at 1 Hamilton Drive, such portion is generally the northern portion of the current parcel, incorporated herein by reference (the "1 Hamilton Property"), to be developed as a 100 percent affordable housing development that complies with Government Code Section 37364.

SECTION 3. At its June 21, 2021 meeting, City Council directed staff to issue a Request for Qualifications ("RFQ") to solicit interest from multifamily developers to partner with the City of Mill Valley to build and manage affordable housing on the Property.

SECTION 4. On July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property.

SECTION 5. Because the proposed affordable housing development will meet the requirements of Government Code Section 37364, the City Council adopted Resolution (CC21-51) declaring the Property to be "exempt surplus land" at its regularly scheduled meeting of September 20, 2021.

SECTION 6. In response to the RFQ, EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

ATTACHMENT #1

SECTION 7. EAH Housing was selected based on a City Council's review of the selection committee's (City Manager, Planning and Building Director, and two members of the Housing Advisory Committee, who are City Council and Planning Commission liaisons) review of their qualifications and responses to interview questions held on September 10, 2021.

SECTION 8. The City is interested in entering into an Exclusive Negotiating Agreement ("ENA", attached hereto as ATTACHMENT 2) to establish the mutually acceptable terms and conditions to guide the process of negotiations for the potential ground lease or sale and development of affordable housing on the Property consistent with Government Code Section 37364.

SECTION 9. The ENA does not commit the City to ground lease or sell the Property nor grant approval of any project or development of the Property, but rather allows the City to partner with a Housing Team to work with the community to plan and design for the above-referenced housing.

SECTION 10. The Mill Valley Municipal Code Section 20.80.070(B) establishes the Affordable Housing Trust Fund and on March 16, 2020, City Council approved the Affordable Administrative Guidelines for Housing Trust Fund, whereby the City Council may authorize the use of Trust Fund monies by way of resolution. The City Council desires to authorize the use of Affordable Housing Trust Fund moneys for predevelopment costs for the Property including but not limited to the provision of a predevelopment loan to EAH pursuant to the ENA, as well as environmental review of the proposed project.

SECTION 11. The City Council desires to engage in a robust community outreach process with respect to the potential development of the Property.

SECTION 12. City Council held a public hearing on February 7, 2022, and considered the information presented by staff as well as public testimony.

SECTION 13. The City Council hereby takes the following actions:

A. Finds that the above recitals are true and correct and are incorporated into this Resolution.

B. Authorizes the City Manager to execute an ENA between the City of Mill Valley and EAH Housing in substantially the form attached, with any minor clerical or clarifying changes requested by the City Manager and approved by the City Attorney.

C. Approves the Community Outreach Plan (ATTACHMENT 3) and authorizes staff to move forward with a robust program of community outreach to engage citizens and interested stakeholders. Changes to the Community Outreach Plan schedule that only impact dates and do not result in a less robust outreach and public engagement may be approved by the City Manager.

D. Authorizes and approves the use of Affordable Housing Trust Fund monies for the purposes of funding budgetary terms set forth in the ENA and other predevelopment expenses related to the proposed housing development as approved by the City Manager.

E. That the staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to implement this Resolution.

SECTION 14. The City Clerk shall certify as to the adoption of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **7th day of February 2022**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John McCauley, Mayor

ATTEST:

Kelsey Rogers, City Clerk / Management Analyst III

EXCLUSIVE NEGOTIATION AGREEMENT

THIS EXCLUSIVE NEGOTIATION AGREEMENT is dated as of _____ __, 2022 ("**Effective Date**"), and is entered into by and between the CITY OF MILL VALLEY, a municipal corporation ("**City**"), and EAH INC., a California nonprofit public benefit corporation ("**Developer**")(collectively, the "**Parties**").

RECITALS

A. The City owns certain property located 1 Hamilton Drive (Assessor's Parcel 030-250-01).

B. The City desires that a portion of the parcel located at 1 Hamilton Drive---such portion is generally the northern portion of the current parcel more specifically depicted on Exhibit "A", attached hereto (the "**Site**")---be developed as a 100 percent affordable housing development.

C. The City Council of the City of Mill Valley ("**City Council**") authorized and directed staff to issue a request for qualifications ("**RFQ**"), for an affordable housing project on the Site consisting of 100 percent of the units restricted for rental to very low and low income households at affordable rent on June 21, 2021.

D. on July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property. in response to the RFQ EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

E. As noted in the Developer's statement of qualifications, the EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country,

F. A selection committee consisting of the City Manager, Planning and Building Director, two members of the Housing Advisory Committee (City Council and Planning Commission liaisons) reviewed statement of qualifications submitted in response to the RFQ and conducted interviews on September 10, 2021

G. On September 20, 2021, the City Council declared the Site "exempt surplus property" pursuant to Government Code Sections 54221(b) and 54221(f)(1)(A) by way of Resolution CC21-51.

H. On September 20, 2021, the City Council selected the Developer and directed staff to negotiate an Exclusive Negotiation Agreement (this "**Agreement**") with Developer for the Site based on the Developers qualifications and the selection committee recommendations, as documented in the September 20, 2021 Staff Report, by way of Resolution CC21-52 .

ATTACHMENT #2

I. The Parties intend to cause the Site to be developed under California Government Code Section 37364, which requires that dwelling units be restricted by regulatory agreement to remain continually affordable to low and moderate income households for the longest feasible time, but not less than 30 years, and that such regulatory agreement shall be recorded in the office of the county recorder in which the housing development is located; such regulatory agreement shall not be subordinated to any deed of trust.

J. City desires to increase the availability of affordable housing within the City by causing the development of the Site with approximately 40 units of rental housing that is 100 hundred percent affordable ("**Project**").

K. City and Developer desire to negotiate exclusively with each other regarding the potential terms and conditions of a disposition and development agreement ("DDA") between City and Developer for Developer to acquire and develop the Project on the Site, in accordance with the terms and conditions of this Agreement..

1. Negotiation of DDA. During the Negotiation Period (defined in Section 3 herein) and subject to the terms and conditions of this Agreement, both City staff and Developer shall negotiate the potential terms, conditions, covenants, restrictions and agreements of a DDA for the Site and Project. City agrees not to solicit any other proposals from or negotiate with any other person regarding development of the Site during the Negotiation Period. During the Negotiation Period, Developer shall complete all of the actions described in the "**Schedule of Performance**" attached to this Agreement as Exhibit "B," within the time period specified for each such action in the Schedule of Performance. Nothing in this Agreement shall be interpreted or construed to be a representation or agreement by either City or Developer that a mutually acceptable DDA will be produced from negotiations under this Agreement. Nothing in this Agreement shall impose any obligation on either Party to agree to or approve a definitive DDA in the future. Nothing in this Agreement shall be interpreted or construed to be a guaranty, warranty or representation that any proposed DDA that may be negotiated by City staff and Developer will be approved by the City Council of the City.

2. Developer Acknowledgments. Developer acknowledges and agrees that: (a) under this Agreement, City is not committing itself or agreeing to enter into a DDA or undertake any exchange, sale, lease or other transfer of real property, any disposition of any real property interests to Developer, approve the Project or any land use entitlements or undertake any other acts or activities; (b) no provision of this Agreement shall be deemed to be an offer by City, nor an acceptance by City of any offer or proposal from Developer, for City to convey any estate or interest in the Site to Developer or for City to provide any financial or other assistance to Developer for development of the Project or the Site; (c) Developer has not acquired, nor will acquire, by virtue of the terms of this Agreement, any legal or equitable interest in real or personal property from City; (d) further efforts by either Party to perform due diligence, arrange or obtain financing, or carry out other acts in contemplation of the possible acquisition, transfer or development of the Site or the Project shall not be deemed evidence of intent by either Party to be bound by any terms, conditions, covenants, restrictions or agreements relating to acquisition, transfer or development of the Site or the Project. Developer acknowledges and agrees that City's consideration of the Project and DDA is subject to the sole and absolute discretion of the City Council after conducting environmental review and any and all legally required public hearings, public meetings, notices, factual findings and other determinations and procedures required by law.

3. Negotiation Period.

3.1 Duration. The "**Negotiation Period**" shall begin on the Effective Date and shall expire at 5:00 p.m. Pacific Time on September 1, 2023, unless extended pursuant to Section 4 or earlier terminated pursuant to Section 3.2.

3.2 Termination. This Agreement shall terminate upon the earliest to occur of the following events: (a) the expiration of the Negotiation Period; or (b) the occurrence of an Event of Default by Developer under Section 13.1 of this Agreement, unless such breach is expressly waived in writing by the City; or (c) entry into a DDA by both City and Developer.

4. Extension of Negotiation Period. The City Manager shall have the right to extend the Negotiation Period three times for a period of ninety (90) days each (for an for an aggregate total of two hundred and seventy (270) days) provided that each such extension is in writing, and provided, further, that Developer is not in default of its obligations under this Agreement and has completed all of the actions described in the "**Schedule of Performance**" which are required to have be performed by Developer as of such date.

5. Possible DDA Provisions.

5.1 DDA Essential Terms and Conditions. The DDA may include provisions addressing all of the following described subjects:

5.1.1 Site Control. The Site may be purchased or leased from City by Developer, or Developer's permitted assignee.

5.1.2 DDA Schedule of Performance. A schedule of performance, attached to the DDA, may set forth deadlines for various actions of Developer.

5.1.3 Scope of Development. The Project is proposed by Developer to include approximately 40 affordable housing units serving households at or below 60% of Area Median Income (AMI) with a minimum parking ratio of 1:1, a plan for replacement and relocation of a minimum of 34 public parking stalls, and a plan for replacing the public restroom if the site area is needed for affordable housing development.

5.1.4 Financing Plan. In connection with the negotiations, the Developer shall submit a plan for financing the construction and operation of the Project to the City for review and approval. Such financing plan shall, at a minimum, include an obligation of Developer to apply for federal tax credits, and such other financing as is necessary in Developer's reasonable discretion to finance the development and operation of the Project, and all such tax credits must be awarded, and tax credit equity committed and available, and all other financing committed, closed and available as conditions to the close of escrow for the sale or lease.

5.1.5 City Financial Assistance. City shall provide up to $150,000 in the form of a predevelopment loan during the Negotiation Period (the "Predevelopment Loan") to pay for reasonable documented costs incurred by Developer in completing the tasks required of Developer under this ENA provided the costs are reasonably described in advance in a written budget to be provided by the Developer and approved by the City Manager in writing ("Eligible Expenses").

Such Predevelopment Loan will bear 0% interest, be evidenced by a promissory note acceptable to City (the "Note") and will be secured by assignment by the Developer to the City of any work product relating to the Project that have been paid for in

whole or in part using the proceeds of the Predevelopment Loan (the "Work Product"), and the collateral assignment documents and written consents from contractors/architects/engineers and others necessary to effectuate such collateral assignment and assignment to City (upon failure to timely repay the loan) must be acceptable to the City Manager and City Attorney. The Predevelopment Loan shall become due upon the termination of this ENA, or the expiration of this ENA without a DDA being approved and signed; however, the City's sole recourse shall be limited to the Work Product. The City will disburse Predevelopment Loan proceeds to pay for Eligible Expenses on a reimbursement basis, quarterly, and as a condition to the County's disbursement obligation, Borrower will submit a disbursement request package ("Disbursement Request"). Each Disbursement Request shall include any applicable invoice or other documentation indicating the cost to be paid and showing the cost constitutes an Eligible Expense of the Project, dated less than thirty (30) days prior to the date of the Disbursement Request, unless submittal of an older invoice has been approved by the City. It is anticipated that the DDA will provide that the Predevelopment Loan will convert from a predevelopment loan to a below market, 55 year, residual receipts construction/permanent loan secured by the Site (but subordinate to deeds of trust securing any other secured financing necessary for the Project) upon the closing of the Developer's acquisition of the Site pursuant to the terms and conditions of the DDA.

5.1.6 Developer Compliance with Laws. Developer shall comply with the requirements of all applicable City ordinances, resolutions, regulations or other laws or approvals in all aspects (planning, design, construction, noise limits, management, and occupancy) of developing and operating the Project on the Site.

6. License to Enter Site. City authorizes Developer, its contractors, agents and employees to enter the Site during normal business hours for the purpose of performing tests, surveys and inspections, and obtaining data necessary or appropriate to negotiate the DDA or perform investigations related to the Project; provided, however, Developer shall deliver written notice (which may be delivered via electronic mail to _____) seventy-two (72) hours prior to City of any such entry and written evidence of Developer's satisfaction of all insurance requirements of this Agreement prior to entering the Site. Developer shall promptly deliver copies of all written inspection results, tests and reports to the City.

7. Costs and Expenses. Except as set forth in Section 5.1.5 and Section 9 hereof, all fees or expenses of engineers, architects, financial consultants, legal, planning or other consultants or contractors, retained by Developer for any study, analysis, evaluation, report, schedule, estimate, environmental review, planning or design activities, drawings, specifications or other activity or matter relating to the Site or the Project or negotiation or documentation of a future DDA that may be undertaken by Developer during the Negotiation Period, pursuant to or in reliance upon this Agreement or in Developer's discretion, regarding any matter relating to this Agreement, a future DDA, the Site or the Project, shall be the sole responsibility of and undertaken at the sole cost and expense of Developer and no such activity or matter shall be deemed to be undertaken for the benefit of, at the expense of or in reliance upon City. Developer shall also pay all fees, charges and costs, make all deposits and provide all bonds or other security associated with the submission to and processing by the City of any and all applications and other documents and information to be submitted to the City by Developer pursuant to this Agreement or otherwise associated with the Project or the Site.

8. No City Approval. Nothing in this Agreement, nor any comments provided by City staff, nor any failure of City staff to provide comments to any submittal under or pursuant to this Agreement shall: (1) modify or replace any land use entitlement process of either the City applicable to the Project, (2) limit the police power land use jurisdiction of either the City relative

to the Project, (3) constitute an approval of all or any portion of the Project by the City pursuant to the police power land use jurisdiction of either the City or (4) constitute any approval of all or any portion of a future DDA with Developer by the City.

9. CEQA Compliance. The Developer acknowledges that all applicable requirements of the California Environmental Quality Act ("CEQA") must be met in order to execute and deliver the DDA and approve project entitlements allowing development of the Site and that this may require reports or analyses for CEQA purposes. In this regard, the City shall, at the City's cost and expense, undertake an Initial Study of the proposed Project pursuant to Section 15063 of CEQA or other appropriate documentation in order to determine the appropriate environmental documents and procedures that may be necessary to comply with CEQA as to the consideration and potential approval of the DDA by the City Council. The Developer hereby agrees to provide all assistance to the City necessary for it to carry out its obligations under CEQA. The Developer will fully cooperate with the City in the preparation of such analyses and reports.

10. City Due Diligence. City reserves the right to reasonably obtain further information, data and commitments to ascertain the ability and capacity of Developer to purchase, lease, develop and operate the Site or the Project. Developer acknowledges that Developer may be requested to make certain financial disclosures to City, City staff, legal counsel or other consultants, as part of the financial due diligence investigations of City relating to the potential sale of the Site and development of the Project on the Site by Developer and that any such disclosures may become public records. City shall maintain the confidentiality of financial information of Developer to the extent allowed by law, as determined by the City Attorney for the City.

11. Developer Indemnity. Developer shall indemnify, defend and hold harmless City, and the elected and appointed officials, officers, agents and employees of City (individually or collectively, an "**Indemnified Party**") against any and all losses arising out of any claim, liability, loss, damage, demand or cause of action, or any action or other proceeding, whether meritorious or not, arising through Developer, Developer's contractors or employees that relates to or arises out of: (i) property damage or bodily injury or death of any person in connection with this Agreement; (ii) entry upon the Site by Developer, its contractors or employees; (iii) any inspection of the Site by Developer, its contractors or employees; or (iv) the preparation of any report or plans commissioned by Developer; provided, however, that no Indemnified Party shall be entitled to indemnification under this Section 10 for matter caused by such Indemnified Party's gross negligence or willful misconduct or for any matter arising solely from the discovery of any pre-existing condition upon the Site. In the event any action or proceeding is brought against an Indemnified Party by reason of a claim arising out of any loss for which Developer is obligated to indemnity, defend or hold harmless the Indemnified Party, and upon written notice from such Indemnified Party, Developer shall, at Developer's sole expense, answer and otherwise defend such action or proceeding. The provisions of this Section 11 shall survive the expiration or termination of this Agreement.

12. Developer Insurance.

12.1 Types of Insurance. Without in any way limiting Developer's indemnification obligations under this Agreement, subject to the other provisions of this Section 12 and subject to approval by City of the insurers and policy forms, Developer shall obtain and maintain, at Developer's expense, the following insurance throughout the Negotiation Period and shall cause City to be an additional insured thereunder:

12.1.1 Liability Insurance. "**Liability Insurance**" means and refers to commercial general liability insurance against claims for bodily injury, personal injury, death, or property damage occurring upon, in, or about the Site or adjoining streets or passageways, at least as broad as Insurance Services Office Occurrence Form CG0001, with a minimum liability limit of Two Million Dollars ($2,000,000) for any one occurrence and which may be provided through a combination of primary and excess or umbrella insurance policies. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Site or the general aggregate limit shall be twice the required minimum liability limit for any one occurrence.

12.2 Nature of Insurance. All Liability Insurance and Automobile Liability Insurance policies this Agreement requires shall be issued by carriers that: (a) are listed in the then current "Best's Key Rating Guide—Property/Casualty—United States & Canada" publication (or its equivalent, if such publication ceases to be published) with a minimum financial strength rating of "A-" and a minimum financial size category of "VII"; and (b) are authorized to do business in the State of California by the State of California Department of Insurance. Developer may provide any insurance under a "blanket" or "umbrella" insurance policy, provided that: (i) such policy or a certificate of such policy shall specify the amount(s) of the total insurance allocated to the Site, which amount(s) shall equal or exceed the amount(s) required by this Agreement; and (ii) such policy otherwise complies with the insurance requirements in this Agreement.

13. Restrictions Against Change in Ownership, Management or Control of Developer; Assignment of Agreement.

13.1 Developer Assignment. City and Developer acknowledge and agree that City is entering into this Agreement with Developer on the basis of the particular experience, financial capacity, skills and capabilities of Developer. This Agreement is personal to Developer and is not assignable without the prior written consent of City, which may be given, withheld or conditioned in City's sole and absolute discretion. Consent to assignment shall be in writing and may be executed by the City Manager.

13.2 Assignment to Project Partnership. Notwithstanding the foregoing, Developer may assign this Agreement, without City's consent, to a limited partnership in which Developer or a limited liability in which Developer is the sole member acts as the sole and managing general partner of such limited partnership, subject to all of the following conditions: (i) Developer provides the City with at least ten (10) days prior written notice of such proposed assignment, (ii) such limited partnership's sole purpose is development, ownership and operation of the Project on the Site; (iii) such limited partnership expressly assumes all of the obligations of Developer under this Agreement in a written assumption agreement delivered to and reasonably satisfactory to City; and (iv) Developer shall have delivered the LP-1 and partnership agreement to the City. Notwithstanding any assignment of this Agreement, Developer, shall, at all times, be responsible and obligated directly to City for performance of Developer's obligations under this Agreement.

13.3 Definitions. For the purposes of this Agreement, the term "**Affiliate**" means any person, directly or indirectly, controlling or controlled by or under common control with Developer, whether by direct or indirect ownership of equity interests, by contract, or otherwise.

14. Developer Events of Default and City Remedies.

14.1 Developer Events of Default. The occurrence of any of the following shall constitute an "**Event of Default**" on the part of Developer under this Agreement:

14.1.1 Schedule of Performance. Failure of Developer to meet a performance milestone by the applicable date contained in the Schedule of Performance, if such failure is not cured within thirty (30) days after written notice of such failure.

14.1.2 Misrepresentation. Any material breach of any representation or warranty made by Developer in this Agreement that is not cured within thirty (30) days after written notice from City to Developer of such breach.

14.1.3 Unauthorized Assignment. Any assignment or attempted assignment by Developer in violation of Section 12.

14.1.4 Insurance. Failure of Developer to procure or maintain any of the insurance coverage required by this Agreement resulting in a lapse in required insurance coverage.

14.2 City Remedies. If there is an Event of a Default by Developer, City may, in City's sole and absolute discretion, terminate this Agreement by delivering written notice of termination to Developer. Upon any such termination, neither Party shall have any further rights or obligations to the other under this Agreement, except obligations that expressly survive termination of this Agreement.

15. Developer Representations and Warranties. Developer represents, warrants and covenants to and for the benefit of City, as of the Effective Date and at all times during the Negotiation Period, as follows:

15.1 Valid Existence; Good Standing; Joint Venture Relationships. Developer is a nonprofit public benefit corporation duly organized and validly existing under the laws of the State of California. Developer has all requisite power and authority to own its property and conduct its business as presently conducted. Developer has made all filings and is in good standing in the jurisdiction of the State of California.

15.2 Authority. Developer has all requisite power and authority to enter into and perform this Agreement.

15.3 No Limitation on Ability to Perform. Neither Developer's articles of incorporation nor any other organizational document regarding Developer in any way prohibits, limits or otherwise affects the right or power of Developer to enter into or perform this Agreement. Developer is not a party to or bound by any contract, agreement, indenture, trust agreement, note, obligation or other instrument that could prohibit, limit or otherwise affect Developer's entry into or performance of this Agreement. To the best of Developer's knowledge, no consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person or entity is required for the due execution, delivery or performance by Developer of this Agreement or any of the terms or covenants contained in this Agreement. There is no pending or threatened suit or proceeding or undischarged judgment affecting Developer before any court, governmental agency, or arbitrator that might materially adversely affect the enforceability of this Agreement, the ability of Developer to perform the transactions contemplated by this Agreement or the business, operations, assets or condition of Developer.

15.4 Valid Execution. The execution and delivery of this Agreement by Developer have been duly and validly authorized by all necessary action of Developer and others. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms. Developer has provided to City a written resolution of Developer's Board of Directors authorizing Developer's entry into and performance of this Agreement.

16. Notices. A notice or communication under this Agreement by either Party to the other shall be sufficiently given or delivered, if in writing and delivered by messenger, overnight air courier or registered or certified first class mail with return receipt requested (for U.S. mailings) to the appropriate Party at its address as follows:

In the case of a notice or communication to City:

City Manager's Office
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
Attn: Alan Piombo

With a copy to:

Richards, Watson & Gershon
One Sansome Street, Suite 2850
San Francisco, CA 94104
Attn: Inder Khalsa

And in the case of a notice or communication sent to Developer:

EAH, Inc.
22 Pelican Way
San Rafael, CA 94901
Attn: Bianca L. Neumann, Director Business Development

With a copy to:

Bocarsly Emden Cowan Esmail & Arndt LLP
633 West 5th Street, 64th Floor
Los Angeles, CA 90071
Attn: Nicole Deddens

Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

17. General Provisions.

17.1 Amendments. This Agreement may be amended or modified only by a written instrument signed by both City and Developer.

17.2 Severability. If any provision of this Agreement, or its application to any person or circumstance, is held invalid by any court, the invalidity or inapplicability of such provision shall not affect any other provision of this Agreement or the application of such provision to any other person or circumstance, and the remaining portions of this Agreement shall continue in full force and effect, unless enforcement of this Agreement as so modified by and in response to such invalidation would be unreasonable or grossly inequitable under all of the circumstances or would frustrate the fundamental purposes of this Agreement. Without limiting the foregoing, in the event that any applicable federal or state law prevents or precludes compliance with any material term of this Agreement, the Parties shall promptly modify, amend or suspend this Agreement, or any portion of this Agreement, to the extent necessary to comply with such provisions in a manner which preserves to the greatest extent possible the benefits to each of the Parties to this Agreement. However, if such amendment, modification or suspension would deprive City or Developer of the substantial benefits derived from this Agreement or make performance unreasonably difficult or expensive, then the affected Party may terminate this Agreement upon thirty (30) days written notice to the other Party. In the event of such termination, neither Party shall have any further rights or obligations under this Agreement except as otherwise provided herein.

17.3 Non-Waiver. No waiver made by either Party with respect to the performance, or manner or time of performance, or any obligation of the other Party or any condition to its own obligation under this Agreement will be considered a waiver with respect to the particular obligation of the other Party or condition to its own obligation beyond those expressly waived, to the extent of such waiver, or a waiver in any respect in regard to any other rights of the Party making the waiver or any other obligations of the other Party.

17.4 Non-Liability. No member, official, agent or employee of City will be personally liable to Developer, or any successor in interest (if and to the extent permitted under this Agreement), in an event of default by City or for any amount that may become due to Developer or successor or on any obligations under the terms of this Agreement. No director, officer, agent or employee of Developer will be personally liable to City in an event of default by Developer or for any amount that may become due to City or on any obligations under the terms of this Agreement.

17.5 Successors and Assigns; Third Party Beneficiary. This Agreement shall inure to the benefit of and bind the respective successors and assigns of City and Developer, subject to the limitations on assignment by Developer set forth in Section 12. This Agreement is for the exclusive benefit of the Parties to this Agreement and not for the benefit of any other person and shall not be deemed to have conferred any rights, express or implied, upon any other person.

17.6 Governing Law. City and Developer acknowledge and agree that this Agreement was negotiated, entered into and is to be fully performed in the City. City and Developer agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the substantive and procedural laws of the State of California, without application of conflicts or choice of laws principles.

17.7 Compliance with Law. Developer acknowledges that any future DDA, if approved by City governing body, will require Developer (among other things) to carry out the development of the Project on the Site in conformity with all applicable laws, including all applicable building, planning and zoning laws, environmental laws, safety laws and federal and state labor and wage laws.

18. Interpretation of Agreement. No inference in favor of or against any Party shall be drawn from the fact that such Party has drafted any part of this Agreement. The Parties have both participated substantially in the negotiation, drafting, and revision of this Agreement, with advice from legal and other counsel and advisers of their own selection. A word, term or phrase defined in the singular in this Agreement may be used in the plural, and vice versa, all in accordance with ordinary principles of English grammar, which shall govern all language in this Agreement. The words "include" and "including" in this Agreement shall be construed to be followed by the words: "without limitation." Each collective noun in this Agreement shall be interpreted as if followed by the words "(or any part of it)," except where the context clearly requires otherwise. Every reference to any document, including this Agreement, refers to such document, as modified from time to time (excepting any modification that violates this Agreement), and includes all exhibits, schedules, addenda and riders to such document. The word "or" in this Agreement includes the word "and." Every reference to a law, statute, regulation, order, form or similar governmental requirement refers to each such requirement as amended, modified, renumbered, superseded or succeeded, from time to time. Headings at the beginning of each section or sub-section of this Agreement are solely for the convenience of reference of City and Developer and are not a part of this Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to sections are to this Agreement. All exhibits referred to in this Agreement are attached to this Agreement, unless otherwise specified.

18.1 Entire Agreement. This Agreement (including the attachments and exhibits) contains all of the representations of and the entire agreement between the Parties with respect to the subject matter of this Agreement. Any prior correspondence, memoranda, agreements, warranties or representations relating to such subject matter are superseded in total by this Agreement. No prior drafts of this Agreement or changes from those drafts to the signed version of this Agreement shall be introduced as evidence in any litigation or other dispute resolution proceeding by either Party or any other person and no court or other body shall consider those drafts in interpreting this Agreement.

18.2 Time for Performance.

18.2.1 Expiration. All performance, expiration or termination dates (including cure dates) in this Agreement (including the attached Schedule of Performance) expire at 5:00 p.m., Pacific Time, on the specified date.

18.2.2 Weekends and Holidays. A date that falls on a Saturday, Sunday or City holiday is deemed extended to the next day on which the City is open for performance of general City functions with regular City personnel.

18.2.3 Days for Performance. All periods for performance specified in this Agreement in terms of days shall be calendar days, and not business days, unless otherwise expressly provided in this Agreement.

18.2.4 Time of the Essence. Time is of the essence with respect to each provision of this Agreement.

18.3 Counterparts. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

18.4 Survival. Notwithstanding anything to the contrary in this Agreement, each indemnity obligation under this Agreement shall survive expiration or termination of this Agreement. Further all other obligations under this Agreement that arise and were not satisfied before expiration or termination of this Agreement shall survive any expiration or termination of this Agreement.

18.5 Non-Discrimination. Developer covenants by and for itself and its successors or assigns, and all persons claiming under or through it, and this Agreement is made and accepted upon and subject to the following conditions:

18.5.1 Standards. That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (l) of subdivision (p) of Section 12955, and Section 12955.2 of the Government code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Site nor shall Developer, itself, himself or herself, or any person claiming under or through it, him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, subtenants, sublessees, or vendees in the Site.

18.6 Relationship of the Parties. The subject of this Agreement is a private development with neither Party acting as the agent of the other Party in any respect. None of the provisions in this Agreement shall be deemed to render City a partner in Developer's business, or joint venturer or member in any joint enterprise with Developer.

IN WITNESS WHEREOF, City and Developer have signed and entered into this Agreement as of the Effective Date by and through the signatures of their respective authorized representative(s), as follow:

CITY:

CITY OF MILL VALLEY,
a municipal corporation

By: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Inder Khalsa, City Attorney

DEVELOPER:

EAH, INC.,
a California nonprofit public benefit corporation

By: _____
Print Name: _____
Title: _____

EXHIBIT "A"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Description of the Site

[Attached behind this cover page]

1 Hamilton Road, Mill Valley

Assessor's Parcel 030-250-01

Approximate Site Area of Affordable Housing Parcel

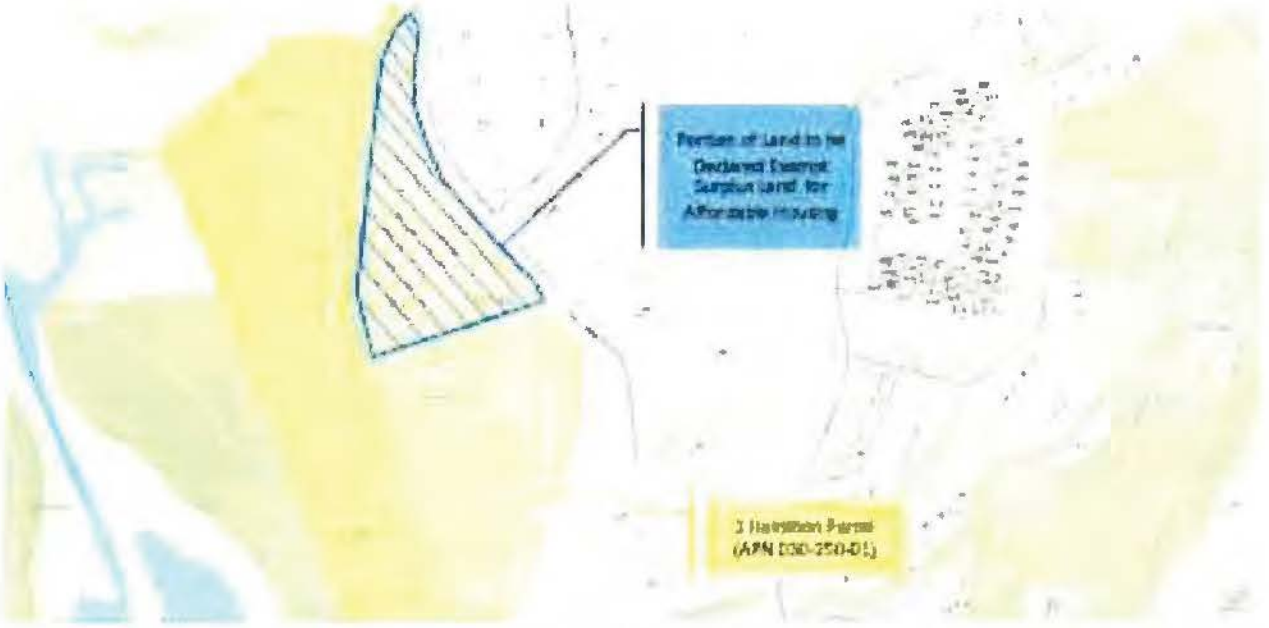




EXHIBIT "B"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Schedule of Performance

[Attached behind this cover page]

Schedule of Performance

Re: 1 Hamilton Road, Mill Valley

Scope: Exclusive Negotiation Agreement period (February 2022 to March 2023*)

Exclusive Negotiation Agreement	
Executed Agreement	Feb. 2022
Community Outreach	
Community Outreach Plan	Feb. 2022
Outreach to Community Groups: Small Targeted Discussions to Identify Community needs	Feb. 2022 to Sept. 2022
Community Meeting 1: Introduction to team and project concept	Feb. 2022
Community Meeting 2: Interactive Input	April 2022
Community Meeting 3: Report out, project changes, and integrations of community input	June 2022
Community Meeting 4: Pre-Submittal Design	Sept. 2022
Design, Rezoning, and Entitlements	
Initial Site Plan and Fit Studies	Dec. 2021 to Feb. 2022
Schematic Design	Feb. 2022 to July 2022
Pre-Entitlement Package	Sept. 2022
Entitlement Submittal	Feb. 2023
General Plan Amendment for Rezoning	Feb –June 2023
***Environmental**	
Environmental Phase 1	Feb. 2022
Geotechnical Reports	March 2022
Environmental Phase 2 (if required)	April 2022
CEQA and NEPA Approval	Jan. 2023 to Aug. 2023

Finance

City Predevelopment Loan *(approved with ENA)*	Feb. 2022
Financing Concept	March 2022
Financing Plan	June 2022
Land Dispossession Agreement	March 2023

* Above assumes a mitigated negative declaration. Should a full EIR be required entitlement process could take up to 24 months. Schedule for Initial Study will be determined in coordination with the selected environmental consultant; overall project schedule will be determined upon completion of an initial study.

Community Outreach & Engagement Plan

Updated: January 14, 2022

Overview

EAH and Van Meters William Pollack (the development team) recognize that community participation is a critical component of the planning process. Providing the opportunity for public input encourages citizens to be invested in the future of their community. The public outreach and engagement plan describes how community members, project partners and stakeholders will be engaged throughout the planning and design process. The outreach and engagement plan serves as a guide for community involvement and is subject to change based on input received.

Approach

PHASE 1: Information Gathering

Identify key stakeholders and document neighborhood and community interests and concerns regarding the development of the 1 Hamilton site. This first phase usually consists of one community meeting to kick off the project, followed by small informal focus group meetings with community stakeholders.

The purpose of this phase is to assess the areas of community interest, and shape outreach materials accordingly.

PHASE 2: The Focused Community Outreach

Engage community residents and stakeholders to participate in design discussions, which include input and feedback on design concepts to refine the site plan and architectural details.

The goal of this phase is to obtain consensus on a preferred site plan and schematic design concept which will be submitted to the City for review and approval.

PHASE 3: Entitlement Package Submittal and Support

Provide on-going support to assist in the development review and approval process. Attend public hearings and document community support for the project.

PHASE 4: Ongoing Community Outreach

EAH Housing staff will continue to reach out to our neighbors long after project approval, from site development, construction, and through full occupancy. We pride ourselves on being an active and supportive partner in the communities where we develop and manage affordable housing. We consider our community outreach program as the first step in a long-term relationship between EAH and our neighbors.

ATTACHMENT #3

Communication Methods

Our methods for communication are adaptive and flexible to reach the broadest segment of the population. Utilizing both analog and digital platforms, the development team will find the means to inform and engage the community in the development process. Dependent on Covid guidelines and community preference, some or all these methods can be utilized.

Analog

Direct Mail: will be sent to residents within a defined catchment. Information will include upcoming community meetings and opportunities to provide input on the proposed development and information on general project updates.

Door to Door: information on the development and events can be delivered on doorsteps. Our development team can visit local businesses, community centers, and churches to provide information on the future development.

Local Newspapers: ads can be placed in local newspapers to inform the community about upcoming meetings and provide general information on the future project and general development updates.

Community Events: the development team can attend local community events, such as street fairs, to engage and inform the community about the future project.

Small Focus Groups: the development team will meet with small local targeted groups, such as the immediate neighbors Friends of Hauke Park, Sustainable Mill Valley, etc. to discuss specific concerns or questions regarding the future development.

In-Person Community Meetings: the development team will have community meetings to publicly discuss the development process and the specific elements of the future development project.

Digital

Direct Email: will be sent to those that sign up for our email list. Information shared will include upcoming community meetings, opportunities to provide input on the proposed development (examples: surveys or planning meetings), and general project updates.

Project Website: will provide general information on the proposed development, including a site map, affordability information, project team and contacts, upcoming events, general development timeline, frequently asked questions, and the ability to sign-up for project updates.

Online Community Groups: information can be shared via local online community forums such as Nextdoor and/or local Facebook groups.

Online Community Meetings: the development team can have community meetings using an online platform to publicly discuss the development process and the specific elements of the future development project.

Planned Community Meetings

The meetings below are the general guide to the types of community meetings we will have and the projected timeline. Additional meetings can be added. More specifically, community meetings 2 & 3 can be an iterative process with multiple rounds of community input and reporting.

At all community meetings, there will be assigned note-takers to capture community comments. Questions and answers will be shared via the development webpage.

Community Meeting 1: Project and Team Introduction
When: March 2022
Location: Mill Valley Community Center (or online*)
Goal: Lay out existing site conditions and opportunities, introduce the project and project team, and collect community questions and concerns.
Format: Formal presentation followed by an open house with stations addressing specific topics

Description:
The project team will give a short formal presentation introducing themselves, the project, and the format for the open house. At each topic station, there will be a subject matter expert and a note-taker. Individuals will be encouraged to visit stations, ask questions and give feedback on the various topics discussed below.

Information Stations. Break out rooms, or informational stations, will be used to collect input and answer questions on the following:

1. Affordable Housing Overview- What is affordable housing, rents, incomes, and how households qualify for affordable housing.
2. Development timeline and process.
3. Replacement of current uses- parking and bathroom relocations options.
4. Conceptual Design- views, massing, and site plan overview.
5. EAH property management and services.
6. Other topics areas, as needed.

*If online breakout rooms will be used in place of stations.

Focus Group Input: Small group meetings
When: Between kick off and Workshop 2
Location: Varies
Goal: Address specific concerns associated with site design and layout. Talk to direct neighbors and take suggestions for further view impact evaluations.
Format: Varies. May include online surveys or meetings on-site with the project team to discuss neighborhood concerns, led by the Architect, VMWP.

Description:
Information gathering to discuss the site layout, including affordable housing opportunities, concerns about view impacts, replacement parking, and circulation, and park restroom. The project team will document expressed concerns and take requests into design considerations.

Community Meeting 2: Initial Concepts
When: April 2022
Location: Mill Valley Community Center (or online*)
Goal: Present initial concept and collect community feedback
Format: A formal presentation followed by a design charrette.

Description:
The development team will present 2-3 concepts for site layout. For each of the concepts, the tradeoff will be presented regarding the number of homes created, parking, and massing. The team will also provide an initial overall replacement plan illustrating options for replacement parking and circulation and relocation of the park restroom. The community will then be asked to participate in a design charrette providing feedback on elements and suggestions for improvements.

The development team will collect all community comments and integrate, where feasible, into the next iteration of the design concept.

*If online breakout rooms will be used for virtual design charrette, with survey questions for design elements.

Community Meeting 3: Project Concept Update
When: June 2022
Location: Mill Valley Community Center (or online)
Goal: Layout the feedback received at the previous meeting and how those suggestions have been integrated into the updated project concepts to establish consensus for the project design concept.
Format: Formal presentation and question and answerer session followed by an open house with stations addressing specific elements of the development.

Description:
The development team will present the consensus or preferred option with small sub-options for the development as well as for surrounding potential public improvements to parking and circulation and park restroom. Time will be taken to lay out how the design was arrived at based on the community input from the previous design charrette. Once the formal presentation is completed, community members will be given the opportunity to ask questions in an open forum.

After the open forum, community members will be invited to explore stations addressing specific elements of the project's development to ask questions, provide feedback, and provide solutions. Examples of stations that may be included are parking and traffic, site plan, and/or architectural design (style or optional styles) for the development.

*If online, breakout rooms will be used in place of stations.

Community Meeting 4: Pre-Submittal Design
When: September 2022
Location: Mill Valley Community Center (or online)
Goal: Provide a final opportunity for community comment and prior to preparing entitlement package
Format: Formal presentation and open form question and answer session.

Description:
The development team will present the refined design, which is intended for submittal for design review and the zoning and general plan amendment process. It provides the community an opportunity to see the submitted proposal before the design review and provide final comments to the development team.

Ongoing Small Group Meetings
When: February to September 2022
Location: Various
Goal: Address specific concerns in small group settings to build consensus and support.
Format: Small group meetings in person or via an online platform.

Description:
The development team will continue to work with local organizations to inform and engage them in the development process for the future development at 1 Hamilton Drive.

EXHIBIT B

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

February 4, 2022

SENT VIA EMAIL (cityclerk@cityofmillvalley.org)

Kelsey Rogers, City Clerk
City of Mill Valley
Mill Valley City Hall
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to February 7, 2022 City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive

Dear Ms. Rogers:

This letter transmits additional comments regarding Agenda Item 6, a proposed Exclusive Negotiating Agreement ("ENA") with a developer for residential development at 1 Hamilton Drive ("Project"). Our prior letter, dated February 2, 2022, raised concerns that the City's approval of the ENA commits the City as a practical matter to the Project without first conducting CEQA review in violation of CEQA. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 132 (*Save Tara*).) Our further review of surrounding circumstances reinforces this concern.

We reviewed the City's staff report for Item 6, Housing Element Update, which revealed additional troubling information about the City's commitment to the Project. Specifically, a comment letter by the Mill Valley Affordable Housing Committee ("MVAHC") states, "1 Hamilton shows up on the counts but not on the map. However, we are very encouraged that it ***clearly shows up as a cast-in-stone commitment*** in this chart." (Item 5 staff report, Attachment 3, p. 2, emphasis added.) While it is unclear what chart is described, MVAHC's understanding that the City's commitment is "cast-in-stone" cannot be ignored. These facts bring the present situation even closer to that addressed in *Save Tara*:

> Circumstances surrounding City's approval of the agreements confirm City's commitment to the 1343 Laurel project. In aid of Laurel Place's HUD grant application, the city manager told the federal agency City "has approved the sale of the property" and "will commit" up to $1 million in financial aid. Once the grant was awarded, City's mayor announced it "will

> be used" for Laurel Place's project, and the City newsletter stated that, using the grant, City and Laurel Place "will redevelop the property." City officials told residents who opposed the project that while "variations" on the proposal would be entertained, City "must continue on a path that fulfills this obligation" to redevelop the property for senior housing. Similarly, at the May 3, 2004, city council meeting, City's housing manager stated that while there were "options to consider" regarding project design, options for other uses of the property (as a park, library, or cultural center) had already been ruled out.

(*Id*. at 141–142.)

MVAHC's understanding of the City's "cast-in-iron" commitment to the Project is unfortunately reinforced by our ongoing inquiry into the City's claimed analysis of alternative project sites. The City has repeatedly asserted that it analyzed 75 different City-owned parcels. FOHP members were skeptical because they received information suggesting that the City was trying to limit new affordable housing to the less affluent side of town, east of Camino Alto, where all of the existing affordable housing is located. This prompted us to submit a Public Records Act ("PRA") request to the City, explaining, "FOHP is concerned about the process and criteria utilized by the City of Mill Valley ('City') to seemingly decide upon the 1 Hamilton Drive site, adjacent to Hauke Park, as the City's preferred location for the Project."

We have now reviewed 2,068 pages produced by the City in response to our PRA request. Far from dispelling our concerns about an improper analysis for selecting viable sites, the documents produced to date support our concerns. While the City claims that it analyzed in detail 71 different City-owned cites, the City's records only identify 11 such sites. (See Exhibit 1, memo from Danielle Straude from Janet "Re: Analysis of Tax-Exempt Sites for Affordable Housing Development" dated February 10, 2021 ("Site Analysis Memo"), pp. 7, 18.) The City's document production does not even identify the remaining 64 sites, much provide detailed analysis of their suitability.

We note the Site Analysis Memo identifies an additional 37 sites "for potential sale." (Exhibit 1, Site Analysis Memo, p. 19.) The City has never clarified, however, whether these additional 37 sites "for sale" are included in the 75 sites purported analyzed for development. Even if they are included, the total of 48 sites (11 sites for development and 37 sites for sale) falls well short of the claimed 75 sites that were analyzed. In this scenario, 27 sites remain completely undisclosed.

The City's failure to document its analysis of 64 (or 27) of the 75 claimed potential housing sites is consistent with FOHP's concern that 1 Hamilton Drive has been selected for impermissible reasons.

In light of these troublesome developments, the City needs to stop the "bureaucratic and financial momentum" inexorably leading to an unlawful commitment to 1 Hamilton Drive in violation of CEQA. (*Id*. at 130.) Nothing requires the City to rush ahead with the Project at this time in this manner. Indeed, the City is now performing a comprehensive site analysis as part of the Housing Element update as described in the Item 5 staff report. The only legitimate path forward, which would comply with applicable law and restore public confidence in the City's decision-making process, is for the City to follow the process identified for its Housing Element Update.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

PMS/mre

Attachment: Exhibit 1, February 10, 2021 Site Analysis Memo

cc: John McCauley, Mayor (jmccauley@cityofmillvalley.org)
Jim Wickham, Vice Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Councilmember (ucarmel@cityofmillvalley.org)
Sashi McEntee, Councilmember (smcentee@cityofmillvalley.org)
Stephen Burke, Councilmember (c/o cityclerk@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)

EXHIBIT 1

THEHOUSINGWORKSHOP

To: Danielle Straude, Senior Planner, City of Mill Valley
From: Janet Smith-Heimer, The Housing Workshop
Re: Analysis of Tax-Exempt Sites for Affordable Housing Development
Date: 2-10-21

Introduction and Summary of Findings

This memo summarizes an initial analysis of a list of approximately 75 parcels of land owned by the City of Mill Valley, for the purposes of identifying a short list of parcels suitable for potential affordable housing development. In addition, the analysis for this memo included a review of all other identifiable property tax-exempt parcels located within City limits (e.g., owned by Marin Open Space, Marin Municipal Water District, several religious organizations, etc.). The source for identifying tax-exempt parcels, the County Assessor's database, lists all land parcels in Mill Valley by identifying number, size, owner, and tax-exempt or taxable status.

The analysis of publicly-owned/tax-exempt land parcels was commissioned by the City of Mill Valley, and prepared under the guidance of City staff and the Housing Advisory Committee. Following discussion of this initial analysis, The Housing Workshop will conduct an in-depth financial analysis of potential housing projects on two of the best-suited sites to demonstrate feasibility and facilitate potential next steps by the City.

Purpose of the Analysis

This initial study phase was conducted with two objectives: to identify City-owned or other tax-exempt parcels that could be developed into affordable housing, and to identify any parcels that could potentially be monetized (e.g., sold or leased) by the City to private parties to raise local funds that could help subsidize affordable housing projects. The review of City-owned properties aligns well with policy initiatives promoted by housing policy experts as well as the State of California, to leverage publicly-owned land assets to address the current housing crisis. This memorandum does not outline or analyze housing affordability issues in Mill Valley; several key resources to further explore those issues are referenced in Appendix A of this memorandum.

Leveraging publicly-owned land assets by making them available, typically at reduced or no cost to a non-profit affordable housing developer, is a direct method of subsidizing and creating this type of development, which otherwise faces major challenges in acquiring developable land and

raising sufficient funding to build new units. In other words, eliminating the time and cost of acquiring land (because it is contributed by a city or public agency to a project), immediately reduces the need for funding by 20 to 40% of total project cost, depending on the cost of that land. This concept, sometimes called "land write-down," was used very successfully throughout California for decades through local redevelopment agencies tasked with funding new affordable housing projects. Nearby examples of this concept can be found in San Rafael and other Marin locations.

Summary of Findings

As detailed in the following memorandum, the initial analysis concluded the following:

- Among the numerous City-owned parcels, just 4 sites were identified for further analysis, including:
    1. Public Safety Building/Hauke Field Parking Lot
    2. Boyle Park Tennis Courts
    3. Portion of Edgewood (aka Mill Valley Reservoir)
    4. Portion of Mill Valley Golf Course along Linda Vista Drive
- The factors affecting this conclusion – parcel size, degree of slope, recreation/open space designations, and environmental constraints – render many of the subject parcels infeasible for multifamily affordable housing development.
- A review of other non-City owned, tax-exempt parcels indicates that there are likely no short-term opportunities to partner with property owners.
- There are limited opportunities to monetize City-owned parcels, due to likely infeasibility of creating retail single family lots matching zoning requirements for parcel size. Three parcels that may yield up to 10 lots in total were identified as potentially saleable, but require further analysis to determine their marketability and value. It should also be noted that raising funds for potential use as subsidy in future projects does not directly resolve the lack of available project development sites.

Next steps in the study process will include preparing a financial analysis for 2 of the 4 sites identified as having near-term development potential for affordable housing. If these sites "pencil," The Housing Workshop will recommend a series of future actions to undertake City-sponsored affordable housing development on those sites.

Affordable Housing Development Challenges in Mill Valley

There are several key development constraints facing Mill Valley's publicly-owned parcels, all of which were converted into criteria to apply to the list of parcels for the analysis. These are summarized below.

Current Zoning Designations

Mill Valley owns numerous tracts of land used for active recreation (e.g., ballfields, tennis courts) along with extensive networks of trails, gardens, public parks, and designated open space areas with heritage trees. These recreation/open space lands are treasured by residents, and are considered important parts of Mill Valley's quality of life.

The community valuing of recreation/open space, and the balancing of potential development versus conservation for recreation/open space, have long been codified in the City's General Plan land use and zoning designations. The balancing of competing goals, such as development versus recreation/open space, is a tension that occurs in every city in the Bay Area. This current analysis does not seek to alter these land use designations; the work conducted every 8 years to prepare the City's Housing Element Update is meant to address those larger policy questions.

Criteria Used in Analysis. With a few exceptions as described later in this memorandum, the City-owned sites analysis considered a current zoning designation of Open Space as a given, thereby not permitting any new multifamily housing development. The few exceptions described later in this memorandum represent potential building sites located within larger open space areas, sited to be on frontage roads so as to not disturb recreation/open space enjoyment.

Parcel Size and Development Density

In Mill Valley, even though the City owns parcels of various sizes throughout the city, these assets are not easily identifiable on the ground. Mill Valley, with its desirable location, climate, and lifestyle, has long been "built-out," meaning no obvious tracts of undeveloped land await development. The downtown layout, primarily in a historic village pattern, further limits development opportunities on publicly-owned parcels.[1]

A review of Mill Valley's zoning designations indicates that the City's most dense category of residential development caps out at 29 dwelling units per acre, with these opportunities generally located in the downtown center. This density typically translates into a 3-story multifamily building with surface parking.

For 100% affordable housing projects (including housing for very low, low, and moderate income households), the California Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with a substantial "density bonus" of an 80% increase in density. For Mill Valley's current most dense residential zone category, this would yield projects with a density of 52 units per acre (1.8 X 29).

Almost all affordable rental housing developers seek yield and scale in their projects (in terms of number of units), due to the complexities and cost involved in creating these projects. In Mill Valley, this combination of relatively low maximum allowable density and typical parcel size mean that even with a density bonus, almost all professional organizations will not be able to expend the time and resources necessary to develop on very small parcels.[2] In addition, even post-development, most affordable housing projects require an on-site property manager living in one of the units, which is generally not sustainable in terms of operating costs in projects with less than 40 units, although exceptions to this rule of thumb can be found for slightly smaller projects if management is shared by the same owner with another small project nearby. The result of these scale and yield considerations means that parcels likely to attract a qualified affordable rental housing developer would need to be at least 0.75 acres (which would yield 39

[1] It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g., aging one-story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be reconsidered as potential housing or mixed-use sites during the City's upcoming Housing Element update process, because downtown infill locations typically create very desirable locations with services for multifamily projects. These kinds of projects also serve to activate streets, bring new shoppers, and contribute to a vibrant village center.

[2] Some for-profit developers of market-rate housing are able to develop on small parcels, due to the typical high profit margins available in a higher-value area such as Mill Valley. Yield and scale affect these two housing segments differently.

units per acre if zoned for 29 units and the maximum density bonus were applied).

Criteria Used in Analysis: Due to the resulting infeasibility of affordable housing development on small parcels, City-owned parcels less than 0.75 acres are considered not developable for this purpose. However, separately, some of these smaller sites may have monetary value to raise funds for a project located elsewhere, and are assessed in this memorandum for that purpose.

Degree of Slope

Due to topography, location near sensitive wetlands, areas which experience flooding, and other environmental factors, Mill Valley sites require a fine-grained assessment to determine physical development feasibility. This analysis focuses on two key physical factors: slope and floodplain/floodway status.

Steep slopes adversely affect affordable multifamily development in several ways, all of which combine to increase project costs without an ability to obtain compensation through commonly-used funding sources. Costs rise in steep slope situations because of extra site grading, design challenges, accessibility challenges for people with disabilities, and seismic safety structural mitigations. In addition, often steep slopes face erosion and other constraining soil conditions, all of which also add to project costs. Most affordable housing developers will seek other opportunities elsewhere that do not pose these increased cost risks.[3]

Criteria Used in Analysis: Sites with an average slope greater than 10% were considered infeasible for affordable housing project development. However, there are a few exceptions noted later in this memorandum, where site visits indicated that flatter building pads may exist among large parcels with otherwise average steeper slopes.

[3] It should be noted that these slope-related factors do not necessarily constrain high value new construction townhouse or single-family homes in the same way; these types of buildings can often maximize views and/or incorporate other creative design features on steeply-sloped lots, adding value to offset increased costs.

Floodplain/Floodway Status

Some portions of Mill Valley's flatter, more developed sections are affected by several waterways which can reach impactful flood stages currently defined by the Federal Emergency Management Agency (FEMA) as having a 1% chance of flooding each year (formerly called "100 year floodplain"). In simple terms, these areas require annual flood insurance premiums, which add to the operating costs in affordable projects. In some subzones of these areas, FEMA recommends architectural and engineering methods to reduce flood damage; while these may add to construction costs, they can sometimes be incorporated without creating project infeasibility (such as raising the dwelling areas above flood levels with parking on the ground floor).

In other floodplain areas, based on waterway hydrology and topography analyses, FEMA designates certain portions as Floodways, which means any building placed on the site needs to be designed so that its structure does not demonstrably impede receding water flow in the event of a flood. In simple terms, this requirement is in place to ensure that floodwaters can flow, unimpeded by structure, causing more damage elsewhere. Building housing structures is floodways is therefore quite difficult to infeasible, and sites in FEMA-designated floodways are not recommended for further consideration by the City of Mill Valley.

Criteria Used in Analysis: Parcels with a FEMA floodplain designation of "AE" or "AO" are considered as possible for development (albeit not ideal), while parcels designated as Floodway are considered not feasible for affordable housing development.

The results of applying the above criteria to the City-owned and other tax-exempt parcels are described in the following section with supporting tables included as Appendices B through D.

Potential City-Owned Affordable Housing Development Sites

The approximately 75 City-owned parcels were evaluated based on criteria outlined above, including a minimum size of at least 0.75 acres and an average slope of 10% or less.

A summary of the resulting "short list" of potentially developable affordable housing sites is shown below. Each of these sites was also visited in-person by The Housing Workshop and evaluated further per other potential site or regulatory constraints, as described below.

Table 1: City-Owned Sites with Potential Feasibility for Multifamily Affordable Rental Housing

Site #	Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
1	1 Hamlton Public Safety Building parking lot serving Hauke Field	030-250-01	0.75	10.0%	Open Area (O-A)	No	No	22-39 units	Site size estimated (part of larger parcel). Needs design study to confirm suitable building pad with sufficient distance from Bayland Corridor boundary. Parcel would require subdivision and rezoning.
2	Portion of Boyle Park Tennis courts and part of field behind it	029-212-24, possibly part of another parcel	0.80	< 10%	Open Area (O-A)	No	No	23-41 units	Site size estimated (portion of Boyle park inc. 5 tennis courts and field/parking lot at end of East Drive)
3	Edgewood (MV Reservoir)	046-070-02, 046-061-52	4.37	24.6%	Open Area (O-A)/Single Family (RS)	No	No	29-52 units	Site size and location estimated (part of larger parcel). Review of 1967 grant deed shows convenant to keep as a park. This parcel is relatively large and has some slope areas, so a portion could be removed from covenant w MMWD agreement. Yield estimate assumes 1 buildable acre within larger sloped site.
4	Portion of Mill Valley Golf Course along Vista Linda Drive	029-131-07	45.68	16.5%	Open Area (O-A)	AO	No	22-39 units	Site would be portion along Vista Linda Drive/ edge of golf course. Yield assumes a .75 acre parcel could be identified. May require relocation/redesign of nearby golf hole. Yield may be reduced depending on parcel shape and golf course safety requirements.

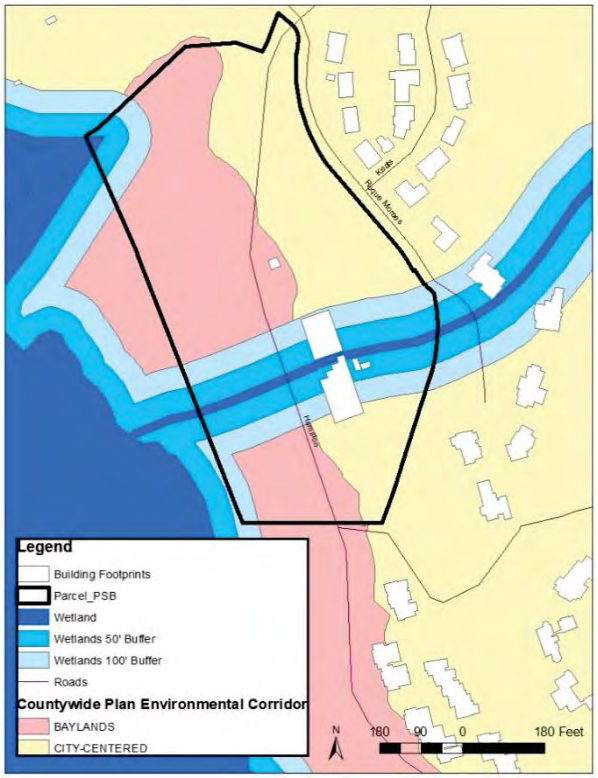
Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, buat cpdroject could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Low end of range assumes zoning for 29 units/acre. High end assumes application of state density bonus law (80% bonus for 100% affordable projects), which would yield 52 units/ ac

Site 1: Public Safety Building/Hauke Field Parking Lot

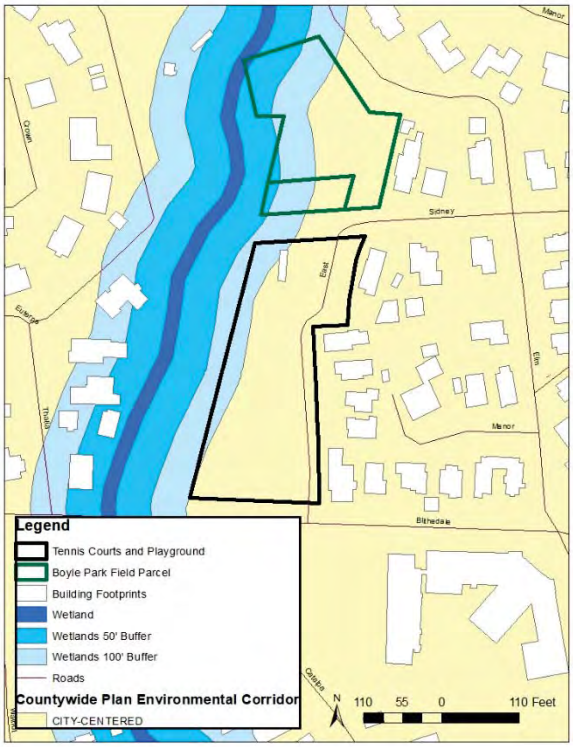




Potential 0.75 acre Housing Site

This potential housing site lies adjacent to the City's Public Safety Building complex, on its northern side. This area currently provides parking and restrooms for recreation fields located nearby. The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary. Until further biological and survey studies can be conducted, it is assumed the identified housing site could provide 0.75 acres for development, creating sufficient scale to develop a physically feasible project. Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site.

Site 2: Portion of Boyle Park



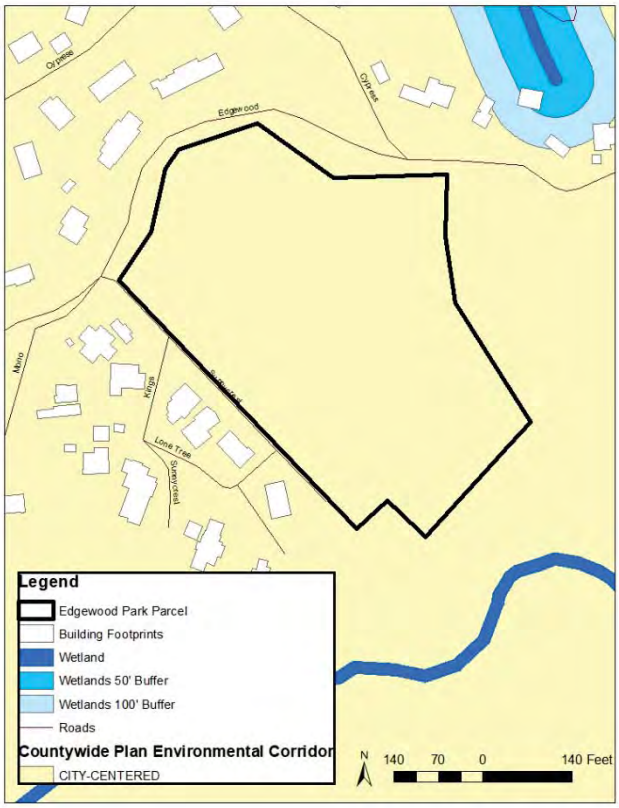


Potential 0.75 acre Housing Site

This site would be subdivided and developed in the portion of Boyle Park containing 5 tennis courts, along E. Blithedale Avenue. While reducing recreational facilities for Mill Valley's residents is less than ideal, this site is included in this memorandum because it would create a sufficiently-sized and shaped parcel in a pleasant residential neighborhood without prohibitive environmental constraints (e.g., floodplain, sensitive habitat, etc.). From an objective affordable housing development point of view, this is the best of the 4 identified sites. As described in this memorandum, identifying sites with sufficient size and yield, that also do not create extraordinary cost challenges, means that other tradeoffs would need to be made to leverage public lands.

As shown in the map on the left, although not in a floodplain or floodway, the tennis courts are located near sensitive wetlands, and would need to be designed carefully to allow for the medium blue 50 foot buffer. The lost tennis courts could potentially be relocated elsewhere in this part of Mill Valley or designed to be placed on the roof of the new housing project with separate public access provided.

Site 3: Edgewood (aka Mill Valley Reservoir)



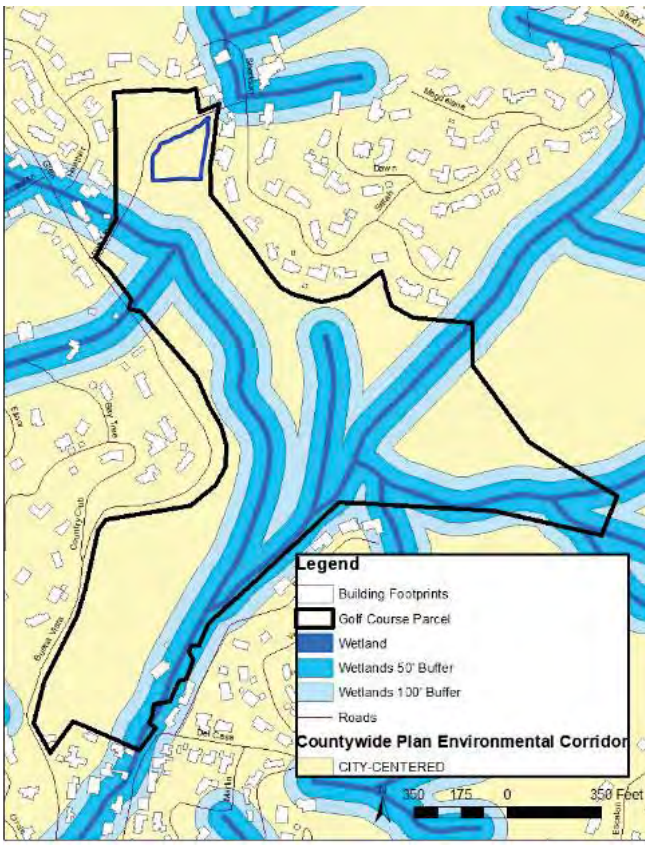


Potential 1 acre Housing Site

The Edgewood parcel contains over 4 acres, with portions containing steep slopes. The site is used as an informal open space area but has not been improved as a public park. Based on topographic map review, it is estimated that a 1-acre or more buildable portion with a feasible slope could be identified. Another development constraint is that this site was deeded by the Marin Municipal Water District to the City in 1967, with a covenant in the recorded deed that the site be maintained by the City and used as a park. However, since this site has not been improved as a park and given the age (50+ years) and nature of the grand deed, it may be possible to amend the deed to remove this covenant for a portion of the site through agreement with the MMWD.

The strategy outlined above has the additional benefit of creating a buildable parcel of 1 acre or more, allowing for a higher unit yield than the other tightly-fitted 0.75 acre sites which limit unit yield with no room to spare. In addition, it may be possible to improve other portions of this site as a park, providing new benefits to the surrounding community in exchange for supporting the 1 acre portion for use as affordable housing.

Site 4: Portion of Mill Valley Municipal Golf Course





Potential 0.75 acre Housing Site

The Mill Valley Municipal Golf Course was purchased by the City from a private owner in the 1930s and has been operated by the City since that time. It has reportedly suffered operating losses in recent years. However, any change in use status of the golf course as a whole will require a more lengthy discussion than the scope of this memorandum, and cannot be addressed here. Thus, as the City considers the future of the 45 acre, 9-hole course, for this memorandum a portion of its greenway buffering along Linda Vista was identified that may be suitable for multifamily affordable housing development in the near term.

It should be noted that the potential housing development site shown above, is across the street along Linda Vista Drive from a recently-proposed public parcel currently uses as a playing field, which engendered substantial community resistance to any development. In addition, further design of a potential building site as shown above may impact the adjacent golf hole; research indicated that 9-hole courses typically require 20 to 48 acres of land, so at 45 acres, the Mill Valley course may well reconfigurable in this section to accommodate the housing site.

City-Owned Sites Considered as Infeasible For Development

Appendix B provides a summary of six additional City-owned sites which were of sufficient size to consider, but have other constraints making them infeasible for near-term multifamily rental housing at affordable levels. These constraints are outlined below.

City Hall/Fire House Parking Lots. The first set of 3 lots are the parking lots and open space surrounding City Hall, including the entry parking area between City Hall and the Mill Valley Market, the back parking lot behind City Hall, and the open space on the far side of the historic fire house adjacent to City Hall. As noted in Appendix B, these parcels are either too small and/or in the case of the back parking lot, designated a Floodway. The table notes that either of the "side" parcels could be developed as a small number (2 to 3) moderate income ownership townhouses, with the most practical site on the open space adjacent to the fire house. This product type does not require an on-site property manager and thus can be developed at a smaller unit yield. These are often more challenging to finance, since many of the commonly-used funding sources such as Low Income Housing Tax Credits do not apply; however, with City-contributed land, there are ways to arrange for this type of housing. In the even the fire house itself were no longer needed, that historic structure could also likely be rehabilitated and converted to possibly 2 more townhouses.

Historic Depot Plaza. This 0.77 acre site is the paved, improved Plaza along with a long, linear parking lot bordering the Plaza area adjacent to and behind the historic Depot in downtown Mill Valley. Although the site is large enough to yield a feasible affordable housing project, it functions as a vital public gathering place, along with much-needed parking for downtown merchants. As such, it would require extensive further study such as a downtown parking study, and likely an urban redesign plan, to replace any public gathering plaza lost to development.

Public Parking Lot Behind D'Angelos. The parking lot behind D'Angelos, accessed from Throckmorton in downtown Mill Valley, has an infeasible configuration due to its linear alley-style parking abutting other buildings. This shape renders the site infeasible for housing of any type.

Community Center Parking Lot. The parking lot adjacent to the Mill Valley Community Center, a portion of which currently contains solar panels, is located partially within or near the Baylands Corridor boundary, meaning that only approximately a 0.5 acre potential development site could be identified. This site size is infeasible for affordable rental housing, as described previously. In addition, the soils on this property are reportedly experiencing substantial subsidence; thus, further soil and biological assessments would need to be conduced to determine if any portion

could be suitable for development. It is likely that a best-case scenario would yield a small developable parcel, which could be used to construct moderate income ownership townhouses.

Public Parking Lot at 411 Miller Avenue. The City-owned parking lot at 411 Miller Avenue offers a good rectangular set of parcels, albeit at an insufficient size for affordable multifamily residential development (smaller than the 0.75 acre threshold). In addition, a substantial portion of the site is located in a FEMA-designated Floodway, rendering new development infeasible. However, due to recent flood improvements in the area, there may be the possibility of requesting a change to the FEMA designation (which may also benefit other parcels that are privately-owned along Miller and adjacent locations such as Sloat Nursery. This would require relatively expensive hydrology studies to demonstrate to FEMA that the current situation has been improved and the Floodway finding in the area no longer applies. This process, including the necessary studies, may be fundable by state or local grants. The City should consult with the Flood Control District to ascertain next steps. If the Floodway designation could be removed, the City-owned portion, with approximately 0.54 acres, would become suitable for moderate income ownership townhouses, which do not require an on-site property manager.

Other City-Owned Parcels

Appendix C shows a summary of dozens of other city-owned parcels deemed infeasible for near-term affordable housing development for one or more of the following reasons:

- Average slopes greater than 10%, with site visits confirming steep slopes throughout parcel
- Small site size below 0.75 acres, limiting yield
- Other prohibitive environmental conditions (see Appendix C)

Potential to Monetize City-Owned Parcels

Among these infeasible-for-development parcels, there were several that may have potential value if offered for sale as a single family lot, as noted in Appendix C. The criteria used to identify salable lots were size and zoning; the parcel must be at least 6,000 square feet (the minimum single family lot size for new construction in Mill Valley) and zoned as some form of residential use. The zoning factor was applied because it is unlikely for retail lot purchasers to undertake a zoning change, especially when most of these parcels are zoned as highly-treasured Open Space.

The value of parcels potentially marketable for single family use involved analyzing sales of single family retail lots in Mill Valley that have occurred over the past 3 years (see Appendix D). As shown, the sales ranged widely, depending on slope (and cost of grading), location, size, and marketing assertions about "approved plans." [4] Because the 3 City-owned parcels identified as sufficient in size and zoning to create marketable lots shown in Appendix C are all zoned to require a minimum lot size of 1.5 acres per unit, a total of 10 potential retail lots could be identified on these 3 parcels, with a maximum retail lot value after broker commission and other selling costs was conservatively estimated at up to $1,000,000 per lot.

This analysis yields a potential total value of up to $10,000,000, but will very likely decline when more detailed site assessments are conducted to ascertain availability of utilities, identification of building sites amongst the very steep slopes, and other factors impacting marketability and value.

[4] "Approved plans" described in listing descriptions were not confirmed with the City, and are assumed to contribute only minor additions to value.

Other Tax-Exempt Parcels with Affordable Housing Development Potential

In addition to the direct potential to develop affordable housing on City-Owned parcels, Mill Valley contains numerous parcels owned by other tax-exempt agencies, non-profits, and religious organizations. These parcels were reviewed for size and slope, along with known likelihood of interest in providing land for development.

The following criteria were used to exclude tax-exempt parcels from further consideration:

- Parcels owned by Marin Open Space
- Parcels owned by Marin Municipal Water District
- Parcels owned by public school districts (which may have potential development sites, but should be considered first by the school district)

Remaining non-City owned tax-exempt parcels, described below, are owned by utilities (AT&T) and religious organizations. These parcels may have some longer-term potential for collaboration with the City of Mill Valley for affordable housing development.

Mt. Tamalpais United Methodist Church (410 Sycamore Avenue)

The church provides worship services along with childcare and other community services in a complex of buildings on a relatively large site. While the complex could possibly be envisioned in a reconfigured layout that could incorporate an affordable housing project (a possible 0.75 acre site is outlined in yellow), it is a challenging process, particularly given several environmental constraints including location near the sewage treatment plant making the site potentially unsuitable for new housing development. In addition, other buildings currently on the site would likely need to be demolished but the functions in them could be incorporated into a housing project (e.g.,



ground floor childcare facility and/or meeting rooms). The leadership of this church may be interested in partnering with the City for housing but does not have near-term plans to undertake such an initiative.

First Church of Christ, Scientist, Mill Valley (279 Camino Alto)

This church sits atop a knoll with substantial land devoted to parking, open space, and circulation. The building itself, pictured here, is relatively small but with sweeping vistas in keeping with a spiritual center. The site could be potentially reconfigured to place a 0.75 acre housing site on it that would be located beyond the requisite wetland buffer, as shown in yellow outline here. However, this would require new access driveways and reconfigured parking lots. It is not known if the leadership of this institution would be interested in collaborating with the City of Mill Valley.



AT&T Building (300 E. Blithedale)

This site contains an historic Tudor-style 3-story commercial building on a 0.48 acre parcel, which in the past has housed both telephone operations and small commercial tenants. Its current occupancy and use are not known, although it is still owned by AT&T. The building size and condition for potential rehabilitation into affordable housing are not known. Adjacent to the building is another parcel owned by AT&T configured as a parking lot to serve the building; however most of the parking lot lies in a floodway, constraining future development. If the City wished to collaborate on the building site, it or a development partner would need to most likely purchase the site from AT&T at market rates, thereby losing the benefit of leveraging publicly-owned property as a direct subsidy to a project.

Appendix A: List of Plans and Other Resources

Marin Countywide Plan 2007 (County General Plan)
https://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan

Marin County Housing Element Information (for unincorporated areas of Marin County only)
https://www.marincounty.org/depts/cd/divisions/housing/housing-element

Mill Valley 2040 (City of Mill Valley General Plan)
https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/default.htm

City of Mill Valley Housing Element Update 2013-2023 (note: the City will soon being updating the Housing Element for the next 8-year cycle)
https://www.cityofmillvalley.org/civicax/filebank/blobdload.aspx?BlobID=24590

About FEMA Flood Zones (portal to many web pages)
https://www.fema.gov/glossary/flood-zones

FEMA Information on Changing Flood Zone Maps (relevant for 411 Miller Ave Floodway)
https://www.fema.gov/flood-maps/change-your-flood-zone

Additional Explanation of FEMA Flood Zones AE AO, and Floodways Related to Insurance
https://www.amica.com/en/products/flood-insurance/what-is-an-ae-flood-zone.html

Appendix B: Infeasible City-Owned Lots Due to Size, Environmental, or Configuration Factors

Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
30 Corte Madera City Hall Portion of Parking Lot (by Fire Dept)	028-014-06	0.14	5.3%	O-A	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Maderao City Hall Portion of Parking Lot (by MVMarket)	028-014-21	0.19	6.4%	C-D	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Madera City Hall and Back Portion of Parking Lot	028-014-16	0.49	6.5%	O-A	AE	Yes	N/A	Floodway makes infeasible
Plaza & Parking Lot	028-013-15	0.77	1.3%	Downtown Commercial (C-D)	AE	No	N/A	Site is public plaza plus has long, narrow parking lot, which makes it challenging to design a housing project without eliminating vital downotown space.Reconfiguring developable area by adding portion of private parking lot next door on sunnyside was considered, but that parcel is in Floodway.
Parking Lot behind D'Angelos	028-061-35	0.71	8.1%	Downtown Commercial (C-D)	AE	Yes	N/A	Small street frontage, narrow lot, units would abut other buildings. Very hard to design as infill.
Portion of Com Center parking lot	030-111-09	0.50	2.0%	Community Facilities (C-F)	mixed No/AE	No	7-10 moderate income townhouses	Buildable site is smaller than parking lot due to location of Bayland Corridor boundary and required 50' setback. Site also likely has soil subsidence issues. Replacement parking may also need to be arranged. Needs further analysis.
411 Miller Miller Parking Lot	030-271-70, 030-071-28	0.54	<2.5%	Open Area (O-A) & Commercial (C-N)	AE	Yes	7-10 moderate income townhouses	Site is impacted by existing Floodway designation, but recent improvements have enable a change by FEMA. Would require hydrology studies to demonstrate and obtain change.

Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, but project could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Assumes townhouse development at approximately 15-18 units per acre..

Appendix D: Other City-Owned Parcels for Potential Sale

(Includes all City-Owned Parcels > minimum single family lot size of 6,000 square feet)

Location	APN	Acres	Gross Sqare Feet	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	Allowed # of Units	Notes	# of Lots	Per Lot	Total
Camino Alto and Stanton Way . Not maintained by DPW	033-102-18	5.25	228,690	42.0	RSP-5A	No		1 DU/1.5 acres	steep slope	3	$1,000,000	$3,000,000
Vasco Court / Corner of Edna Maguire	033-240-15	0.86	37,462	16.3	RSP-2A	No		1 DU/1.5 acres	Does not meet zoning			
Vasco Court / Corner across from Edna Maguire / Creek runs through property/ Bike Path	033-240-01	0.49	21,344	20.0	RSP-2A			1 DU/1.5 acres	Does not meet zoning			
Tenderfoot Trail/Zig Zag Trail. Not maintained by DPW	046-010-25	18.59	809,780	46.2	RSP-10A	No		1 DU/1.5 acres	Trail site			
Corner of Tenderfoot trail. Land Locked/ No Access. Not maintianed DPW	046-010-34	0.41	17,644	40.2	RSP-10A			1 DU/1.5 acres	Does not meet zoning			
Marsh/Margurite ROW Creek runs through site two ways.	027-272-01	0.23	9,924	19.4	RS-43	AO		7 DU/acre	Difficult to develop			
Tenderfoot trail. Not maintained by DPW	046-030-29	9.70	422,532	42.2	RS-10A	No		1 DU/1.5 acres	Nested in trails	6	$1,000,000	$6,000,000
Fern Canyon. Not maintained by DPW	027-066-40	2.07	90,155	61.1	RS-10A			1 DU/1.5 acres	May be 1 lot. Steep slope.	1	$1,000,000	$1,000,000
Next to 226 Rose. Not maintained by DPW	027-252-43	0.49	21,300	72.8	RS-10			7 DU/acre	very steep slope; likely not marketable			
Miller Grove/AE Floodway	029-101-01	11.70	509,865	20.0	O-A	AE	Yes	N/A	Floodway. Not marketable.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-066-50	7.89	343,688	63.9	O-A			N/A	Not marketable due to zoning.			
cascade park (lovell and cascade)	027-106-09	7.40	322,344	24.2	O-A	AE		N/A	Not marketable due to zoning.			
Marsh/Ralston Drive/Blithdale Canyon. Not mainted by DPW	027-033-29	6.80	296,208	36.6	O-A	No		N/A	Not marketable due to zoning.			
Edgewood/Cypress/Rose. Not maintained by DPW	046-320-01	5.47	238,273	62.4	O-A			N/A	Not marketable due to zoning.			
Park/Warner Canyon (Buena Vista/Camelita)	029-192-16	4.99	217,165	11.0	O-A	AE		N/A	Not marketable due to zoning.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-280-03	4.01	174,676	53.7	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-162-01	3.84	167,160	49.1	O-A	No		N/A	Not marketable due to zoning.			
tenderfoot trail. Not maintained by DPW	046-030-20	3.22	140,263	39.9	O-A	No		N/A	Not marketable due to zoning.			
Evelyn/Cascade Damn. Not maintained by DPW	046-010-14	3.02	131,551	49.2	O-A	No		N/A	Not marketable due to zoning.			
Golf Club House	029-084-01	2.26	98,446	33.1	O-A	No		N/A	Not marketable due to zoning.			
Old Mill Park (lower)	028-102-12	2.08	90,605	16.4	O-A	AE	Yes	N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-161-26	2.00	87,120	57.5	O-A			N/A	Not marketable due to zoning.			
Old Mill Park (upper near structure/bathrooms)	028-091-09	1.73	75,359	13.6	O-A	AE		N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-15	1.39	60,600	48.7	O-A	AE		N/A	Not marketable due to zoning.			
Sycamore/Corner of MVMS/MMWD Easement	030-161-12	1.33	58,000	14.8	O-A	No		N/A	Not marketable due to zoning.			
Molino /Cascade (Other side of Old Mill Park). Not maintained by DPW	028-132-09	1.04	45,344	59.4	O-A			N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-05	1.00	43,512	47.0	O-A	AE		N/A	Not marketable due to zoning.			
MonteVista/Earnscliff Park	027-235-28	0.90	39,282	30.9	O-A	No		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-02	0.65	28,509	30.9	O-A	No		N/A	Not marketable due to zoning.			
Fairway Drive (near Golf Course). Not maintained by DPW. Between RS-10 SFR. Could be split into two lots and sold?	029-161-47	0.59	25,760	34.5	O-A	No		N/A	Not marketable due to zoning.			
Narrow ROW near Azalea/Camino Alto and Pathway. Not maintained by DPW	033-112-01	0.53	23,000	29.4	O-A	No		N/A	Not marketable due to zoning.			
Library and back of/AE Floodplain. Maintained by DPW	028-091-11	0.48	20,757	23.8	O-A			N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-01	0.41	17,650	34.2	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	046-030-23	0.39	16,944	46.5	O-A	No		N/A	Not marketable due to zoning.			
Sycamore/ROW/AE Floodplain. 18' wide.	030-101-22	0.27	11,765	10.2	O-A	AE		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-03	0.16	6,825	46.1	O-A			N/A	Not marketable due to zoning.			
Behind 700 East Blithedale/ Roque Mar /AE Floodplain. 47' wide	030-124-11	0.16	7,171	34.9	C-G	AE		29 DU/acre	Too small for cost of building in flood plain unless combined with 700 Blithedale			

Appendix D: Recent Single Family Lot Sales

	Address	Acreage	quare Feet	Sale Date	Sale Price	Price/Sq. Ft. of Land	Notes
	50 Sandy Lane	1.154	50,268	10/20/2020	$ 1,250,000	$ 24.87	1.15 acre parcel above the Mill Valley golf course. Lot features views of the San Francisco Bay and the ridges to the West. Located at the end of a quiet cul de sac with utilities to the lot line. Near trails.
	201 Marion	0.240	10,454	3/24/2019	$ 450,000	$ 43.05	Appears to have slope. Site formerly had 1962 house on it (now demolished, foundation visible). Sold previosly in 2016 for $300,000.
	390 N. Ferndale	0.130	5,662	2/24/2019	$ 559,000	$ 98.73	Description says site has "approved plans" for 1,800 sf new home. Had former (demolished) 1918 home on it. Note: site size below min lot of 6,000 sf.
	316 W. Blithedale	0.200	8,712	7/25/2018	$ 1,050,000	$ 120.52	Sold 4 months earlier for $800,000 ($91.83 per sq. ft.). Also sold for 1.05M in 2004.
	321 Loring Avenue	0.132	5,760	6/25/2018	$ 450,000	$ 78.13	Description says "approved plans, shovel ready." Note: below min lot size.

EXHIBIT C

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED FAMILY HOUSING INVENTORY 100% LOCATED EAST OF CAMINO ALTO

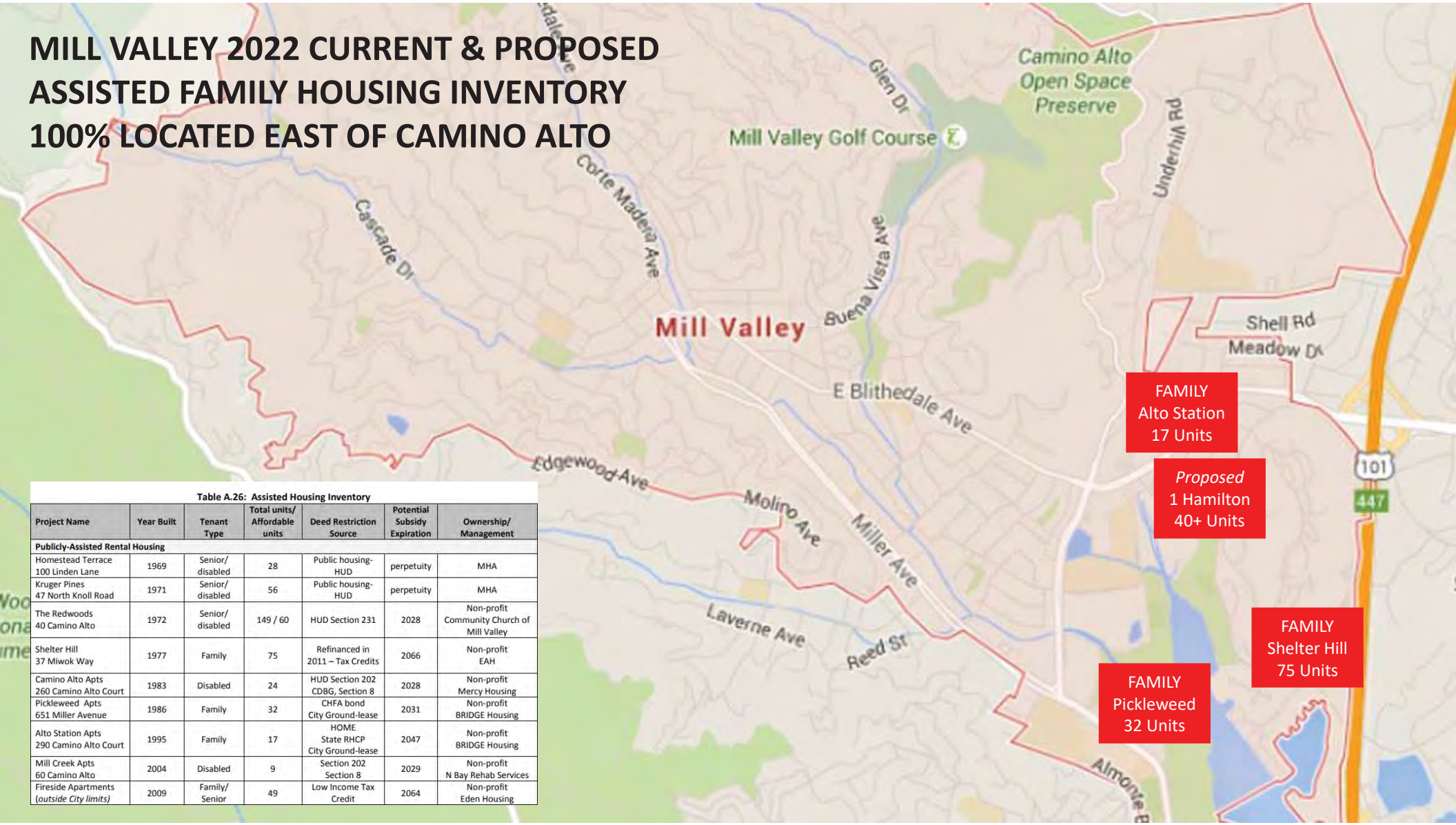


Table A.26: Assisted Housing Inventory

Project Name	Year Built	Tenant Type	Total units/ Affordable units	Deed Restriction Source	Potential Subsidy Expiration	Ownership/ Management
Publicly-Assisted Rental Housing						
Homestead Terrace 100 Linden Lane	1969	Senior/ disabled	28	Public housing-HUD	perpetuity	MHA
Kruger Pines 47 North Knoll Road	1971	Senior/ disabled	56	Public housing-HUD	perpetuity	MHA
The Redwoods 40 Camino Alto	1972	Senior/ disabled	149 / 60	HUD Section 231	2028	Non-profit Community Church of Mill Valley
Shelter Hill 37 Miwok Way	1977	Family	75	Refinanced in 2011 – Tax Credits	2066	Non-profit EAH
Camino Alto Apts 260 Camino Alto Court	1983	Disabled	24	HUD Section 202 CDBG, Section 8	2028	Non-profit Mercy Housing
Pickleweed Apts 651 Miller Avenue	1986	Family	32	CHFA bond City Ground-lease	2031	Non-profit BRIDGE Housing
Alto Station Apts 290 Camino Alto Court	1995	Family	17	HOME State RHCP City Ground-lease	2047	Non-profit BRIDGE Housing
Mill Creek Apts 60 Camino Alto	2004	Disabled	9	Section 202 Section 8	2029	Non-profit N Bay Rehab Services
Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Low Income Tax Credit	2064	Non-profit Eden Housing

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED SENIOR/DISABLED HOUSING INVENTORY
92% LOCATED EAST OF CAMINO ALTO

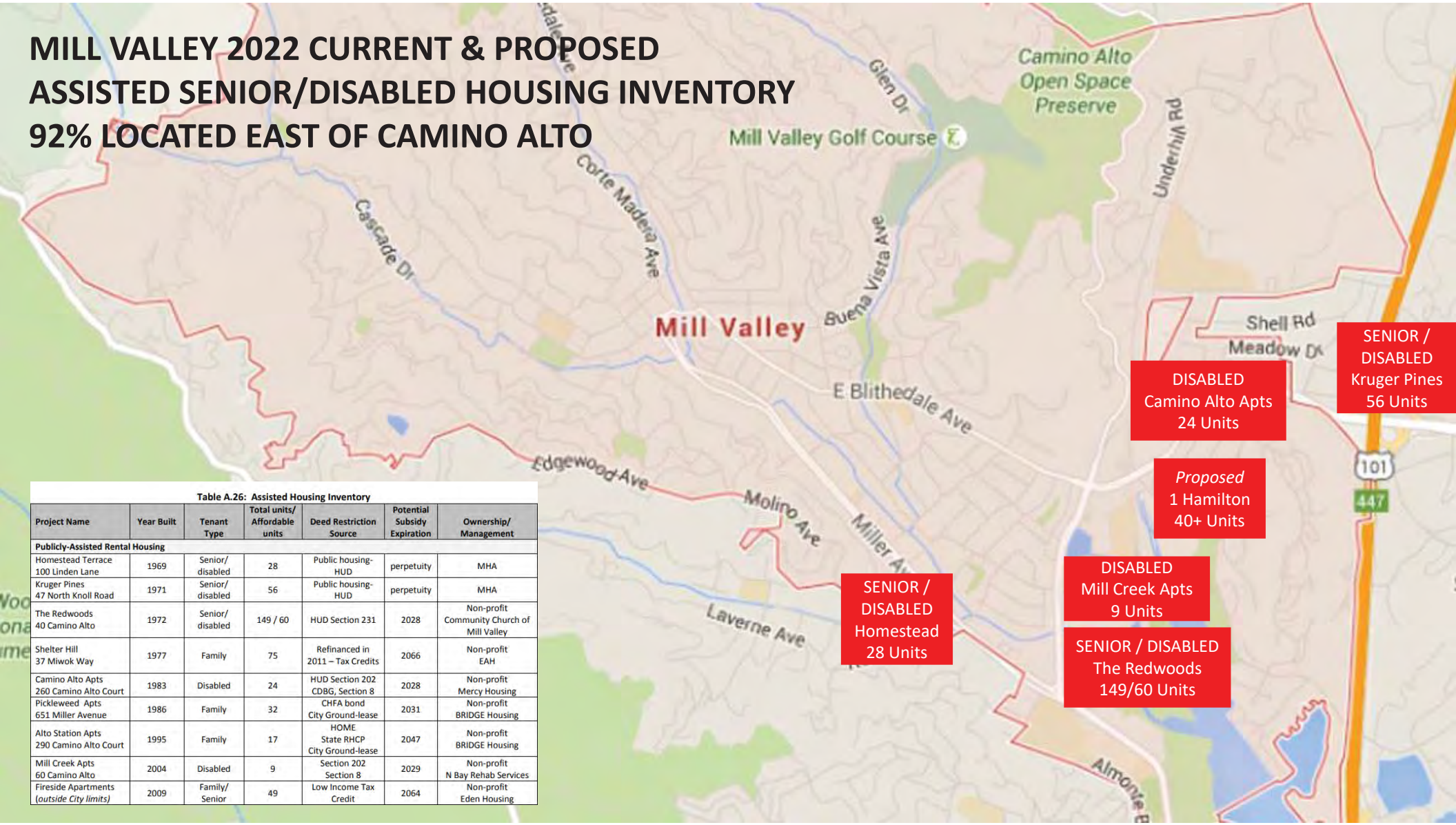


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Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Low Income Tax Credit	2064	Non-profit Eden Housing

21

Comment 21 is all of Exhibit 9, as well as its 20 Exhibits
Total number of pages - several hundred

EXHIBIT 9

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October 31, 2022

SENT VIA EMAIL (Reid.Miller@hcd.ca.gov)

Reid Miller
California Department of Housing and Community Development
c/o Land Use and Planning Unit
2020 W. El Camino Avenue, Suite 500
Sacramento, California 95833

RE: Public Comments to City of Mill Valley's Draft Housing Element

Dear Mr. Miller:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding the City of Mill Valley's ("City") draft Housing Element. We previously submitted a letter to the City providing comments on an earlier draft of the Housing Element, and copied the Department of Housing and Community Development ("HCD") staff on this letter. (Exhibit A.) We understand that the City subsequently revised its draft Housing Element and has now submitted it to HCD for its review and comment. These comments are intended to provide context and assist HCD's review.

Introduction and Background Information

A careful examination of the City's draft Housing Element suggests that the City is running interference for Mill Valley's wealthiest and most powerful residents by steering all publicly-subsidized affordable housing to one area of the City. Unfortunately, that target area — the eastern portion of Mill Valley closest to Highway 101 — is the exact location that already houses 100 percent of the publicly-subsidized housing in Mill Valley. Not coincidentally, the eastern portion of Mill Valley is less affluent and more racially diverse than the western portion that is often associated with Mill Valley (the hills and charming downtown). In order to understand fully this discriminatory housing plan, it is important to first understand the current housing distribution in the City.

In Mill Valley, the street of Camino Alto is a dividing line between the 'old' part of town to the *west* and the 'new' part of town to the *east*. The western section of town includes the downtown area with pricey shops, the wealthy areas in the hills, and the extravagant properties in Scott Highlands, Boyle Park, and the neighborhood surrounding the City's 9-hole golf course. The newer neighborhoods to the east include the Enchanted

Knolls subdivision, the Shelter Ridge condominium complex, and the Eucalyptus Knolls townhomes.

This east/west division is based on a long-held, prevalent prejudice in Mill Valley that is important here because it has influenced housing distribution and the provision of services to Mill Valley residents: areas east of Camino Alto have historically been viewed by the City and many of its residents as 'second class' and inferior to the wealthier western areas. Census data shows clearly the economic difference between the east and west areas. For example, census data from 2020 shows that average household income in neighborhoods east of Camino Alto is approximately *$100,000 less* than in the neighborhoods to the west.[1] In addition, the Mill Valley elementary schools west of Camino Alto are attended by children of wealthier and whiter families than the schools east of Camino Alto, and more of the children in the schools to the east participate in subsidized lunch programs.[2] Finally, although concealed in the Draft Housing Element, and as explained more fully below, the City's two census tracts located west of Camino Alto are "racially concentrated areas of affluence," whereas the area east of Camino Alto is not.

Mill Valley's draft Housing Element would double down on this inequality and rely on a housing plan that will continue this discriminatory concentration of publicly-supported affordable housing exclusively to the east of Camino Alto.

The City arrived at this plan after falsely claiming to analyze every one of 75 sites owned by the City. As described below, this purported site analysis was deeply flawed. In addition, for unexplained reasons, the City conducted this purported site analysis separately from a simultaneous analysis conducted for the Housing Element. Incredibly, the City's purported analysis of approximately 75 sites, many of which are located to the west of Camino Alto, produced only one "suitable" City-owned site for affordable housing — 1 Hamilton. That site is located *east of Camino Alto*, and so perpetuates the

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[1] See Exhibit B (Mill Valley Census Tract figure), Exhibit C (Tract 1261 summary), Exhibit D (Tract 1262 summary), Exhibit E (Tract 1270 summary).

[2] The only elementary school in the City located east of Camino Alto, Edna Maguire, has nearly twice the student population of the two schools located west of Camino Alto. (See https://www.citydirectory.us/school-park-elementary-mill-valley-ca.html). Edna Maguire also has a higher percentage of students participating in free or reduced-price mean programs. (See *https://www.ed-data.org/Comparisons?compType=School*) Finally, Edna Maguire's racial composition is only 74 percent white compared to 84 percent for Old Mill School and 81 percent for Park School.

practice of burdening those neighborhoods with public housing. What is more, residential development at 1 Hamilton would require the relocation of facilities heavily used for a popular park, and currently *prohibited* by the site's zoning designation as well as General Plan land use designation. For the reasons described in detail below, the City's contention that the 1 Hamilton site represents the only practicable solution for affordable housing is arbitrary and capricious, and simply not credible.

The City has responded to substantial community opposition by pointing to a City-produced map of "suitable" privately-owned sites located west of Camino Alto, including potential ADU sites. City officials claim that the identification of these properties on the Housing Element map balances out the disparate burden on neighborhoods located east of Camino Alto that is exacerbated by 1 Hamilton. But these properties on the City's map are all ***privately-owned***, and so, unlike 1 Hamilton, the City has no control over whether any of those sites will ever be developed. Further, with respect to the ADUs, there is no guarantee whatsoever that they will actually be leased as affordable units rather than used for home offices, personal visitors, or home gyms.

Indeed, the City itself previously commented upon the difference between City-sponsored affordable housing and more theoretical private development. Before its commitment to 1 Hamilton, the City explained, "The City continues to note to HCD, as well as state legislators, that ***the City does not build new units***, but rather facilitates development through land use, zoning regulations and City-related services such as design review and building inspections." (Exhibit F, City staff report dated April 19, 2021 [Housing Element Annual Progress Report], p. 5 [emphasis added].) Since the City has now resolved to reverse course and work with developers to affirmatively construct affirmative housing, its actions in this regard must be consistent with its duties to affirmatively further fair housing throughout the City. The City's statutory duty is not satisfied by pointing to mirages in the form of points on a map that are even less than a "gleam in a planner's eye" (*Laurel Heights Improvement Assn. v. Regents of the University of Cal*. (1988) 47 Cal.3d 388, 398) or ADUs that will most likely serve as Peloton and/or yoga studios for Mill Valley's most wealthy residents.

Put simply, the City is pointing to these theoretical housing sites west of Camino Alto in an attempt to distract from the City's actual plan, which is to steer more publicly-supported housing to the exact location where it already exists — east of Camino Alto. Reinforcing this concern is that the City specifically *excluded* from its draft Housing Element three spacious sites *west* of Camino Alto that the City's own paid consultant identified as ideal for affordable housing. One such site was actually rated *better* for affordable housing than the 1 Hamilton site ultimately selected by the City. But the City excluded the more desirable site, as well as *all the other sites west of Camino Alto*, for

arbitrary and capricious reasons, as more fully detailed below. The City's actions raise the question: *Is the City simply running interference for its wealthiest and most powerful residents west of Camino Alto to assure that affordable housing is kept far away from them?*

The City's singular focus on the 1 Hamilton site appears to have occurred at the express, written direction of two influential residents of the City who live in wealthy enclaves west of Camino Alto. One of these residents, a developer who wrote to the City on behalf of himself and his business partner, objected to the City's proposal to sell a vacant lot near their own homes to raise money for affordable housing.[3] Mill Valley's City Council members appear to have been swayed by the entreaty from the developers (and similar entreaties from the same wealthy enclave) and shifted its focus to the 1 Hamilton site, which the developers specifically identified and promoted.[4] It is worth noting that all four of Mill Valley's current councilmembers live ***west*** of Camino Alto, along with the former Mayor (John McCauley) who presided over the City Council during the City's site analysis.

The City's plan to increase the concentration of publicly-supported housing in an area that is less affluent and more racially diverse, while arbitrarily and capriciously excluding the use of every City-owned site located in wealthier and less diverse neighborhoods, clearly violates the City's duty to ***affirmatively further fair housing***. (Gov. Code, § 65583.) Segregated living patterns based on income and race are not only widely acknowledged to be a social failure but are now prohibited by law and by HCD's guidelines, as detailed below.

The City's draft Housing Element cannot be approved by HCD. If the City is allowed to proceed with the proposed plan in the draft Housing Element, the practice of allowing the wealthiest (and whitest) neighborhoods to dictate the location of publicly-supported affordable housing could serve as a playbook for such insidious steering activities throughout the state.

The sections that follow describe the draft Housing Element's more technical violations of applicable law.

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3 See Exhibit G.

4 See Exhibit H, Attachment 3.

I. The City's Exclusive Reliance on 1 Hamilton Violates Its Duty to Affirmatively Further Affordable Housing in the City

With respect to AB 686, HCD explains: "AB 686 now requires that a jurisdiction ***identify sites throughout the community*** in a manner that is consistent with its duty to affirmatively further fair housing (AFFH) and the findings of its assessment of fair housing, pursuant to Government Code section 65583, subdivision (c)(10)(A)." (HCD Affirmatively Furthering Fair Housing ("AFFH") Guide, emphasis added; available at https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf.)

HCD also provides an online tool to help determine whether an agency is satisfying its AFFH obligations. The HCD AFFH Guide explains:

> AFFH Data Viewer: In addition to various data sources, HCD has developed a statewide AFFH Data Viewer. The AFFH Data Viewer assembles various data sources and provides options for addressing each of the components within the full scope of the assessment of fair housing.

(*Ibid.*)

The AFFH Viewer reveals that the City's exclusive reliance on 1 Hamilton is inconsistent with its AFFH duties. First, the AFFH Viewer reveals that public housing in Mill Valley is grouped in a relatively small area of the City that is located east of Camino Alto. (See Exhibit I.) Incredibly, the City proposes to construct yet another public-subsidized housing project located almost in the geographic center of this grouping. (See Exhibit J.) This, viewed in isolation, is evidence that the City is not "identify[ing] sites throughout the community." Yet there is more.

The AFFH Viewer also reveals that this area east of Camino Alto is less affluent than the rest of Mill Valley. (See Exhibit K.) While the AFFH Viewer suggests a relatively modest difference in household income ("<$125,000" for east of Camino Alto versus "Greater than $125,000" for west of Camino Alto), US Census data reveals much more dramatic difference in wealth. Families located east of Camino Alto have a median family income of $116,444 versus $216,244 for central Mill Valley and $190,234 for west Mill Valley. (Exhibits C, D, E.) The area east of Camino Alto also has non-white population of 23 percent compared to merely 9 percent for central Mill Valley and 13 percent for West Mill Valley. (Exhibits C, D, E.) Finally, 24 percent of children located east of Camino Alto speak another language at home compared to merely 6 percent in central Mill Valley and 4 percent in west Mill Valley. (Exhibits C, D, E.)

These differences must be considered by the City in its housing policies, but they are not. The Draft Housing Element explains, "While racially concentrated areas of poverty and segregation (R/ECAPs) have long been the focus of fair housing policies, racially concentrated areas of affluence (RCAAs) must also be analyzed to ensure housing is integrated, a key to fair housing choice." (Draft Housing Element, p. E-53.) Despite this salutary language, the Draft Housing Element fails to acknowledge, much less address, the City's racially concentrated areas of affluence ("RCAA").

Consistent with the City's longstanding east/west division described above, the two census tracts located west of Camino Alto are RCAAs, whereas the census tract east of Camino Alto is not. (Exhibits B, C, D, E.) Although the Draft Housing Element purports to discuss RCAAs, it inexcusably fails to disclose that the City's two census tracts west of Camino Alto satisfy its adopted definition[5] and therefore are RCAAs. (Draft Housing Element, p. E-53 - 57.)[6] The Draft Housing Element attempts to justify its failure to disclose RCAA's in the City by claiming that "RCAA maps are not available on HCD's AFFH Data Viewer tool." (*Ibid*.) This is not a legitimate excuse since the relevant information to make this determination is readily available. (See Exhibits C, D, E.) The Housing Element's discussion of RCAAs is not legally adequate because it does not even acknowledge the existence of RCAAs within the City, much less explain how the City's practice of steering affordable housing away from these RCAAs to less affluent neighborhoods is consistent with the City's duty to affirmatively further affordable housing throughout the City.

In summary, the Draft Housing Element fails to comply with the City's duty to affirmatively further fair housing. Areas of Mill Valley located west of Camino Alto (including downtown Mill Valley) are significantly wealthier, whiter, and unburdened by

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[5] RCAAs are defined as census tracts where: (i) 80 percent or more of the population is white, and (ii) the median household income is $125,000 or greater. (Draft Housing Element, p. E-53.)

[6] The Draft Housing Element misleads the public by obliquely suggesting that no parts of Mill Valley are RCAAs. (Draft Housing Element, p. E-54 ["There are a few tracts with over 80 percent non-Hispanic White population located throughout the County . . . The cities of Belvedere, Mill Valley, Fairfax, Ross, and some areas of San Rafael and Novato are also predominantly white. However, of all these predominantly white areas (incorporated jurisdictions and unincorporated communities), only Belvedere, the Valley, Tam Valley, Black Point- Green Point and the eastern tracts of Novato are census tracts with a median income over $125,000"].) This statement is false since census tracts 1261 and 1270 have median family income of greater than $125,000 and greater than 80 percent white population. (Exhibits B, C, D, E.)

public housing. The draft Housing Element impermissibly whitewashes the issue, and the City's otherwise-inexplicable myopic focus on 1 Hamilton will ensure that this problematic trend continues.

II. 1 Hamilton Is Not a "Suitable" Site for Residential Development

As previously explained in our earlier letter to the City dated July 29, 2022 (see Exhibit A), the City engaged in a process to identify City-owned sites that are "suitable" for residential development, and ultimately identified only one such site — 1 Hamilton. However, 1 Hamilton is not a "suitable" site under Government Code section 65583.2, subdivision (a). Therefore, it should not be included in the City's Regional Housing Needs Allocation ("RHNA") inventory.

> Land that is suitable for residential development includes:
> (1) Vacant sites zoned for residential use.
> (2) Vacant sites zoned for nonresidential use that allow residential development.
> (3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county.
> (4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.

(Gov. Code, § 65583.2, subd. (a).)

1 Hamilton cannot be rezoned for residential use due to its General Plan land use designation that prohibits any residential use irrespective of zoning designation, and therefore it does not meet any of these criteria.

1 Hamilton's current land use designation is Community Facility (C-F), and the parcel is zoned as Open Area (O-A). (Draft Housing Element, App. C, p. C-3.) Unlike land use designations that could be rezoned at a specific residential density (e.g., Neighborhood Commercial and General Commercial), the General Plan states that the density range for Community Facilities is "not applicable." (Exhibit L, General Plan Land Use Element, p. 24.) The draft Housing Element concedes, "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, App. C, p. C-3.)

Any residential development at 1 Hamilton would require more than just rezoning. Residential development would also require a change to the General Plan land use designation, which is a different action and not mentioned in Government Code section 65583.2, subdivision (a). Our review did not identify any legal authority providing that a "rezone" pursuant to section 65583.2 included a change to a property's General Plan land use designation.

The rule statutory of construction *expressio unius est exclusio alterius* is consistent with our research. (*Henderson v. Mann Theatres Corp*. (1976) 65 Cal.App.3d 397, 403.) Subdivision (b) of section 65583.2 of the Government Code confirms that the California Legislature understood the distinction between a zoning designation and a General Plan land use designation when drafting this statute, and so would have included the latter in subdivision (a) if so intended: "The size of each property listed pursuant to paragraph (1), and ***the general plan designation and zoning of each property***." (Gov. Code, § 65583.2, subd. (b), emphasis added.)

In summary, 1 Hamilton should not have been identified as "suitable" in the first place because that General Plan land use designation prohibits any rezoning to allow for residential uses. The City may change 1 Hamilton's land use designation in the future, but such change to the land use designation would not be a "program to rezone the site" pursuant to Government Code section 65582.3. The City's attempt to run interference for Mill Valley's wealthiest neighborhoods unlawfully puts the cart before the horse.

III. The City's Process for Identifying City-Owned Suitable Sites for Housing Is Arbitrary and Capricious, and Lacks Evidentiary Support

Government Code section 65583 requires a city to inventory land that is suitable for residential development and must further identify sites that can be developed for housing within the planning period. The purpose of this inventory is to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) Land that is suitable for residential development includes, "Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county." (*Id*. at subd. (a)(4).) A city's Housing Element must substantially comply with statutory mandates, including the mandate to identify all sites that are suitable for residential development. (*Hoffmaster v. City of San Diego* (1997) 55 Cal.App.4th 1098, 1118 ["We conclude City's amended housing element fails to substantially comply with the statutory mandate of identifying adequate sites"].)

Here, the City's myopic focus on 1 Hamilton is the result of an arbitrary and capricious analysis that excludes numerous other potentially suitable city-owned sites without evidentiary support in violation of the City's statutory duty to identify such sites.

A. The City relies on The Housing Workshop analysis to exclude numerous City-owned properties without analysis.

As explained above, the City has a duty to prepare an inventory of land that is suitable for residential development in order to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) The City's bifurcated process for identifying City-owned "suitable" sites separate from its Housing Element Update resulted in a process that is at best arbitrary and capricious and, at worst, the result of an insidious scheme to steer affordable housing away from Mill Valley's most affluent neighborhoods and its downtown.

Although Government Code section 65583.2 defines "suitable" sites as including both privately-owned and publicly-owned properties, the City engaged in an entirely separate process to identify City-owned suitable sites from its process to identify all other suitable residential sites for its Housing Element inventory. The significance of this strategy cannot be overstated because it provides the framework for the City's cursory — and arguably pretextual — process to identify suitable City-owned sites that lacks evidentiary support.

On October 5, 2020, the City Council authorized hiring a consultant to identify City-owned properties that could be used to support affordable housing through either: (i) direct development of such housing on these sites or (ii) selling such sites in order to generate income that could be used to acquire privately-owned sites for development. (Exhibit H, City Staff Report dated October 5, 2020.) This work was subsequently performed by a consultant, The Housing Workshop, and memorialized in a report dated February 10, 2021 ("Housing Workshop Report"). (Exhibit M.)

The Housing Workshop Report explains, "This memo summarizes an initial analysis of a list of approximately 75 parcels of land owned by the City of Mill Valley, for the purposes of identifying a short list of parcels suitable for potential affordable housing development." (Exhibit M, p. 1.) Of those purported 75 properties, the Housing Workshop Report identified merely four "potentially developable affordable housing sites." (Exhibit M, p. 7.) These four sites included 1 Hamilton. (*Ibid*.) The other three sites were located west of Camino Alto, and one of these (Boyle Park) was described as "the best of the 4 identified sites" (see discussion in Section III D. below).

Setting aside the Housing Workshop's perfunctory analysis, public commenters questioned why this separate process was occurring at all in light of the City's Housing Element Update that was being drafted at the same time. Purporting to respond directly to these concerns, Mayor McCauley asserted at the February 7, 2022, Council meeting that the RHNA process is completely separate from the Housing Workshop process. He stated in relevant part:

> Another thing, there is a confusion here about the idea of doing an analysis of regional housing needs authority or RHNA sites and the city site analysis that was done as a part of the HAC housing advisory committee, we went down two paths. One path was can we find surplus land we can sell to raise money to provide the ability to develop land with another party maybe a church or whatever. The second process we had was can the city on its own find a site that we can offer to a developer, a low-income mission driven developer to create a site. ***That is completely different than the analysis which is going on to find out where we are going to come up with these 865 units for RHNA which is all generally private property. They are completely different things***, so I just want to make sure that people understand that difference.

(Mill Valley City Council Meeting, February 7, 2022, at 3:03:00[7] [emphasis added].)

The subsequently-released draft Housing Element reveals the Mayor's characterization to be false. There is no question that the Draft Housing Element relies on the Housing Workshop's analysis for its inventory of City-owned suitable sites. The draft Housing Element explains:

> **Other Sites Identified**. Public owned sites include those tax-exempt properties owned by public entities that are typically zoned in Mill Valley as either Open Area (O-A) or Community Facility (CF), and include land owned by the City of Mill Valley, County of Marin, Public Schools, Religious Institutions, and various utility companies. In 2020, City staff worked with the Housing Advisory Committee and the City's housing consultant to evaluate 150 publicly owned sites located in the City of Mill Valley to identify those sites of interest for housing.

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[7] The meeting can be accessed at https://cityofmillvalley.granicus.com/MediaPlayer.php?view_id=2&clip_id=1694.

> On June 21, 2021 City Council reviewed and accepted the Housing Advisory Committee's recommendations to select the northern portion of the 1 Hamilton city-owned parcel and issue a Request for Qualifications to solicit interest and partner with a non-profit home builder. This portion of land has been deemed "exempt surplus land" for the sole purpose of building affordable homes on the property and the City entered into an exclusive negotiating agreement (ENA) with EAH Housing to further evaluate the feasibility of building at least 40 affordable housing units on the property. As such, the City has included the northern portion of 1 Hamilton in its sites inventory based on the ENA and surplus land designation.

(Draft Housing Element, pp. III-11; see also p. C-2.)

While the draft Housing Element conspicuously fails to identify the Housing Workshop by name, the referenced City Council meeting dated June 21, 2021, dispels any question about this point. (See Exhibit N, City Council staff report dated June 21, 2021, including Attachment 1 [May 25, 2021 Report] and Attachment 2 [Housing Workshop Report].) "Attachment 2" to the City's June 21, 2021 Staff Report is the Housing Workshop Report, and thus represents the City's "detailed extensive review of all public-owned sites" pursuant to Government Code section 65583, subdivision (a)(3). This relationship between the draft Housing Element and the Housing Workshop Report is critical. Since the Housing Element relies on the Housing Workshop Report for a mandatory element under the Housing Element Law, namely the City's identification of suitable sites for residential development, the Housing Workshop Report must not be "arbitrary, capricious or without evidentiary basis." (*Hernandez v. City of Encinitas* (1994) 28 Cal.App.4th 1048, 1064.) The Housing Workshop Report and, by extension, the draft Housing Element's identification of city-owned suitable sites fails that test.

B. The purpose of The Housing Workshop Report was not to identify publicly-owned suitable sites pursuant to Government Code section 65583.2, subdivision (a) and cannot serve that function.

The Draft Housing Element states:

> In developing the sites inventory for the City of Mill Valley, we used a multi-tier approach to identify parcels or "sites" with the best potential for development/redevelopment over the next eight years.
> . . .

> Public owned sites include those tax-exempt properties owned by public entities, including the City of Mill Valley, County of Marin, Public Schools, Religious Institutions and various utility companies. In 2020, City staff worked with the Housing Advisory Committee and the City's housing consultant to evaluate 150 publicly owned sites located in the City of Mill Valley.

(Draft Housing Element, pp. C-1 – 2.)

Thus, the City insinuates that the Housing Workshop Report provides an element of the City's "multi-tier approach" to its site inventory required by Government Code section 65583.2, subdivision (a). This suggestion is false and misleading. The purpose of the Housing Workshop's analysis was not to identify all suitable publicly-owned housing, but rather to identify a much narrower subset of properties based on more restrictive parameters provided by the City. As a result, the Housing Workshop Report does not satisfy the City's duty to identify publicly-owned sites that are suitable for residential housing.

This critical distinction, and the City's attempt to whitewash it, are easily demonstrated. The draft Housing Element's section entitled, "Screening for Sites" states, "All properties included in the sites inventory have less than a 50% slope." (Draft Housing Element, p. C-1.) The next page of the draft Housing Element further asserts, "Those city-owned sites that are zoned residential and commercial that are not on the Sites Inventory are due to the parcels being in the right of way, in the floodway, or on a ***highly sloped*** and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2 [emphasis added].)

Taken together, the draft Housing Element suggests that city-owned sites are excluded if they have greater than 50% slopes. But this is not true. Rather, the Housing Workshop Report clarifies that properties were excluded if they exceed only 10% average slope. (Exhibit M, p. 5 ["Sites with an average slope greater than 10% were considered infeasible for affordable housing project development"].) Many sites have therefore been excluded from the draft Housing Element's site inventory based on much more restrictive criteria from the Housing Workshop's analysis.

Another difference between the Housing Element's site inventory criteria is minimum parcel size. The Housing Workshop Report states, "City-owned parcels less than 0.75 acres are considered not developable for this purpose." (Exhibit M, p. 5.) Minimum parcel size is not a criterion used in the draft Housing Element. (Draft Housing Element, p. C-1-2.)

Based on the above, there is no debate that the Housing Workshop's criteria for identifying "suitable" city-owned properties is much more restrictive than used in the draft Housing Element, and thus cannot be used as a substitute analysis. The City's reliance on the Housing Workshop Report for a purpose never intended, and the City's attempt to misconstrue the nature of that analysis in the draft Housing Element, is arbitrary and capricious.

C. The Housing Workshop Report and, by extension, the Draft Housing Element, exclude numerous City-owned parcels without adequate explanation or factual support.

Setting aside that the Housing Workshop Report is being used for a purpose not intended, a careful review of its analysis reveals it to be arbitrary, capricious and lacking evidentiary support.

First, the Housing Element's claims to have "evaluated" for suitability 150 "publicly owned sites" and, of those, "approximately 70" City-owned sites. (Draft Housing Element, p. C-2.) The draft Housing Element, however, fails to even identify these publicly-owned sites. The Draft Housing Element asserts, "In 2020, City staff worked with the Housing Advisory Committee and the City's housing consultant to evaluate 150 publicly owned sites located in the City of Mill Valley. For a list of publicly owned sites and the analysis, see the Housing Advisory Committee website (www.cityofmillvalley.org/HAC)." (Draft Housing Element, p. C-2.) That URL, however, does not link to any listing of sites or supporting analysis.

Since the Draft Housing Element itself fails to identify the publicly-owned sites, it is necessary to turn to the Housing Workshop Report itself. The first page of the Housing Workshop Report claims to summarize an analysis of "approximately 75 parcels of land owned by the City of Mill Valley, for the purposes of identifying a short list of parcels suitable for potential housing development." (Exhibit M, p. 1.) Page seven of the Housing Workshop Report, however, only identifies four "potential city-owned affordable housing development sites." Appendix B (page 18) to the Housing Workshop Report lists seven additional "infeasible city-owned lots." Four "potential" sites plus seven "infeasible" sites totals eleven sites, which is 64 less than the 75 sites represented on the first page of the Housing Workshop Report.

Thus, the Housing Workshop Report only identifies eleven of the claimed 75 city-owned properties. The vast majority, 64 sites, are not even identified in the Housing Workshop Report.

Appendix D to the Housing Workshop Report[8] lists 37 total properties evaluated "for potential sale" as distinguished from the eleven sites analyzed for their suitability as "affordable housing development sites." Even if one adds these 37 "for sale" properties to the 11 "affordable development" parcels, the total number of sites is only 48. This means that 27 of the claimed 75 have not been identified at all, much less "evaluated" for their suitability in the Housing Workshop Report. This defect, viewed in isolation, means that the City's claimed inventory of "approximately 70 City-owned sites" is without evidentiary basis. But there is more.

As mentioned above, the Housing Workshop Report distinguished the 11 sites that it was evaluating for "affordable housing" from the 37 sites that it was evaluating "for sale." Of these 37 sites, 29 of them were dismissed because they are "not marketable due to zoning" or "does not meet zoning." (Exhibit M, p. 19.) This justification may be adequate for an analysis limited to whether a parcel is marketable, but it is not adequate to assess suitability for housing under the Housing Element law since the definition of "land suitable for residential development" specifically includes "[s]ites zoned for nonresidential use that can be . . . rezone[d] . . . to permit residential use." (Gov. Code, § 65583.2, subd. (a)(4).) Thus, the Housing Workshop Report, and by extension the draft Housing Element, excludes 29 of the purported 75 sites based on a rationale that is inconsistent with the Housing Element law.

In sum, the draft Housing Element fails to provide adequate evidentiary support to conclude that 1 Hamilton is the only "suitable" city-owned parcel. All claimed 75 sites have not even been identified, much less adequately analyzed, by the Draft Housing Element or the Housing Workshop Report.

D. The City arbitrarily applies its own housing workshop criteria.

While the Housing Workshop Report analyzes very few sites based on criteria that is different from the draft Housing Element as described above, the record reveals that even this manipulated suitability criteria was arbitrarily and capriciously applied in order to exclude all properties other than 1 Hamilton. Two examples highlight the City's arbitrary outcome-determinative approach.

First, the draft Housing Element fails to adequately discuss the other potential development sites identified in the Housing Workshop such as the Boyle Park tennis facilities and a portion of the Mill Valley Municipal Golf Course, which are both zoned

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[8] There appears to be no Appendix "C" since Appendix "B" is on page 18 and Appendix "D" is on page 19.

O-A and were determined to be potential sites for affordable housing, similar to 1 Hamilton. Indeed, the Housing Workshop Report describes the Boyle Park site as "the best of the 4 identified sites," explaining in relevant part:

> While reducing recreational facilities for Mill Valley's residents is less than ideal, this site is included in this memorandum because it would create a sufficiently-sized and shaped parcel in a pleasant residential neighborhood without prohibitive environmental constraints (e.g. floodplain, sensitive habitat, etc.). From an objective affordable housing development point of view, this is the best of the 4 identified sites.

(*Ibid.*) The Draft Housing Element's failure to identify Boyle Park as a suitable site is arbitrary in light of this finding, and the City's attempt to conceal the Housing Workshop's Report analysis is telling. Boyle Park is located in the heart of a wealthy neighborhood west of Camino Alto.

Second, the Draft Housing Element ignores the parking lot behind D'Angelos restaurant even though it is 0.71 acres and zoned "downtown commercial." The Housing Workshop Report concludes that this site is infeasible because it "has an infeasible configuration due to its linear alley-style parking abutting other buildings. This shape renders the site ***infeasible for any housing type***." (Exhibit M, p. 12 [emphasis added].) The County Assessor Map including this site is attached. (See Exhibit O, County Assessor Map.) While admittedly irregular in shape, the Housing Workshop Report fails to provide any analytical or evidentiary support for its conclusion that this shape makes the parcel infeasible "for any housing type." Evidence in the record rebuts this unsubstantiated conclusion:

> The city owned parking lot behind Piazza D'Angelo's: I spoke to an architect who builds affordable housing and he offered these comments as to the feasibility of that site for affordable housing:
>
> "The site area at the rear of the lot is roughly 100' square, but with yard setbacks, fire safety setbacks, and enough space between the new structure and the existing buildings to have a reasonable separation for apartments, the buildable footprint ends up around 85' square or so. Depending on the unit mix, an ~85' square could possibly house 7 or 8 units per floor including corridors, 2 exit stairs, the elevator, and mechanical/electrical rooms. So, roughly a 7,000 square foot floor plate per floor level. Using the new housing laws, it appears feasible to get 3 levels of apt. building over parking for a total of 21-24 units with a ~42' building height (4

> stories). That height would require an exemption/variance to the basic zoning."

(Exhibit P.)

The City does not respond to this comment. Therefore, substantial evidence does not support the Housing Workshop Report's unsubstantiated conclusion, and by extension the Draft General Plan's conclusion, that this site is somehow infeasible "for any housing type."

The City's arbitrary exclusion of the parking lot behind D'Angelo restaurant, located in the heart of a downtown area close to transit and walkable services, is particularly troubling. As with the City's exclusion of Boyle Park, it appears to be part of a cohesive plan to steer affordable housing away from the areas where Mill Valley's most wealthy residents live and recreate.[9]

IV. The City Withheld Residentially-Zoned City Properties from the Site Inventory in Order to Justify Its Proposed "Rezoning" for 1 Hamilton

The City claims there is an inadequate number of residentially-zoned sites to satisfy its RHNA allocation. (Draft Housing Element, p. III-6.) This claim is important because it triggers the duty to create a program to rezone other properties. (Gov. Code, § 65583, subd. (c)(1)(B), § 65583.2.) Here, the City claims that a rezoning program is necessary and proposes to include 1 Hamilton in that rezoning program. (Draft Housing Element, p. IV-19 ["Rezoning to accommodate RHNA allocation will occur in conjunction with the adoption of the Housing Element through . . . additional work being conducted by the city to dedicate and rezone the northern portion of 1 Hamilton for the sole purposes of building affordable housing"].)

However, there is inadequate evidentiary support for the City's claim of inadequate residentially-zoned sites that require a rezoning program. The Draft Housing Element acknowledges that there are 17 residentially-zoned sites owned by the City. (Draft Housing Element, p. C-2.) Not one of these sites is included in the Housing Element. Why? The Draft Housing Element provides a vague, conclusory explanation: "Those city-owned sites that are zoned residential and commercial that are not on the

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[9] Reinforcing our concern about arbitrary political interference, an email exchange with the assigned City planner confirms that the Boyle Park tennis courts and golf course sites were not removed by the City's consultants but instead "by direction from the Council." (See Exhibit Q.)

Sites Inventory are due to the parcels being in the right of way, in the floodway, or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) The Draft Housing Report does not identify any of these sites thereby thwarting any attempt to substantiate the City's broad conclusory claims of their unsuitability.

The City's failure to identify, much less analyze, these residentially-zoned sites in the Draft Housing Element's means that the City's finding of inadequate inventory is not supported by substantial evidence. It also suggests that the City purposefully withheld from its inventory these residentially-zoned parcels, and then relied on the absence of adequate residentially-zoned sites in order to justify its pre-determined goal of "rezoning" 1 Hamilton. Whether intentional or not, such manipulation cannot be sanctioned or it may be replicated for steering efforts in other communities.

V. The Draft Housing Element Fails to Disclose That the Baylands Corridor Runs Through 1 Hamilton

Government Code section 65583.2, subdivision (b)(4) requires "[a] general description of any environmental constraints to the development of housing within the jurisdiction[.]" The Draft Housing Element provides, "Those city-owned sites that are zoned residential and commercial that are not on the Sites Inventory are due to the parcels being in the right of way or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) However, the Draft Housing Element does not provide an explanation for how environmental constraints may interfere with development at a specific parcel. According to the HCD Guidance, a local entity must:

> Provide in the analysis a general description of any known environmental or other features (e.g., presence of floodplains, protected wetlands, oak tree preserves, very high fire hazard severity zones) that have the potential to impact the development viability of the identified sites. The housing element need only describe those environmental constraints where documentation of such conditions is available to the local government. **This analysis must demonstrate that the existence of these features will not preclude development of the sites identified in the planning period at the projected residential densities/capacities**.

(HCD Housing Element Sites Inventory Guidebook, p. 10 [bold added].)

1 Hamilton is adjacent to the County's Baylands Corridor, but the Draft Housing Element completely ignores this fact. This omission is inexcusable given that the City was well aware of this circumstance, and the Housing Workshop determined:

> The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary.

(Exhibit M, p. 8.) The Draft Housing Element fails to acknowledge this environmental constraint. This is further evidence of the City's outcome-driven approach to the 1 Hamilton site.

VI. The City Improperly Includes 1 Hamilton as a Suitable Site in the Housing Element in an Effort to Shortcut Environmental Review

Implicitly acknowledging that 1 Hamilton is not a suitable site and should not otherwise be included in the site inventory, the Draft Housing Element states:

> This portion of land has been deemed "exempt surplus land" for the sole purpose of building affordable homes on the property and the City entered into an exclusive negotiating agreement (ENA) with EAH Housing to further evaluate the feasibility of building at least 40 affordable housing units on the property. As such, ***the City has included the northern portion of 1 Hamilton in its sites inventory based on the ENA and surplus land designation***.

(Draft Housing Element, pp. III-11 [emphasis added].)

Neither the "exempt surplus land" designation nor approval of an exclusive negotiating position ("ENA") with a developer justify the substantive policy decision to include 1 Hamilton as a suitable site in the Housing Element. This is demonstrated with clarity in the City's own staff report justifying these actions, which explains:

> *It is important to note that this declaration is a necessary procedural step that must occur before the City takes any action towards "disposition" (defined in state law as sale, lease, exchange, quitclaim, conveyance or*

> *otherwise disposing of real property) of the Property, including negotiating with a housing partner. It does not bind the City to any particular project or lease terms.* It is the City's intent to conduct extensive community outreach as part of the site planning and design work. In the event that the City does not approve a project that meets the criteria described in Government Code Section 37364, this declaration shall be of no further force or effect.

(Exhibit R, City Staff Report dated September 20, 2021, pp. 3-4 [emphasis in original].)

The City's later approval of the ENA is also purely procedural, as the City staff report explained: "The ENA does not commit the City to ground lease or sell the Property nor grant the City's approval of the development of the Property." (Exhibit S, February 7, 2022 Staff Report, p. 3.) Further, "No commitment to any project is being made at this time." (Exhibit S, p. 5.) Finally, and importantly, page 7 of that same Staff Report further explains:

> CEQA review requirements must and will be completed ***before any commitment to a housing development occurs*** and appropriate environmental review pursuant to CEQA will be completed and considered by the City Council at such time.

(Exhibit S, p. 7 (Emphasis added.)

The City's admittedly preliminary procedural actions, which expressly do not commit the City to any development at 1 Hamilton, do not justify the substantive action of adding 1 Hamilton to the Housing Element's site inventory and thereby triggering the provisions of the Housing Accountability Act only as to 1 Hamilton. (See, e.g., Gov. Code, § 65589.5 ["This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation"].)

The City continues to represent that it will prepare a project-level EIR prior to any commitment for an affordable housing project at 1 Hamilton. (Exhibit T.) The City cannot be allowed to side-step that process by misusing the Housing Element Update process with an arbitrary and capricious site inventory. If City officials decide to approve an affordable housing project in the future following that project-level CEQA review,

then it may do so. Nothing requires that 1 Hamilton be included in the suitable site inventory before that decision is made.

* * *

The City's draft Housing Element is unlawful in several respects. First, the City's willingness to perpetuate the existing pattern of burdening the less-affluent and more-diverse neighborhoods east of Camino Alto with even more affordable housing is inconsistent with its duties to affirmatively further fair housing. Second, 1 Hamilton's land use designation prohibiting all residential uses irrespective of zoning designation means that it never should have been identified as "suitable" in the draft Housing Element. Third, the City's reliance on the Housing Workshop Report means that many other City-owned sites that are potentially suitable for residential housing have been omitted from the Housing Element's statutorily-mandated inventory of suitable residential sites. Fourth, the draft Housing Element conspicuously ignores a significant environmental constraint on development at 1 Hamilton.

The City's myopic focus on 1 Hamilton as the apparent panacea to solve its housing situation means that the City has artificially constricted the potential locations that could be used to meet its RHNA requirements and thereby violates the City's duty to identify all land that is suitable for residential development. The result is an inaccurate, misleading and ultimately unlawful draft Housing Element that also continues the City's history of segregating affordable housing.

Very truly yours,

Soluri Meserve
A Law Corporation

By: 

Patrick M. Soluri

cc: Gustavo Velasquez, Director, HCD
(c/o HousingElements@hcd.ca.gov)
Megan Kirkeby, Deputy Director, Housing Policy Development, HCD
(Megan.Kirkeby@hcd.ca.gov)

Attachments:

Exhibit A	Soluri Meserve comment letter to City of Mill Valley dated July 29, 2022
Exhibit B	Figure showing Mill Valley census tracts
Exhibit C	Census tract 1261 summary
Exhibit D	Census tract 1262 summary
Exhibit E	Census tract 1270 summary
Exhibit F	City Council staff report dated April 19, 2021
Exhibit G	Letter from Mark Polite dated September 29, 2020
Exhibit H	City staff report dated October 5, 2020 and attachments
Exhibit I	AFFH Viewer – public housing
Exhibit J	Figure showing 1 Hamilton in relation to existing public housing
Exhibit K	AFFH Viewer – household income
Exhibit L	General Plan Land Use Element excerpt (page 24)
Exhibit M	Housing Workshop Report
Exhibit N	City staff report dated June 21, 2021
Exhibit O	County Assessor Map for downtown vacant lot
Exhibit P	Public comment dated July 10, 2022
Exhibit Q	Email thread between Paula Weaver and Danielle Staude
Exhibit R	City staff report dated September 20, 2021
Exhibit S	City staff report dated February 7, 2022
Exhibit T	Email from City Attorney to Soluri Meserve and Soluri Meserve response

EXHIBIT A

SOLURI MESERVE
a law corporation

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510 8th Street · Sacramento, CA 95814

July 29, 2022

SENT VIA EMAIL (dstaude@cityofmillvalley.org)

Danielle Staude, Project Planner
City of Mill Valley
Mill Valley City Hall
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to Mill Valley's Draft Housing Element

Dear Ms. Staude:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides comments regarding Mill Valley's Draft Housing Element. As set forth more fully below, the City's reliance on 1 Hamilton to meet its Regional Housing Needs Assessment ("RHNA") is arbitrary and lacks evidentiary support. The Draft Housing Element's discussion of 1 Hamilton is also misleading and at times demonstrably erroneous. The City must provide a credible explanation for excluding dozens of City-owned sites that contain similar characteristics as 1 Hamilton.

Government Code section 65583.2 requires a city to inventory land that is suitable for residential development and must further identify sites that can be developed for housing within the planning period. The purpose of this inventory is to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) Land that is suitable for residential development includes, "Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county." (*Id*. subd. (a)(4).)

"If a housing element contains the elements mandated by the statute, it will be found to conform with state law unless it is 'arbitrary, capricious, or entirely lacking in evidentiary support.'" (The California Municipal Law Handbook, § 10.27, quoting *Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191.) The City's Draft Housing Element has arbitrarily excluded nearly all City-owned sites from the Sites Inventory. Further, the Sites Inventory includes 40 low-income units from a property zoned Open Area, which prohibits residential development. The City's conclusions lack evidentiary support and are the result of an insidious scheme to keep affordable housing out of downtown and select wealthy neighborhoods in Mill Valley.

I. THE 1 HAMILTON SITE REQUIRES A GENERAL PLAN AMENDMENT AND REZONING

A. Neither General Plan Designation "Community Facilities" nor Zoning Designation "O-A" Permit Residential Development

The Draft Housing Element asserts that 1 Hamilton's zoning allows for residential development. This is inexcusably false and misleading. 1 Hamilton's General Plan designation is Community Facilities (Land Use Element, p. 25), and its zoning designation is Open Area ("O-A") (Current Housing Element, p. C-19). Both designations prohibit residential development. The Land Use Element's Community Facilities description includes, "All City facilities including City golf course, parks, City Hall, Community Center, Public Safety Building, etc.; public schools and private schools." (Land Use Element, p. 24.) It also states that the residential density range is not applicable. (*Ibid*.) Further, the Draft Housing Element states, "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.) Thus, there is no question that residential uses are prohibited on parcels designated as Community Facilities or zoned as O-A. 1 Hamilton is both.

The City has been consistent in its prohibition of residential development on parcels zoned as O-A. The language in the Current Housing Element shows that the City never intended to include O-A zoned parcels in its publicly-owned inventory. Program Objective 12 states, "By 2018, prepare an inventory of publicly-owned land **that is not already zoned for open space**, including parking lots, and examine the feasibility of their use of housing. Consider modifying the City's zoning regulations to allow residential uses in the C-F zone subject to the approval of a conditional use permit." (Current Housing Element, p. II-12 [bold added].)

As a result of these prohibitions, any development proposed on land that is zoned O-A would require a General Plan amendment and rezoning. The Draft Housing Element fails to discuss this requirement for 1 Hamilton and so falsely claims that residential development is allowed on this site. It is not. This misrepresentation is so blatant that one can only surmise that it is intentional by City officials, which is inexcusable.

B. The Draft Housing Element Fails to Describe the Process Required to Develop 1 Hamilton

The City has previously represented the need to amend 1 Hamilton's land use designation and zoning in order to allow residential development. A staff report from the February 7, 2022, City Council meeting plainly states that both a General Plan

Amendment and Rezoning of the parcel would occur between February through June 2023. (Exhibit A, February 7, 2022, City Council Staff Report re: 1 Hamilton Drive, p. 25, Exhibit B.) However, the Draft Housing Element fails to mention that 1 Hamilton requires both legislative actions in order to be developed. Ignoring this reality, the Draft Housing Element includes 1 Hamilton as part of the Site Inventory that calculates potential units from "existing zoning." (Draft Housing Element, p. III-4; see also p. III-10 [Table 3.7 indicates 1 Hamilton could accommodate 40 units as currently zoned].)

The City's Draft Housing Element has inexplicably chosen to whitewash the inescapable fact that 1 Hamilton allows no residential units whatsoever under "existing zoning." As part of its arbitrary and capricious scheme to manufacture rationale for limiting affordable housing to 1 Hamilton, the City has failed to comply with its duty under state law to identify all suitable properties for housing.

To the extent the Draft Housing Element's mischaracterization of 1 Hamilton's "current" zoning is premised on the City's intention to revise 1 Hamilton's General Plan land use designation and zoning designation as part of the proposed Land Use Element update, the EIR will need to fully analyze on a project level the proposed housing project. (See CEQA Guidelines, §§ 15378, subd. (a) [a project is the "whole of an action" which may result in direct or indirect physical changes to the environment]; 15126 [EIR's impact analysis must consider all phases of a project]; *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal*. (1988) 47 Cal.3d 376 [EIR must analyze "reasonably foreseeable consequence" of a project].) The Draft Housing Element does not indicate that the City intends to comply with this duty, and the City's past conduct suggests that it may attempt to misuse the concept of "tiering" to evade full public disclosure.

II. THE CITY ARBITRARILY RELIES ON THE HOUSING WORKSHOP AND OTHER CRITERIA TO UNLAWFULLY EXCLUDE NUMEROUS CITY-OWNED PARCELS

As explained above, the City has a duty to prepare an inventory of land that is suitable for residential development in order to show that the City has sufficient housing to meet its RHNA requirements. (Gov. Code, § 65583.2, subd. (a).) The shifting and inconsistent explanation for its planning process in this regard reveals that it is failing to comply with that duty.

Although the City previously stated that the Housing Workshop is a completely separate process from its RHNA analysis, the Draft Housing Element now reveals that the City is relying on that process to identify — or, more accurately, exclude — suitable land for its RHNA requirements. By doing so, the Draft Housing Element arbitrarily narrows

the potential sites where residential housing could be located in violation of its duties under state law.

A. The City Previously Claimed That the Housing Workshop Findings are a Separate and Distinct Analysis

The City hired a consultant to prepare an analysis of City-owned parcels that could be developed for affordable housing. After excluding more than 100 sites for various reasons, the analysis concluded that the City should conduct additional analysis on only four different sites. (The Housing Workshop, p. 2.) The Housing Workshop's analysis was patently perfunctory, and public commenters questioned why this separate process was occurring at all in light of the City's Housing Element Update that was being drafted at the same time. (Exhibit B, February 4, 2022, Letter re: Public Comments to February 7, 2022, City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive, pp. 1-3.) Purporting to respond directly to these concerns, Mayor McCauley asserted at the February 7, 2022, Council meeting that the RHNA process is completely separate from the Housing Workshop process. He stated in relevant part:

> Another thing, there is a confusion here about the idea of doing an analysis of regional housing needs authority or RHNA sites and the city site analysis that was done so as a part of the HCC hazard advisory committee we went down two paths. One path was can we find surplus land we can sell to raise money to provide the ability to develop land with another party maybe a church or whatever. The second process we had was can the city on its own find a site that we can offer to a developer, a low-income mission driven developer to create a site. **That is completely different than the analysis which is going on to find out where we are going to come up with these 865 units for RHNA which is all generally private property**. They are completely different things, so I just want to make sure that people understand that difference.

(Mill Valley City Council Meeting, February 7, 2022, at 3:03:00[1] [bold added].)

The Draft Housing Element now reveals the Mayor's statements to be false. Public comments were not confused. Rather, it was the Mayor who was either confused or intentionally misrepresented the relationship between the Housing Workshop's analysis and the Housing Element Update. There is no question that the Draft Housing

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[1] The meeting can be accessed at https://cityofmillvalley.granicus.com/MediaPlayer.php?view_id=2&clip_id=1694.

Element expressly relies on the Housing Workshop's analysis to exclude suitable properties. (Draft Housing Element, pp. III-11, C-2.) As explained more fully below, the Draft Housing Element's reliance on the Housing Workshop's analysis means that the City has not complied with its duties under state law.

B. The Draft Housing Element Excludes Numerous City-Owned Parcels Without Adequate Explanation or Factual Support

Although the City claimed that the RHNA process is completely separate from the Housing Workshop process, the City nevertheless based the Draft Housing Element's entire discussion of City-owned properties on the Housing Workshop's analysis. For example, the Housing Workshop analysis determined that 27 of 38 City-owned sites were "not marketable due to zoning," all of which are zoned O-A. (The Housing Workshop, p. 19.) The Draft Housing Element uncritically adopted these parameters, which resulted in the improper exclusion of properties from the Draft Housing Element. (Compare The Housing Workshop, p. 19 with the Draft Housing Element, Sites Inventory List.)

A housing element is required to include land suitable for residential development, including "Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use, including sites owned or leased by a city, county, or city and county." (Gov. Code, § 65583.2, subd. (a)(4).) Thus, the statute requires the City to include City-owned sites that are currently zoned nonresidential, but could be redeveloped for residential use. The Draft Housing Element follows a similar procedure for Program 21, which rezones 300 East Blithedale from RM3.5 to Downtown Residential, which allows multi-family residential. (Draft Housing Element, p. IV-22.) The parcel is then included under the Sites Inventory for above-moderate housing. (Draft Housing Element, Appendix C [APN 028-233-36].) Thus, the City has included similar programs for some properties, but is completely silent on the omission of others.

Put simply, that properties are "not marketable due to zoning" is both logically and legally irrelevant to whether they are "suitable for residential development" for purposes of the City's RHNA obligations since the definition of "land suitable for residential development" specifically includes properties "[s]ites zoned for nonresidential use that can be . . .rezone[d] . . . to permit residential use." (Gov. Code, § 65583.2, subd. (a)(4).) The Draft Housing Element fails to provide any explanation for omitting scores of City-owned parcels that could be rezoned for residential use.

This excludes the majority of City-owned sites based on similar arbitrary criteria. First, there are sites already zoned for residential and commercial. The Draft Housing Element states that those City-owned properties zoned residential or commercial, "that are not on the Sites Inventory are due to the parcels being in the right of way or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) The City fails to provide an explanation of what "being in the right of way" entails and how parcels could physically be in the right of way. Second, the City disregards all religious and public education institutions because "The OA and CF Zoning Districts do not permit residential use on the property." (Draft Housing Element, p. C-2.) Omitting parcels based on these unsupported criteria results in an overly constricted Site Inventory and artificially limits the City-owned properties that could be developed.

Additionally, the City fails to discuss the other potential development sites identified in the Housing Workshop such as the Boyle Park tennis facilities and a portion of the Mill Valley Municipal Golf Course, which are both zoned O-A and were determined to be potential sites for affordable housing, similar to 1 Hamilton. In fact, the Housing Workshop analysis of Boyle Park states, "From an objective affordable housing development point of view, this is the best of the 4 identified sites." (The Housing Workshop, p. 9.)

III. OTHER FACTORS SHOW THAT THE DRAFT HOUSING ELEMENT IS DEFECTIVE

The Draft Housing Element ignores several other factors impacting the ability to develop 1 Hamilton. As explained previously, the Draft Housing Element incorrectly assumes that 1 Hamilton could provide 40 units for very low- and low-income housing as zoned. This assumption disregards the obvious conflict with the General Plan and zoning designations, and further fails to consider environmental constraints at the property. The City's disregard for other parcels, in order to push development at 1 Hamilton, appears to further Mill Valley's discriminatory housing practices.

A. Baylands Corridor

Government Code section 65583.2, subdivision (b)(4) requires "[a] general description of any environmental constraints to the development of housing within the jurisdiction[.]" The Draft Housing Element provides, "Those city-owned sites that are zoned residential and commercial that are not on the Sites Inventory are due to the parcels being in the right of way or on a highly sloped and forested piece of property in the high fire severity zones." (Draft Housing Element, p. C-2.) However, the Draft

Housing Element does not provide an explanation for how environmental constraints may interfere with development at a specific parcel. According to the California Department of Housing and Community Development's ("HCD") Guidance, a local entity must:

> Provide in the analysis a general description of any known environmental or other features (e.g., presence of floodplains, protected wetlands, oak tree preserves, very high fire hazard severity zones) that have the potential to impact the development viability of the identified sites. The housing element need only describe those environmental constraints where documentation of such conditions is available to the local government. **This analysis must demonstrate that the existence of these features will not preclude development of the sites identified in the planning period at the projected residential densities/capacities**.

(HCD Housing Element Sites Inventory Guidebook, p. 10 [bold added].)

1 Hamilton is adjacent to the County's Baylands Corridor, but the Draft Housing Element completely ignores this fact. This omission is inexcusable given that the City was well aware of this circumstance, and the Housing Workshop determined:

> The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary.

(The Housing Workshop, p. 8.) The Draft Housing Element fails to acknowledge this environmental constraint. Therefore, even if the City were to rezone the parcel, it may not be able to physically accommodate 40 units.

B. Omission of Parcels Located West of Camino Alto

There are nine affordable housing options in or near Mill Valley. All but one of those properties is located east of Camino Alto, and the ninth is located south of Miller Avenue. Thus, not one is located near downtown. The City now apparently intends to continue its historic segregation of affordable housing by arbitrarily constricting the City-owned properties in the Sites Inventory to 1 Hamilton. This decision excludes several

potential parcels that could be developed west of Camino Alto such as Boyle Park and the Mill Valley Municipal Golf Course.

The City is well aware of this trend. Multiple public comments provided in the Draft Housing Element illustrate the City's determination to keep affordable housing out of the City center, and push it toward the highway. (Draft Housing Element, Survey 2, pp. 42, 60.) This is also shown in the attached PowerPoint slides previously submitted to the City. (Exhibit C.) All of the City's actions suggest an intent by City officials to keep affordable housing out of the City center and other select wealthy neighborhoods west of Camino Alto.

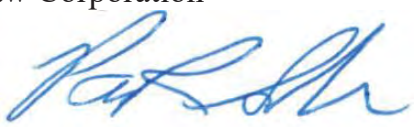
As previously discussed, the Housing Workshop identified four parcels that it recommended for additional analysis, three were discarded by the City. 1 Hamilton is the only parcel the City chose to include in its Site Inventory. The three parcels it chose to exclude are all located west of Camino Alto. The City has failed to provide any explanation for excluding two of the properties identified in the Housing Workshop.

* * *

The City has arbitrarily erected barrier after barrier in order to single out 1 Hamilton for affordable housing — a parcel with land use and zoning designations that prohibit any and all residential use. By doing so, the City has artificially constricted the potential locations that could be used to meet its RHNA requirements and thereby violates the City's duty to identify all land that is suitable for residential development. The result is an inaccurate, misleading and ultimately unlawful Housing Element that also continues the City's history of segregating affordable housing.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org)
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Megan Kirkeby, Deputy Director, Housing Policy Development, HCD (Megan.Kirkeby@hcd.ca.gov)

Attachments:

Exhibit A February 7, 2022, City Council Staff Report re: 1 Hamilton Drive
Exhibit B February 4, 2022, Letter re: Public Comments to February 7, 2022, City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive
Exhibit C PowerPoint Slides submitted to the City on July 10, 2022

EXHIBIT A

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT 1 Hamilton Drive: Receive report from staff on recommended next steps to build affordable rental housing on the northern portion of 1 Hamilton Drive (Assessor's Parcel Number 030-250-01) ("the Property"), which includes: 1) the approval of an Exclusive Negotiating Agreement (ENA) between the City of Mill Valley and EAH Housing; 2) allocation of Affordable Housing Trust Funds in support of the ENA; and 3) approval of Community Outreach Plan.

DATE: February 7, 2022

Approved for Forwarding:

Alan E. Piombo, Jr., City Manager

Issue: Approval of next steps to partner with EAH Housing and conduct predevelopment activities including but not limited to community outreach, site planning and design, and environmental review to build affordable rental housing on the northern portion of 1 Hamilton Drive.

Recommendation: Staff recommends that City Council receive a report from staff, consider public comments, and adopt Resolution No. 22-__: A Resolution (ATTACHMENT 1) authorizing the following:

1) Execution of an Exclusive Negotiating Agreement ("ENA"/ATTACHMENT 2) between the City of Mill Valley and EAH Housing to allow the City and EAH to negotiate with respect to the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of the 1 Hamilton Property; and

ITEM 6

2) Release and allocate Affordable Housing Trust Funds to support predevelopment activities, including but not limited to community outreach, site planning, design, and environmental review; and

3) Approval of the Community Outreach Plan (ATTACHMENT 3).

Background: On September 20, 2021 City Council took action to: 1) declare a portion of the property located at 1 Hamilton Drive as "exempt surplus land" as required under the California Surplus Land Act (Government Code 54220 et seq.) pursuant to Government Code Section 54221(f)(1)(A)[1] and 2) authorize the City Manager to negotiate and draft an Exclusive Negotiating Agreement (ENA) with EAH Housing for the purpose of negotiating the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of 1 Hamilton Drive, as described herein.

The EAH Housing Team ("EAH Team") was selected by City Council on September 20, 2021, based on their qualifications and recommendations of the selection committee (City Manager, Planning and Building Director, two members of the Housing Advisory Committee), which interviewed the EAH Team on September 10, 2021. The EAH Team is comprised of the following firms:

- EAH Housing: Development, property management, and resident services
- Van Meter Williams Pollack LLP: Lead design and architect
- Adobe Associates, Inc: Civil Engineer

As noted during the September 20, 2021, Council meeting, the EAH Team has direct experience in guiding successful public/private partnerships to create affordable housing opportunities within Marin County communities as well as the greater Bay Area and California.

Discussion: Staff is returning to City Council to report back on negotiations with the EAH Team to build affordable rental housing on the Northern portion of 1 Hamilton Drive. For purposes of this report, the proposed site for affordable housing will be referred to as the "Property," whereas the larger 1 Hamilton Drive parcel will be referred to as "1 Hamilton."

Staff and City Council has acknowledged that a team of experts is required to further determine the number of potential homes that can be placed on the Property, balancing the interests of the

[1] Because the City plans to ground lease (or sell) the Property for the development of a 100% affordable housing project to persons and families of low or moderate income, the proposed lease (or sale) meets the criteria for "exempt surplus land" under Government Code Section 54221(f)(1)(A), including the following provisions: (a) Not less than 80 percent of the area of the parcel will be used for the development of housing; and (b) Not less than 40 percent of the total number of those housing units developed on the parcel shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households, and at least half of which shall be affordable to very low-income households; and (c) Dwelling units produced for persons and families of low or moderate income under Government Code Section 37364 shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years, with such regulatory agreement recorded in the office of the county recorder in which the housing development is located.

community, construction feasibility, and financing opportunities. The ENA will allow City staff to exclusively partner with EAH Housing to focus on site planning and preliminary design, which includes the relocation of existing restrooms, electric charging station, and public parking (with the goal of providing up to a total of 50 spaces).

The EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country. The architectural team also has a deeply established connection to Marin County and has successfully designed multi-family projects in the area.

The ENA provides EAH Housing with a specific time during which the Property is not available to other parties and sets forth a framework for the selected developer's performance during the ENA period. The ENA also sets forth the City's terms to fund a portion of pre-development studies, necessary because non-profit organizations do not have large amounts of funding for this work. The ENA does not grant any rights related to land use entitlements, project approvals, or any other future City action not specified in the ENA.

Staff recommends that Council adopt the attached Resolution (ATTACHMENT 1) authorizing the City Manager to execute an ENA with EAH Housing in substantially the form attached (ATTACHMENT 2). The resolution also allocates Affordable Housing Trust Funds as part of cost sharing negotiations outlined in the ENA for predevelopment activities as well as approving the Draft Community Outreach Plan to allow the City to kick off site planning and design work with the community. Details about the ENA, proposed outreach and budget are discussed below.

Exclusive Negotiating Agreement (ENA). The ENA (ATTACHMENT 2) outlines the general scope, cost sharing, and expectations with respect to predevelopment work and negotiations for a final project and disposition of the site.

The ENA does not commit the City to ground lease or sell the Property nor grant the City's approval of the development of the Property, but rather sets the terms under which the parties will negotiate for a final project and disposition and the predevelopment activities that are necessary to move the project forward towards design. The ENA includes performance milestones and expected schedule for the period needed to design the project. The ENA also outlines the City of Mill Valley's commitment to advance the project, including a loan for certain pre-development expenses such as preliminary design, site planning including relocation of public parking and restrooms.

The following provides a summary of some key points contained in the ENA:

- Term: The ENA sets out a "Negotiation Period," which shall extend until September 1, 2023. The City has the option to extend the Negotiation period.

- Milestones: The ENA includes a Schedule of Performance (Exhibit B) which establishes milestones with respect to community outreach, design and entitlements, environmental review, and a financing plan.

- City Responsibilities: City agrees to negotiate in good faith with EAH and not to negotiate with respect to the site with any other parties during the term of the ENA. City also agrees to loan the Housing Team up to $150,000, to be used towards certain predevelopment costs. Assuming the project is approved, the ENA lays out the terms for repayment. The City also agrees take steps with respect to the zoning and entitlements on the site, which will include hiring various consultants to conduct the environmental review for the project.

- EAH Responsibilities: EAH agrees to negotiate in good faith with the City with respect to the disposition of the site, to share any work product that arises from the predevelopment work with the City, to work with the City on community outreach as described in the Community Outreach Plan, and to meet other specified milestones with respect to due diligence and predevelopment work on the site. If the project is approved, EAH agrees to repay the predevelopment loan issued by the City through project financing.

If Council authorizes the City Manager to execute the ENA, staff and the EAH Housing Team will begin negotiating an agreement for the final disposition of the site, as well as conducting due diligence and predevelopment work. In addition, the City will kick off community outreach, which is discussed below. Once CEQA review and approval of project entitlements occurs, it is anticipated that the City would enter into a development agreement and formal ground lease (or sale) with the EAH Housing Team.

Community Outreach Plan. City Council has continued to emphasize the importance of outreach and community participation in the design of the project since its initial discussion on June 21, 2021. The EAH Team is looking forward to kicking off the outreach program to gather input from the community on interests and concerns that will help guide the site planning and design process.

Community outreach is divided into three different phases: 1) information gathering, 2) focused outreach on design concepts and 3) confirming design and assembling materials for the planning and entitlement application. Outreach will begin upon adoption of the resolution. Staff and the EAH Housing Team anticipate hosting the first community workshop in mid-March. This workshop is part of the information gathering stage and will focus on gathering community input on preliminary site planning work, such as the relocation of public parking and restrooms and the overall massing for the site. The workshop will also provide an opportunity for the community to ask questions and identify concerns

The illustration on page 5 summarizes the overall outreach process and timing. See ATTACHMENT 3 containing the Draft Community Outreach Plan for additional details.

Proposed Community Outreach Process and Timeline



Affordable Housing Trust Fund. At its June 21, 2021, City Council meeting, Council authorized use of the Affordable Housing Trust Fund to assist in preliminary site investigations. Staff is further recommending that City Council authorize use of the Affordable Housing Trust Funds to assist in the cost sharing of predevelopment activities, as outlined in the ENA. The ENA provides that the City will provide up to $150,000 to EAH as a predevelopment loan to assist with specified predevelopment costs including site analysis and design. Approval of the resolution will also allow City staff to hire consultants to conduct the environmental review of the proposed project.

Staff believes the $150,000 loan to EAH for predevelopment activities is appropriate, particularly since the EAH team will be providing design and consultant assistance to plan and design off-street public parking in the surrounding area and the relocation of the public restrooms. The EAH team is also contributing substantial staff time and organizational resources to provide preliminary conceptual designs to support the planning application for Planning Commission and City Council review and approval.

Environmental Review: Site planning and preliminary design will help inform the environmental review required for the eventual housing development. The level of environmental review will be determined once the scope of the project is determined.

The resolution before Council is not subject to the California Environmental Quality Act ("CEQA") because the approval of an ENA and the other activities authorized by the resolution are excluded from the definition of a "project" by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. A "project" is an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment." The proposed actions direct staff to execute an ENA that establishes the contractual agreement to commence negotiations regarding disposition of a portion of 1 Hamilton Drive, as well as initiating preliminary site analysis and design work that will further define an affordable housing development that would constitute a "project" under CEQA. The proposed actions are therefore considered an administrative activity of government which does not result in direct or indirect physical change to the environment. No commitment to any project is being made at this time.

Notwithstanding that there is no "project" for purposes of CEQA, as discussed above, the City's actions are also covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA Guidelines § 15061(b)(3). There is no evidence that the City's agreement to negotiate with a potential affordable housing development partner or undertake predevelopment activities or community outreach will have any direct or indirect effect on the environment, since the City is not committing itself to any final project now and may still decide not to move forward with a project on the site.

CEQA review requirements must and will be completed before any commitment to a housing development occurs and appropriate environmental review pursuant to CEQA will be completed and considered by the City Council at such time.

Fiscal Impact: There is no impact to the City's General Fund. The City intends to authorize Affordable Housing Trust Funds as part of executing the ENA and work on predevelopment activities.

Next Steps: Should City Council adopt the proposed resolution; staff will work to execute the ENA. Once the ENA is signed by both parties, staff and the Housing Team will begin site planning and design and kick off the community engagement process. Assuming the project proceeds forward, CEQA review would occur, and Council would later consider project entitlements based on Planning Commission's recommendations, along with separate agreements with EAH for development and disposition (ground lease or sale) to construct the housing.

Overview of Next Steps



Solicit Developer
July 19, 2021

- Prepare Request for Qualifications (RFQ) per City Council direction
- Issue RFQ
- Provide site tours, answer questions

Select Dev Partner
September 20, 2021

- Review submittals for completeness
- Panel to interview
- City Council to authorize

Design Project
2022

- Sign exclusive agreement with EAH Housing
- Community input on design, including workshops, charettes
- Conduct studies for CEQA, subdivision map act, surplus land act, etc.

Entitle Project
2022-23

- Identify any development impact to be mitigated
- Survey/Split Parcel
- Public hearings including public input and testimony to approve Planned Development

Finance & Build
2023-24

- Can take 2+ years to obtain financing
- Can take 2 years to build
- Open in 2025 or 2026

Attachments:

1. Resolution No. 22-___: Authorizing execution of an Exclusive Negotiating Agreement with EHA Housing, authorizing the allocation of Affordable Housing Trust Funds and approval of the Community Outreach Plan
2. Exclusive Negotiating Agreement
3. Community Outreach Plan

Online Materials and Resources:

- Project website: https://ca-millvalley.civicplus.com/931/Hamilton-Drive

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AUTHORIZING THE EXECUTION OF AN EXCLUSIVE NEGOTIATING AGREEMENT WITH EAH HOUSING, INC. TO NEGOTIATE THE TERMS UNDER WHICH THE CITY WOULD ALLOW THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING ON THE NORTHERN PORTION, AS DESCRIBED HEREIN, OF A CITY-OWNED PARCEL LOCATED AT I HAMILTON DRIVE [ASSESSOR'S PARCEL NO. 030-250-01], AUTHORIZING THE ALLOCATION OF AFFORDABLE HOUSING TRUST FUNDS FOR PREDEVELOPMENT ACTIVITIES ON THE SITE, AND APPROVING THE COMMUNITY OUTREACH PLAN

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City of Mill Valley ("City") is the owner in fee simple of that certain real property located at 1 Hamilton Drive (Assessor's Parcel 030-250-01).

SECTION 2. The City desires to ground lease or sell a portion of the property located at 1 Hamilton Drive, such portion is generally the northern portion of the current parcel, incorporated herein by reference (the "1 Hamilton Property"), to be developed as a 100 percent affordable housing development that complies with Government Code Section 37364.

SECTION 3. At its June 21, 2021 meeting, City Council directed staff to issue a Request for Qualifications ("RFQ") to solicit interest from multifamily developers to partner with the City of Mill Valley to build and manage affordable housing on the Property.

SECTION 4. On July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property.

SECTION 5. Because the proposed affordable housing development will meet the requirements of Government Code Section 37364, the City Council adopted Resolution (CC21-51) declaring the Property to be "exempt surplus land" at its regularly scheduled meeting of September 20, 2021.

SECTION 6. In response to the RFQ, EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

ATTACHMENT #1

SECTION 7. EAH Housing was selected based on a City Council's review of the selection committee's (City Manager, Planning and Building Director, and two members of the Housing Advisory Committee, who are City Council and Planning Commission liaisons) review of their qualifications and responses to interview questions held on September 10, 2021.

SECTION 8. The City is interested in entering into an Exclusive Negotiating Agreement ("ENA", attached hereto as ATTACHMENT 2) to establish the mutually acceptable terms and conditions to guide the process of negotiations for the potential ground lease or sale and development of affordable housing on the Property consistent with Government Code Section 37364.

SECTION 9. The ENA does not commit the City to ground lease or sell the Property nor grant approval of any project or development of the Property, but rather allows the City to partner with a Housing Team to work with the community to plan and design for the above-referenced housing.

SECTION 10. The Mill Valley Municipal Code Section 20.80.070(B) establishes the Affordable Housing Trust Fund and on March 16, 2020, City Council approved the Affordable Administrative Guidelines for Housing Trust Fund, whereby the City Council may authorize the use of Trust Fund monies by way of resolution. The City Council desires to authorize the use of Affordable Housing Trust Fund moneys for predevelopment costs for the Property including but not limited to the provision of a predevelopment loan to EAH pursuant to the ENA, as well as environmental review of the proposed project.

SECTION 11. The City Council desires to engage in a robust community outreach process with respect to the potential development of the Property.

SECTION 12. City Council held a public hearing on February 7, 2022, and considered the information presented by staff as well as public testimony.

SECTION 13. The City Council hereby takes the following actions:

A. Finds that the above recitals are true and correct and are incorporated into this Resolution.

B. Authorizes the City Manager to execute an ENA between the City of Mill Valley and EAH Housing in substantially the form attached, with any minor clerical or clarifying changes requested by the City Manager and approved by the City Attorney.

C. Approves the Community Outreach Plan (ATTACHMENT 3) and authorizes staff to move forward with a robust program of community outreach to engage citizens and interested stakeholders. Changes to the Community Outreach Plan schedule that only impact dates and do not result in a less robust outreach and public engagement may be approved by the City Manager.

D. Authorizes and approves the use of Affordable Housing Trust Fund monies for the purposes of funding budgetary terms set forth in the ENA and other predevelopment expenses related to the proposed housing development as approved by the City Manager.

E. That the staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to implement this Resolution.

SECTION 14. The City Clerk shall certify as to the adoption of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **7th day of February 2022**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John McCauley, Mayor

ATTEST:

Kelsey Rogers, City Clerk / Management Analyst III

EXCLUSIVE NEGOTIATION AGREEMENT

THIS EXCLUSIVE NEGOTIATION AGREEMENT is dated as of _____ __, 2022 ("**Effective Date**"), and is entered into by and between the CITY OF MILL VALLEY, a municipal corporation ("**City**"), and EAH INC., a California nonprofit public benefit corporation ("**Developer**")(collectively, the "**Parties**").

RECITALS

A. The City owns certain property located 1 Hamilton Drive (Assessor's Parcel 030-250-01).

B. The City desires that a portion of the parcel located at 1 Hamilton Drive---such portion is generally the northern portion of the current parcel more specifically depicted on Exhibit "A", attached hereto (the "**Site**")---be developed as a 100 percent affordable housing development.

C. The City Council of the City of Mill Valley ("**City Council**") authorized and directed staff to issue a request for qualifications ("**RFQ**"), for an affordable housing project on the Site consisting of 100 percent of the units restricted for rental to very low and low income households at affordable rent on June 21, 2021.

D. on July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property. in response to the RFQ EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

E. As noted in the Developer's statement of qualifications, the EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country,

F. A selection committee consisting of the City Manager, Planning and Building Director, two members of the Housing Advisory Committee (City Council and Planning Commission liaisons) reviewed statement of qualifications submitted in response to the RFQ and conducted interviews on September 10, 2021

G. On September 20, 2021, the City Council declared the Site "exempt surplus property" pursuant to Government Code Sections 54221(b) and 54221(f)(1)(A) by way of Resolution CC21-51.

H. On September 20, 2021, the City Council selected the Developer and directed staff to negotiate an Exclusive Negotiation Agreement (this "**Agreement**") with Developer for the Site based on the Developers qualifications and the selection committee recommendations, as documented in the September 20, 2021 Staff Report, by way of Resolution CC21-52 .

ATTACHMENT #2

I. The Parties intend to cause the Site to be developed under California Government Code Section 37364, which requires that dwelling units be restricted by regulatory agreement to remain continually affordable to low and moderate income households for the longest feasible time, but not less than 30 years, and that such regulatory agreement shall be recorded in the office of the county recorder in which the housing development is located; such regulatory agreement shall not be subordinated to any deed of trust.

J. City desires to increase the availability of affordable housing within the City by causing the development of the Site with approximately 40 units of rental housing that is 100 hundred percent affordable ("**Project**").

K. City and Developer desire to negotiate exclusively with each other regarding the potential terms and conditions of a disposition and development agreement ("DDA") between City and Developer for Developer to acquire and develop the Project on the Site, in accordance with the terms and conditions of this Agreement..

1. Negotiation of DDA. During the Negotiation Period (defined in Section 3 herein) and subject to the terms and conditions of this Agreement, both City staff and Developer shall negotiate the potential terms, conditions, covenants, restrictions and agreements of a DDA for the Site and Project. City agrees not to solicit any other proposals from or negotiate with any other person regarding development of the Site during the Negotiation Period. During the Negotiation Period, Developer shall complete all of the actions described in the "**Schedule of Performance**" attached to this Agreement as Exhibit "B," within the time period specified for each such action in the Schedule of Performance. Nothing in this Agreement shall be interpreted or construed to be a representation or agreement by either City or Developer that a mutually acceptable DDA will be produced from negotiations under this Agreement. Nothing in this Agreement shall impose any obligation on either Party to agree to or approve a definitive DDA in the future. Nothing in this Agreement shall be interpreted or construed to be a guaranty, warranty or representation that any proposed DDA that may be negotiated by City staff and Developer will be approved by the City Council of the City.

2. Developer Acknowledgments. Developer acknowledges and agrees that: (a) under this Agreement, City is not committing itself or agreeing to enter into a DDA or undertake any exchange, sale, lease or other transfer of real property, any disposition of any real property interests to Developer, approve the Project or any land use entitlements or undertake any other acts or activities; (b) no provision of this Agreement shall be deemed to be an offer by City, nor an acceptance by City of any offer or proposal from Developer, for City to convey any estate or interest in the Site to Developer or for City to provide any financial or other assistance to Developer for development of the Project or the Site; (c) Developer has not acquired, nor will acquire, by virtue of the terms of this Agreement, any legal or equitable interest in real or personal property from City; (d) further efforts by either Party to perform due diligence, arrange or obtain financing, or carry out other acts in contemplation of the possible acquisition, transfer or development of the Site or the Project shall not be deemed evidence of intent by either Party to be bound by any terms, conditions, covenants, restrictions or agreements relating to acquisition, transfer or development of the Site or the Project. Developer acknowledges and agrees that City's consideration of the Project and DDA is subject to the sole and absolute discretion of the City Council after conducting environmental review and any and all legally required public hearings, public meetings, notices, factual findings and other determinations and procedures required by law.

3. Negotiation Period.

3.1 Duration. The "**Negotiation Period**" shall begin on the Effective Date and shall expire at 5:00 p.m. Pacific Time on September 1, 2023, unless extended pursuant to Section 4 or earlier terminated pursuant to Section 3.2.

3.2 Termination. This Agreement shall terminate upon the earliest to occur of the following events: (a) the expiration of the Negotiation Period; or (b) the occurrence of an Event of Default by Developer under Section 13.1 of this Agreement, unless such breach is expressly waived in writing by the City; or (c) entry into a DDA by both City and Developer.

4. Extension of Negotiation Period. The City Manager shall have the right to extend the Negotiation Period three times for a period of ninety (90) days each (for an for an aggregate total of two hundred and seventy (270) days) provided that each such extension is in writing, and provided, further, that Developer is not in default of its obligations under this Agreement and has completed all of the actions described in the "**Schedule of Performance**" which are required to have be performed by Developer as of such date.

5. Possible DDA Provisions.

5.1 DDA Essential Terms and Conditions. The DDA may include provisions addressing all of the following described subjects:

5.1.1 Site Control. The Site may be purchased or leased from City by Developer, or Developer's permitted assignee.

5.1.2 DDA Schedule of Performance. A schedule of performance, attached to the DDA, may set forth deadlines for various actions of Developer.

5.1.3 Scope of Development. The Project is proposed by Developer to include approximately 40 affordable housing units serving households at or below 60% of Area Median Income (AMI) with a minimum parking ratio of 1:1, a plan for replacement and relocation of a minimum of 34 public parking stalls, and a plan for replacing the public restroom if the site area is needed for affordable housing development.

5.1.4 Financing Plan. In connection with the negotiations, the Developer shall submit a plan for financing the construction and operation of the Project to the City for review and approval. Such financing plan shall, at a minimum, include an obligation of Developer to apply for federal tax credits, and such other financing as is necessary in Developer's reasonable discretion to finance the development and operation of the Project, and all such tax credits must be awarded, and tax credit equity committed and available, and all other financing committed, closed and available as conditions to the close of escrow for the sale or lease.

5.1.5 City Financial Assistance. City shall provide up to $150,000 in the form of a predevelopment loan during the Negotiation Period (the "Predevelopment Loan") to pay for reasonable documented costs incurred by Developer in completing the tasks required of Developer under this ENA provided the costs are reasonably described in advance in a written budget to be provided by the Developer and approved by the City Manager in writing ("Eligible Expenses").

Such Predevelopment Loan will bear 0% interest, be evidenced by a promissory note acceptable to City (the "Note") and will be secured by assignment by the Developer to the City of any work product relating to the Project that have been paid for in

whole or in part using the proceeds of the Predevelopment Loan (the "Work Product"), and the collateral assignment documents and written consents from contractors/architects/engineers and others necessary to effectuate such collateral assignment and assignment to City (upon failure to timely repay the loan) must be acceptable to the City Manager and City Attorney. The Predevelopment Loan shall become due upon the termination of this ENA, or the expiration of this ENA without a DDA being approved and signed; however, the City's sole recourse shall be limited to the Work Product. The City will disburse Predevelopment Loan proceeds to pay for Eligible Expenses on a reimbursement basis, quarterly, and as a condition to the County's disbursement obligation, Borrower will submit a disbursement request package ("Disbursement Request"). Each Disbursement Request shall include any applicable invoice or other documentation indicating the cost to be paid and showing the cost constitutes an Eligible Expense of the Project, dated less than thirty (30) days prior to the date of the Disbursement Request, unless submittal of an older invoice has been approved by the City. It is anticipated that the DDA will provide that the Predevelopment Loan will convert from a predevelopment loan to a below market, 55 year, residual receipts construction/permanent loan secured by the Site (but subordinate to deeds of trust securing any other secured financing necessary for the Project) upon the closing of the Developer's acquisition of the Site pursuant to the terms and conditions of the DDA.

5.1.6 Developer Compliance with Laws. Developer shall comply with the requirements of all applicable City ordinances, resolutions, regulations or other laws or approvals in all aspects (planning, design, construction, noise limits, management, and occupancy) of developing and operating the Project on the Site.

6. License to Enter Site. City authorizes Developer, its contractors, agents and employees to enter the Site during normal business hours for the purpose of performing tests, surveys and inspections, and obtaining data necessary or appropriate to negotiate the DDA or perform investigations related to the Project; provided, however, Developer shall deliver written notice (which may be delivered via electronic mail to _____) seventy-two (72) hours prior to City of any such entry and written evidence of Developer's satisfaction of all insurance requirements of this Agreement prior to entering the Site. Developer shall promptly deliver copies of all written inspection results, tests and reports to the City.

7. Costs and Expenses. Except as set forth in Section 5.1.5 and Section 9 hereof, all fees or expenses of engineers, architects, financial consultants, legal, planning or other consultants or contractors, retained by Developer for any study, analysis, evaluation, report, schedule, estimate, environmental review, planning or design activities, drawings, specifications or other activity or matter relating to the Site or the Project or negotiation or documentation of a future DDA that may be undertaken by Developer during the Negotiation Period, pursuant to or in reliance upon this Agreement or in Developer's discretion, regarding any matter relating to this Agreement, a future DDA, the Site or the Project, shall be the sole responsibility of and undertaken at the sole cost and expense of Developer and no such activity or matter shall be deemed to be undertaken for the benefit of, at the expense of or in reliance upon City. Developer shall also pay all fees, charges and costs, make all deposits and provide all bonds or other security associated with the submission to and processing by the City of any and all applications and other documents and information to be submitted to the City by Developer pursuant to this Agreement or otherwise associated with the Project or the Site.

8. No City Approval. Nothing in this Agreement, nor any comments provided by City staff, nor any failure of City staff to provide comments to any submittal under or pursuant to this Agreement shall: (1) modify or replace any land use entitlement process of either the City applicable to the Project, (2) limit the police power land use jurisdiction of either the City relative

to the Project, (3) constitute an approval of all or any portion of the Project by the City pursuant to the police power land use jurisdiction of either the City or (4) constitute any approval of all or any portion of a future DDA with Developer by the City.

9. CEQA Compliance. The Developer acknowledges that all applicable requirements of the California Environmental Quality Act ("CEQA") must be met in order to execute and deliver the DDA and approve project entitlements allowing development of the Site and that this may require reports or analyses for CEQA purposes. In this regard, the City shall, at the City's cost and expense, undertake an Initial Study of the proposed Project pursuant to Section 15063 of CEQA or other appropriate documentation in order to determine the appropriate environmental documents and procedures that may be necessary to comply with CEQA as to the consideration and potential approval of the DDA by the City Council. The Developer hereby agrees to provide all assistance to the City necessary for it to carry out its obligations under CEQA. The Developer will fully cooperate with the City in the preparation of such analyses and reports.

10. City Due Diligence. City reserves the right to reasonably obtain further information, data and commitments to ascertain the ability and capacity of Developer to purchase, lease, develop and operate the Site or the Project. Developer acknowledges that Developer may be requested to make certain financial disclosures to City, City staff, legal counsel or other consultants, as part of the financial due diligence investigations of City relating to the potential sale of the Site and development of the Project on the Site by Developer and that any such disclosures may become public records. City shall maintain the confidentiality of financial information of Developer to the extent allowed by law, as determined by the City Attorney for the City.

11. Developer Indemnity. Developer shall indemnify, defend and hold harmless City, and the elected and appointed officials, officers, agents and employees of City (individually or collectively, an "**Indemnified Party**") against any and all losses arising out of any claim, liability, loss, damage, demand or cause of action, or any action or other proceeding, whether meritorious or not, arising through Developer, Developer's contractors or employees that relates to or arises out of: (i) property damage or bodily injury or death of any person in connection with this Agreement; (ii) entry upon the Site by Developer, its contractors or employees; (iii) any inspection of the Site by Developer, its contractors or employees; or (iv) the preparation of any report or plans commissioned by Developer; provided, however, that no Indemnified Party shall be entitled to indemnification under this Section 10 for matter caused by such Indemnified Party's gross negligence or willful misconduct or for any matter arising solely from the discovery of any pre-existing condition upon the Site. In the event any action or proceeding is brought against an Indemnified Party by reason of a claim arising out of any loss for which Developer is obligated to indemnity, defend or hold harmless the Indemnified Party, and upon written notice from such Indemnified Party, Developer shall, at Developer's sole expense, answer and otherwise defend such action or proceeding. The provisions of this Section 11 shall survive the expiration or termination of this Agreement.

12. Developer Insurance.

12.1 Types of Insurance. Without in any way limiting Developer's indemnification obligations under this Agreement, subject to the other provisions of this Section 12 and subject to approval by City of the insurers and policy forms, Developer shall obtain and maintain, at Developer's expense, the following insurance throughout the Negotiation Period and shall cause City to be an additional insured thereunder:

12.1.1 Liability Insurance. "**Liability Insurance**" means and refers to commercial general liability insurance against claims for bodily injury, personal injury, death, or property damage occurring upon, in, or about the Site or adjoining streets or passageways, at least as broad as Insurance Services Office Occurrence Form CG0001, with a minimum liability limit of Two Million Dollars ($2,000,000) for any one occurrence and which may be provided through a combination of primary and excess or umbrella insurance policies. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Site or the general aggregate limit shall be twice the required minimum liability limit for any one occurrence.

12.2 Nature of Insurance. All Liability Insurance and Automobile Liability Insurance policies this Agreement requires shall be issued by carriers that: (a) are listed in the then current "Best's Key Rating Guide—Property/Casualty—United States & Canada" publication (or its equivalent, if such publication ceases to be published) with a minimum financial strength rating of "A-" and a minimum financial size category of "VII"; and (b) are authorized to do business in the State of California by the State of California Department of Insurance. Developer may provide any insurance under a "blanket" or "umbrella" insurance policy, provided that: (i) such policy or a certificate of such policy shall specify the amount(s) of the total insurance allocated to the Site, which amount(s) shall equal or exceed the amount(s) required by this Agreement; and (ii) such policy otherwise complies with the insurance requirements in this Agreement.

13. Restrictions Against Change in Ownership, Management or Control of Developer; Assignment of Agreement.

13.1 Developer Assignment. City and Developer acknowledge and agree that City is entering into this Agreement with Developer on the basis of the particular experience, financial capacity, skills and capabilities of Developer. This Agreement is personal to Developer and is not assignable without the prior written consent of City, which may be given, withheld or conditioned in City's sole and absolute discretion. Consent to assignment shall be in writing and may be executed by the City Manager.

13.2 Assignment to Project Partnership. Notwithstanding the foregoing, Developer may assign this Agreement, without City's consent, to a limited partnership in which Developer or a limited liability in which Developer is the sole member acts as the sole and managing general partner of such limited partnership, subject to all of the following conditions: (i) Developer provides the City with at least ten (10) days prior written notice of such proposed assignment, (ii) such limited partnership's sole purpose is development, ownership and operation of the Project on the Site; (iii) such limited partnership expressly assumes all of the obligations of Developer under this Agreement in a written assumption agreement delivered to and reasonably satisfactory to City; and (iv) Developer shall have delivered the LP-1 and partnership agreement to the City. Notwithstanding any assignment of this Agreement, Developer, shall, at all times, be responsible and obligated directly to City for performance of Developer's obligations under this Agreement.

13.3 Definitions. For the purposes of this Agreement, the term "**Affiliate**" means any person, directly or indirectly, controlling or controlled by or under common control with Developer, whether by direct or indirect ownership of equity interests, by contract, or otherwise.

14. Developer Events of Default and City Remedies.

14.1 Developer Events of Default. The occurrence of any of the following shall constitute an "**Event of Default**" on the part of Developer under this Agreement:

14.1.1 Schedule of Performance. Failure of Developer to meet a performance milestone by the applicable date contained in the Schedule of Performance, if such failure is not cured within thirty (30) days after written notice of such failure.

14.1.2 Misrepresentation. Any material breach of any representation or warranty made by Developer in this Agreement that is not cured within thirty (30) days after written notice from City to Developer of such breach.

14.1.3 Unauthorized Assignment. Any assignment or attempted assignment by Developer in violation of Section 12.

14.1.4 Insurance. Failure of Developer to procure or maintain any of the insurance coverage required by this Agreement resulting in a lapse in required insurance coverage.

14.2 City Remedies. If there is an Event of a Default by Developer, City may, in City's sole and absolute discretion, terminate this Agreement by delivering written notice of termination to Developer. Upon any such termination, neither Party shall have any further rights or obligations to the other under this Agreement, except obligations that expressly survive termination of this Agreement.

15. Developer Representations and Warranties. Developer represents, warrants and covenants to and for the benefit of City, as of the Effective Date and at all times during the Negotiation Period, as follows:

15.1 Valid Existence; Good Standing; Joint Venture Relationships. Developer is a nonprofit public benefit corporation duly organized and validly existing under the laws of the State of California. Developer has all requisite power and authority to own its property and conduct its business as presently conducted. Developer has made all filings and is in good standing in the jurisdiction of the State of California.

15.2 Authority. Developer has all requisite power and authority to enter into and perform this Agreement.

15.3 No Limitation on Ability to Perform. Neither Developer's articles of incorporation nor any other organizational document regarding Developer in any way prohibits, limits or otherwise affects the right or power of Developer to enter into or perform this Agreement. Developer is not a party to or bound by any contract, agreement, indenture, trust agreement, note, obligation or other instrument that could prohibit, limit or otherwise affect Developer's entry into or performance of this Agreement. To the best of Developer's knowledge, no consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person or entity is required for the due execution, delivery or performance by Developer of this Agreement or any of the terms or covenants contained in this Agreement. There is no pending or threatened suit or proceeding or undischarged judgment affecting Developer before any court, governmental agency, or arbitrator that might materially adversely affect the enforceability of this Agreement, the ability of Developer to perform the transactions contemplated by this Agreement or the business, operations, assets or condition of Developer.

15.4 Valid Execution. The execution and delivery of this Agreement by Developer have been duly and validly authorized by all necessary action of Developer and others. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms. Developer has provided to City a written resolution of Developer's Board of Directors authorizing Developer's entry into and performance of this Agreement.

16. Notices. A notice or communication under this Agreement by either Party to the other shall be sufficiently given or delivered, if in writing and delivered by messenger, overnight air courier or registered or certified first class mail with return receipt requested (for U.S. mailings) to the appropriate Party at its address as follows:

In the case of a notice or communication to City:

City Manager's Office
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
Attn: Alan Piombo

With a copy to:

Richards, Watson & Gershon
One Sansome Street, Suite 2850
San Francisco, CA 94104
Attn: Inder Khalsa

And in the case of a notice or communication sent to Developer:

EAH, Inc.
22 Pelican Way
San Rafael, CA 94901
Attn: Bianca L. Neumann, Director Business Development

With a copy to:

Bocarsly Emden Cowan Esmail & Arndt LLP
633 West 5th Street, 64th Floor
Los Angeles, CA 90071
Attn: Nicole Deddens

Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

17. General Provisions.

17.1 Amendments. This Agreement may be amended or modified only by a written instrument signed by both City and Developer.

17.2 Severability. If any provision of this Agreement, or its application to any person or circumstance, is held invalid by any court, the invalidity or inapplicability of such provision shall not affect any other provision of this Agreement or the application of such provision to any other person or circumstance, and the remaining portions of this Agreement shall continue in full force and effect, unless enforcement of this Agreement as so modified by and in response to such invalidation would be unreasonable or grossly inequitable under all of the circumstances or would frustrate the fundamental purposes of this Agreement. Without limiting the foregoing, in the event that any applicable federal or state law prevents or precludes compliance with any material term of this Agreement, the Parties shall promptly modify, amend or suspend this Agreement, or any portion of this Agreement, to the extent necessary to comply with such provisions in a manner which preserves to the greatest extent possible the benefits to each of the Parties to this Agreement. However, if such amendment, modification or suspension would deprive City or Developer of the substantial benefits derived from this Agreement or make performance unreasonably difficult or expensive, then the affected Party may terminate this Agreement upon thirty (30) days written notice to the other Party. In the event of such termination, neither Party shall have any further rights or obligations under this Agreement except as otherwise provided herein.

17.3 Non-Waiver. No waiver made by either Party with respect to the performance, or manner or time of performance, or any obligation of the other Party or any condition to its own obligation under this Agreement will be considered a waiver with respect to the particular obligation of the other Party or condition to its own obligation beyond those expressly waived, to the extent of such waiver, or a waiver in any respect in regard to any other rights of the Party making the waiver or any other obligations of the other Party.

17.4 Non-Liability. No member, official, agent or employee of City will be personally liable to Developer, or any successor in interest (if and to the extent permitted under this Agreement), in an event of default by City or for any amount that may become due to Developer or successor or on any obligations under the terms of this Agreement. No director, officer, agent or employee of Developer will be personally liable to City in an event of default by Developer or for any amount that may become due to City or on any obligations under the terms of this Agreement.

17.5 Successors and Assigns; Third Party Beneficiary. This Agreement shall inure to the benefit of and bind the respective successors and assigns of City and Developer, subject to the limitations on assignment by Developer set forth in Section 12. This Agreement is for the exclusive benefit of the Parties to this Agreement and not for the benefit of any other person and shall not be deemed to have conferred any rights, express or implied, upon any other person.

17.6 Governing Law. City and Developer acknowledge and agree that this Agreement was negotiated, entered into and is to be fully performed in the City. City and Developer agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the substantive and procedural laws of the State of California, without application of conflicts or choice of laws principles.

17.7 Compliance with Law. Developer acknowledges that any future DDA, if approved by City governing body, will require Developer (among other things) to carry out the development of the Project on the Site in conformity with all applicable laws, including all applicable building, planning and zoning laws, environmental laws, safety laws and federal and state labor and wage laws.

18. Interpretation of Agreement. No inference in favor of or against any Party shall be drawn from the fact that such Party has drafted any part of this Agreement. The Parties have both participated substantially in the negotiation, drafting, and revision of this Agreement, with advice from legal and other counsel and advisers of their own selection. A word, term or phrase defined in the singular in this Agreement may be used in the plural, and vice versa, all in accordance with ordinary principles of English grammar, which shall govern all language in this Agreement. The words "include" and "including" in this Agreement shall be construed to be followed by the words: "without limitation." Each collective noun in this Agreement shall be interpreted as if followed by the words "(or any part of it)," except where the context clearly requires otherwise. Every reference to any document, including this Agreement, refers to such document, as modified from time to time (excepting any modification that violates this Agreement), and includes all exhibits, schedules, addenda and riders to such document. The word "or" in this Agreement includes the word "and." Every reference to a law, statute, regulation, order, form or similar governmental requirement refers to each such requirement as amended, modified, renumbered, superseded or succeeded, from time to time. Headings at the beginning of each section or sub-section of this Agreement are solely for the convenience of reference of City and Developer and are not a part of this Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to sections are to this Agreement. All exhibits referred to in this Agreement are attached to this Agreement, unless otherwise specified.

18.1 Entire Agreement. This Agreement (including the attachments and exhibits) contains all of the representations of and the entire agreement between the Parties with respect to the subject matter of this Agreement. Any prior correspondence, memoranda, agreements, warranties or representations relating to such subject matter are superseded in total by this Agreement. No prior drafts of this Agreement or changes from those drafts to the signed version of this Agreement shall be introduced as evidence in any litigation or other dispute resolution proceeding by either Party or any other person and no court or other body shall consider those drafts in interpreting this Agreement.

18.2 Time for Performance.

18.2.1 Expiration. All performance, expiration or termination dates (including cure dates) in this Agreement (including the attached Schedule of Performance) expire at 5:00 p.m., Pacific Time, on the specified date.

18.2.2 Weekends and Holidays. A date that falls on a Saturday, Sunday or City holiday is deemed extended to the next day on which the City is open for performance of general City functions with regular City personnel.

18.2.3 Days for Performance. All periods for performance specified in this Agreement in terms of days shall be calendar days, and not business days, unless otherwise expressly provided in this Agreement.

18.2.4 Time of the Essence. Time is of the essence with respect to each provision of this Agreement.

18.3 Counterparts. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

18.4 Survival. Notwithstanding anything to the contrary in this Agreement, each indemnity obligation under this Agreement shall survive expiration or termination of this Agreement. Further all other obligations under this Agreement that arise and were not satisfied before expiration or termination of this Agreement shall survive any expiration or termination of this Agreement.

18.5 Non-Discrimination. Developer covenants by and for itself and its successors or assigns, and all persons claiming under or through it, and this Agreement is made and accepted upon and subject to the following conditions:

18.5.1 Standards. That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (l) of subdivision (p) of Section 12955, and Section 12955.2 of the Government code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Site nor shall Developer, itself, himself or herself, or any person claiming under or through it, him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, subtenants, sublessees, or vendees in the Site.

18.6 Relationship of the Parties. The subject of this Agreement is a private development with neither Party acting as the agent of the other Party in any respect. None of the provisions in this Agreement shall be deemed to render City a partner in Developer's business, or joint venturer or member in any joint enterprise with Developer.

IN WITNESS WHEREOF, City and Developer have signed and entered into this Agreement as of the Effective Date by and through the signatures of their respective authorized representative(s), as follow:

CITY:

CITY OF MILL VALLEY,
a municipal corporation

By: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Inder Khalsa, City Attorney

DEVELOPER:

EAH, INC.,
a California nonprofit public benefit corporation

By: _____
Print Name: _____
Title: _____

EXHIBIT "A"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Description of the Site

[Attached behind this cover page]

1 Hamilton Road, Mill Valley

Assessor's Parcel 030-250-01

Approximate Site Area of Affordable Housing Parcel

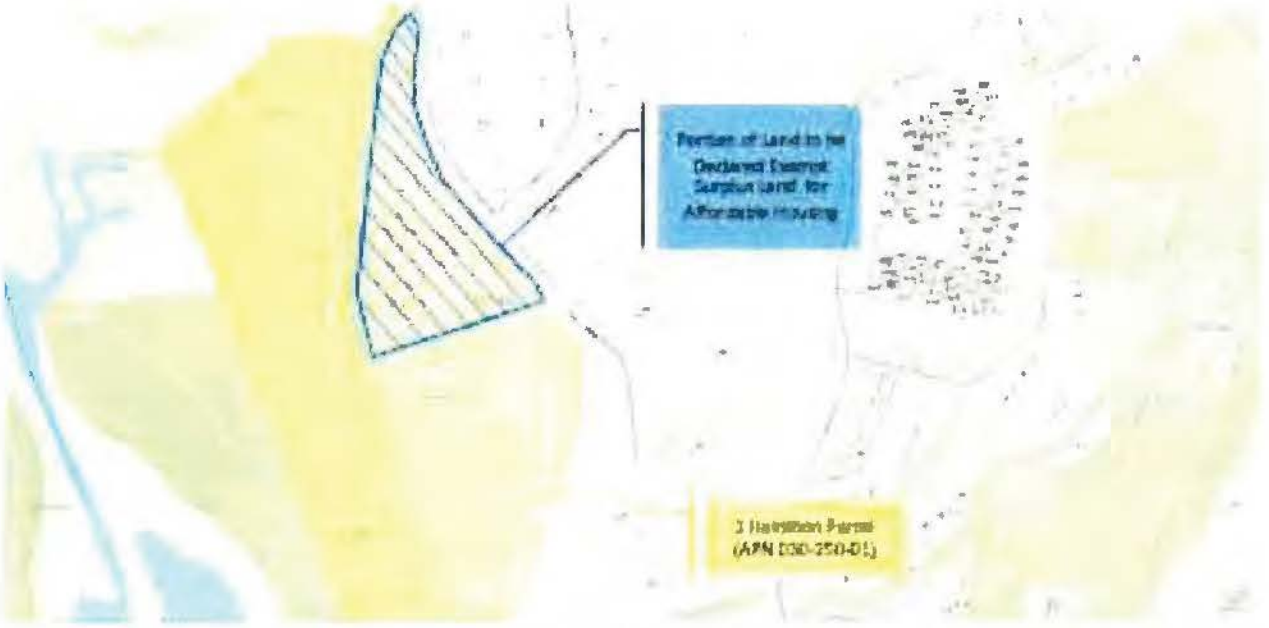




EXHIBIT "B"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Schedule of Performance

[Attached behind this cover page]

Schedule of Performance

Re: 1 Hamilton Road, Mill Valley

Scope: Exclusive Negotiation Agreement period (February 2022 to March 2023*)

Exclusive Negotiation Agreement	
Executed Agreement	Feb. 2022
Community Outreach	
Community Outreach Plan	Feb. 2022
Outreach to Community Groups: Small Targeted Discussions to Identify Community needs	Feb. 2022 to Sept. 2022
Community Meeting 1: Introduction to team and project concept	Feb. 2022
Community Meeting 2: Interactive Input	April 2022
Community Meeting 3: Report out, project changes, and integrations of community input	June 2022
Community Meeting 4: Pre-Submittal Design	Sept. 2022
Design, Rezoning, and Entitlements	
Initial Site Plan and Fit Studies	Dec. 2021 to Feb. 2022
Schematic Design	Feb. 2022 to July 2022
Pre-Entitlement Package	Sept. 2022
Entitlement Submittal	Feb. 2023
General Plan Amendment for Rezoning	Feb –June 2023
***Environmental**	
Environmental Phase 1	Feb. 2022
Geotechnical Reports	March 2022
Environmental Phase 2 (if required)	April 2022
CEQA and NEPA Approval	Jan. 2023 to Aug. 2023

Finance

City Predevelopment Loan *(approved with ENA)*	Feb. 2022
Financing Concept	March 2022
Financing Plan	June 2022
Land Dispossession Agreement	March 2023

* Above assumes a mitigated negative declaration. Should a full EIR be required entitlement process could take up to 24 months. Schedule for Initial Study will be determined in coordination with the selected environmental consultant; overall project schedule will be determined upon completion of an initial study.

Community Outreach & Engagement Plan

Updated: January 14, 2022

Overview

EAH and Van Meters William Pollack (the development team) recognize that community participation is a critical component of the planning process. Providing the opportunity for public input encourages citizens to be invested in the future of their community. The public outreach and engagement plan describes how community members, project partners and stakeholders will be engaged throughout the planning and design process. The outreach and engagement plan serves as a guide for community involvement and is subject to change based on input received.

Approach

PHASE 1: Information Gathering

Identify key stakeholders and document neighborhood and community interests and concerns regarding the development of the 1 Hamilton site. This first phase usually consists of one community meeting to kick off the project, followed by small informal focus group meetings with community stakeholders.

The purpose of this phase is to assess the areas of community interest, and shape outreach materials accordingly.

PHASE 2: The Focused Community Outreach

Engage community residents and stakeholders to participate in design discussions, which include input and feedback on design concepts to refine the site plan and architectural details.

The goal of this phase is to obtain consensus on a preferred site plan and schematic design concept which will be submitted to the City for review and approval.

PHASE 3: Entitlement Package Submittal and Support

Provide on-going support to assist in the development review and approval process. Attend public hearings and document community support for the project.

PHASE 4: Ongoing Community Outreach

EAH Housing staff will continue to reach out to our neighbors long after project approval, from site development, construction, and through full occupancy. We pride ourselves on being an active and supportive partner in the communities where we develop and manage affordable housing. We consider our community outreach program as the first step in a long-term relationship between EAH and our neighbors.

ATTACHMENT #3

Communication Methods

Our methods for communication are adaptive and flexible to reach the broadest segment of the population. Utilizing both analog and digital platforms, the development team will find the means to inform and engage the community in the development process. Dependent on Covid guidelines and community preference, some or all these methods can be utilized.

Analog

Direct Mail: will be sent to residents within a defined catchment. Information will include upcoming community meetings and opportunities to provide input on the proposed development and information on general project updates.

Door to Door: information on the development and events can be delivered on doorsteps. Our development team can visit local businesses, community centers, and churches to provide information on the future development.

Local Newspapers: ads can be placed in local newspapers to inform the community about upcoming meetings and provide general information on the future project and general development updates.

Community Events: the development team can attend local community events, such as street fairs, to engage and inform the community about the future project.

Small Focus Groups: the development team will meet with small local targeted groups, such as the immediate neighbors Friends of Hauke Park, Sustainable Mill Valley, etc. to discuss specific concerns or questions regarding the future development.

In-Person Community Meetings: the development team will have community meetings to publicly discuss the development process and the specific elements of the future development project.

Digital

Direct Email: will be sent to those that sign up for our email list. Information shared will include upcoming community meetings, opportunities to provide input on the proposed development (examples: surveys or planning meetings), and general project updates.

Project Website: will provide general information on the proposed development, including a site map, affordability information, project team and contacts, upcoming events, general development timeline, frequently asked questions, and the ability to sign-up for project updates.

Online Community Groups: information can be shared via local online community forums such as Nextdoor and/or local Facebook groups.

Online Community Meetings: the development team can have community meetings using an online platform to publicly discuss the development process and the specific elements of the future development project.

Planned Community Meetings

The meetings below are the general guide to the types of community meetings we will have and the projected timeline. Additional meetings can be added. More specifically, community meetings 2 & 3 can be an iterative process with multiple rounds of community input and reporting.

At all community meetings, there will be assigned note-takers to capture community comments. Questions and answers will be shared via the development webpage.

Community Meeting 1: Project and Team Introduction
When: March 2022
Location: Mill Valley Community Center (or online*)
Goal: Lay out existing site conditions and opportunities, introduce the project and project team, and collect community questions and concerns.
Format: Formal presentation followed by an open house with stations addressing specific topics

Description:
The project team will give a short formal presentation introducing themselves, the project, and the format for the open house. At each topic station, there will be a subject matter expert and a note-taker. Individuals will be encouraged to visit stations, ask questions and give feedback on the various topics discussed below.

Information Stations. Break out rooms, or informational stations, will be used to collect input and answer questions on the following:

1. Affordable Housing Overview- What is affordable housing, rents, incomes, and how households qualify for affordable housing.
2. Development timeline and process.
3. Replacement of current uses- parking and bathroom relocations options.
4. Conceptual Design- views, massing, and site plan overview.
5. EAH property management and services.
6. Other topics areas, as needed.

*If online breakout rooms will be used in place of stations.

Focus Group Input: Small group meetings
When: Between kick off and Workshop 2
Location: Varies
Goal: Address specific concerns associated with site design and layout. Talk to direct neighbors and take suggestions for further view impact evaluations.
Format: Varies. May include online surveys or meetings on-site with the project team to discuss neighborhood concerns, led by the Architect, VMWP.

Description:
Information gathering to discuss the site layout, including affordable housing opportunities, concerns about view impacts, replacement parking, and circulation, and park restroom. The project team will document expressed concerns and take requests into design considerations.

Community Meeting 2: Initial Concepts
When: April 2022
Location: Mill Valley Community Center (or online*)
Goal: Present initial concept and collect community feedback
Format: A formal presentation followed by a design charrette.

Description:
The development team will present 2-3 concepts for site layout. For each of the concepts, the tradeoff will be presented regarding the number of homes created, parking, and massing. The team will also provide an initial overall replacement plan illustrating options for replacement parking and circulation and relocation of the park restroom. The community will then be asked to participate in a design charrette providing feedback on elements and suggestions for improvements.

The development team will collect all community comments and integrate, where feasible, into the next iteration of the design concept.

*If online breakout rooms will be used for virtual design charrette, with survey questions for design elements.

Community Meeting 3: Project Concept Update
When: June 2022
Location: Mill Valley Community Center (or online)
Goal: Layout the feedback received at the previous meeting and how those suggestions have been integrated into the updated project concepts to establish consensus for the project design concept.
Format: Formal presentation and question and answerer session followed by an open house with stations addressing specific elements of the development.

Description:
The development team will present the consensus or preferred option with small sub-options for the development as well as for surrounding potential public improvements to parking and circulation and park restroom. Time will be taken to lay out how the design was arrived at based on the community input from the previous design charrette. Once the formal presentation is completed, community members will be given the opportunity to ask questions in an open forum.

After the open forum, community members will be invited to explore stations addressing specific elements of the project's development to ask questions, provide feedback, and provide solutions. Examples of stations that may be included are parking and traffic, site plan, and/or architectural design (style or optional styles) for the development.

*If online, breakout rooms will be used in place of stations.

Community Meeting 4: Pre-Submittal Design
When: September 2022
Location: Mill Valley Community Center (or online)
Goal: Provide a final opportunity for community comment and prior to preparing entitlement package
Format: Formal presentation and open form question and answer session.

Description:
The development team will present the refined design, which is intended for submittal for design review and the zoning and general plan amendment process. It provides the community an opportunity to see the submitted proposal before the design review and provide final comments to the development team.

Ongoing Small Group Meetings
When: February to September 2022
Location: Various
Goal: Address specific concerns in small group settings to build consensus and support.
Format: Small group meetings in person or via an online platform.

Description:
The development team will continue to work with local organizations to inform and engage them in the development process for the future development at 1 Hamilton Drive.

EXHIBIT B

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

February 4, 2022

SENT VIA EMAIL (cityclerk@cityofmillvalley.org)

Kelsey Rogers, City Clerk
City of Mill Valley
Mill Valley City Hall
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Public Comments to February 7, 2022 City Council Meeting, Agenda Item 6 re: 1 Hamilton Drive

Dear Ms. Rogers:

This letter transmits additional comments regarding Agenda Item 6, a proposed Exclusive Negotiating Agreement ("ENA") with a developer for residential development at 1 Hamilton Drive ("Project"). Our prior letter, dated February 2, 2022, raised concerns that the City's approval of the ENA commits the City as a practical matter to the Project without first conducting CEQA review in violation of CEQA. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 132 (*Save Tara*).) Our further review of surrounding circumstances reinforces this concern.

We reviewed the City's staff report for Item 6, Housing Element Update, which revealed additional troubling information about the City's commitment to the Project. Specifically, a comment letter by the Mill Valley Affordable Housing Committee ("MVAHC") states, "1 Hamilton shows up on the counts but not on the map. However, we are very encouraged that it ***clearly shows up as a cast-in-stone commitment*** in this chart." (Item 5 staff report, Attachment 3, p. 2, emphasis added.) While it is unclear what chart is described, MVAHC's understanding that the City's commitment is "cast-in-stone" cannot be ignored. These facts bring the present situation even closer to that addressed in *Save Tara*:

> Circumstances surrounding City's approval of the agreements confirm City's commitment to the 1343 Laurel project. In aid of Laurel Place's HUD grant application, the city manager told the federal agency City "has approved the sale of the property" and "will commit" up to $1 million in financial aid. Once the grant was awarded, City's mayor announced it "will

> be used" for Laurel Place's project, and the City newsletter stated that, using the grant, City and Laurel Place "will redevelop the property." City officials told residents who opposed the project that while "variations" on the proposal would be entertained, City "must continue on a path that fulfills this obligation" to redevelop the property for senior housing. Similarly, at the May 3, 2004, city council meeting, City's housing manager stated that while there were "options to consider" regarding project design, options for other uses of the property (as a park, library, or cultural center) had already been ruled out.

(*Id*. at 141–142.)

MVAHC's understanding of the City's "cast-in-iron" commitment to the Project is unfortunately reinforced by our ongoing inquiry into the City's claimed analysis of alternative project sites. The City has repeatedly asserted that it analyzed 75 different City-owned parcels. FOHP members were skeptical because they received information suggesting that the City was trying to limit new affordable housing to the less affluent side of town, east of Camino Alto, where all of the existing affordable housing is located. This prompted us to submit a Public Records Act ("PRA") request to the City, explaining, "FOHP is concerned about the process and criteria utilized by the City of Mill Valley ('City') to seemingly decide upon the 1 Hamilton Drive site, adjacent to Hauke Park, as the City's preferred location for the Project."

We have now reviewed 2,068 pages produced by the City in response to our PRA request. Far from dispelling our concerns about an improper analysis for selecting viable sites, the documents produced to date support our concerns. While the City claims that it analyzed in detail 71 different City-owned cites, the City's records only identify 11 such sites. (See Exhibit 1, memo from Danielle Straude from Janet "Re: Analysis of Tax-Exempt Sites for Affordable Housing Development" dated February 10, 2021 ("Site Analysis Memo"), pp. 7, 18.) The City's document production does not even identify the remaining 64 sites, much provide detailed analysis of their suitability.

We note the Site Analysis Memo identifies an additional 37 sites "for potential sale." (Exhibit 1, Site Analysis Memo, p. 19.) The City has never clarified, however, whether these additional 37 sites "for sale" are included in the 75 sites purported analyzed for development. Even if they are included, the total of 48 sites (11 sites for development and 37 sites for sale) falls well short of the claimed 75 sites that were analyzed. In this scenario, 27 sites remain completely undisclosed.

The City's failure to document its analysis of 64 (or 27) of the 75 claimed potential housing sites is consistent with FOHP's concern that 1 Hamilton Drive has been selected for impermissible reasons.

In light of these troublesome developments, the City needs to stop the "bureaucratic and financial momentum" inexorably leading to an unlawful commitment to 1 Hamilton Drive in violation of CEQA. (*Id*. at 130.) Nothing requires the City to rush ahead with the Project at this time in this manner. Indeed, the City is now performing a comprehensive site analysis as part of the Housing Element update as described in the Item 5 staff report. The only legitimate path forward, which would comply with applicable law and restore public confidence in the City's decision-making process, is for the City to follow the process identified for its Housing Element Update.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

PMS/mre

Attachment: Exhibit 1, February 10, 2021 Site Analysis Memo

cc: John McCauley, Mayor (jmccauley@cityofmillvalley.org)
Jim Wickham, Vice Mayor (jwickham@cityofmillvalley.org)
Urban Carmel, Councilmember (ucarmel@cityofmillvalley.org)
Sashi McEntee, Councilmember (smcentee@cityofmillvalley.org)
Stephen Burke, Councilmember (c/o cityclerk@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)

EXHIBIT 1

THEHOUSINGWORKSHOP

To: Danielle Straude, Senior Planner, City of Mill Valley
From: Janet Smith-Heimer, The Housing Workshop
Re: Analysis of Tax-Exempt Sites for Affordable Housing Development
Date: 2-10-21

Introduction and Summary of Findings

This memo summarizes an initial analysis of a list of approximately 75 parcels of land owned by the City of Mill Valley, for the purposes of identifying a short list of parcels suitable for potential affordable housing development. In addition, the analysis for this memo included a review of all other identifiable property tax-exempt parcels located within City limits (e.g., owned by Marin Open Space, Marin Municipal Water District, several religious organizations, etc.). The source for identifying tax-exempt parcels, the County Assessor's database, lists all land parcels in Mill Valley by identifying number, size, owner, and tax-exempt or taxable status.

The analysis of publicly-owned/tax-exempt land parcels was commissioned by the City of Mill Valley, and prepared under the guidance of City staff and the Housing Advisory Committee. Following discussion of this initial analysis, The Housing Workshop will conduct an in-depth financial analysis of potential housing projects on two of the best-suited sites to demonstrate feasibility and facilitate potential next steps by the City.

Purpose of the Analysis

This initial study phase was conducted with two objectives: to identify City-owned or other tax-exempt parcels that could be developed into affordable housing, and to identify any parcels that could potentially be monetized (e.g., sold or leased) by the City to private parties to raise local funds that could help subsidize affordable housing projects. The review of City-owned properties aligns well with policy initiatives promoted by housing policy experts as well as the State of California, to leverage publicly-owned land assets to address the current housing crisis. This memorandum does not outline or analyze housing affordability issues in Mill Valley; several key resources to further explore those issues are referenced in Appendix A of this memorandum.

Leveraging publicly-owned land assets by making them available, typically at reduced or no cost to a non-profit affordable housing developer, is a direct method of subsidizing and creating this type of development, which otherwise faces major challenges in acquiring developable land and

raising sufficient funding to build new units. In other words, eliminating the time and cost of acquiring land (because it is contributed by a city or public agency to a project), immediately reduces the need for funding by 20 to 40% of total project cost, depending on the cost of that land. This concept, sometimes called "land write-down," was used very successfully throughout California for decades through local redevelopment agencies tasked with funding new affordable housing projects. Nearby examples of this concept can be found in San Rafael and other Marin locations.

Summary of Findings

As detailed in the following memorandum, the initial analysis concluded the following:

- Among the numerous City-owned parcels, just 4 sites were identified for further analysis, including:
    1. Public Safety Building/Hauke Field Parking Lot
    2. Boyle Park Tennis Courts
    3. Portion of Edgewood (aka Mill Valley Reservoir)
    4. Portion of Mill Valley Golf Course along Linda Vista Drive
- The factors affecting this conclusion – parcel size, degree of slope, recreation/open space designations, and environmental constraints – render many of the subject parcels infeasible for multifamily affordable housing development.
- A review of other non-City owned, tax-exempt parcels indicates that there are likely no short-term opportunities to partner with property owners.
- There are limited opportunities to monetize City-owned parcels, due to likely infeasibility of creating retail single family lots matching zoning requirements for parcel size. Three parcels that may yield up to 10 lots in total were identified as potentially saleable, but require further analysis to determine their marketability and value. It should also be noted that raising funds for potential use as subsidy in future projects does not directly resolve the lack of available project development sites.

Next steps in the study process will include preparing a financial analysis for 2 of the 4 sites identified as having near-term development potential for affordable housing. If these sites "pencil," The Housing Workshop will recommend a series of future actions to undertake City-sponsored affordable housing development on those sites.

Affordable Housing Development Challenges in Mill Valley

There are several key development constraints facing Mill Valley's publicly-owned parcels, all of which were converted into criteria to apply to the list of parcels for the analysis. These are summarized below.

Current Zoning Designations

Mill Valley owns numerous tracts of land used for active recreation (e.g., ballfields, tennis courts) along with extensive networks of trails, gardens, public parks, and designated open space areas with heritage trees. These recreation/open space lands are treasured by residents, and are considered important parts of Mill Valley's quality of life.

The community valuing of recreation/open space, and the balancing of potential development versus conservation for recreation/open space, have long been codified in the City's General Plan land use and zoning designations. The balancing of competing goals, such as development versus recreation/open space, is a tension that occurs in every city in the Bay Area. This current analysis does not seek to alter these land use designations; the work conducted every 8 years to prepare the City's Housing Element Update is meant to address those larger policy questions.

Criteria Used in Analysis. With a few exceptions as described later in this memorandum, the City-owned sites analysis considered a current zoning designation of Open Space as a given, thereby not permitting any new multifamily housing development. The few exceptions described later in this memorandum represent potential building sites located within larger open space areas, sited to be on frontage roads so as to not disturb recreation/open space enjoyment.

Parcel Size and Development Density

In Mill Valley, even though the City owns parcels of various sizes throughout the city, these assets are not easily identifiable on the ground. Mill Valley, with its desirable location, climate, and lifestyle, has long been "built-out," meaning no obvious tracts of undeveloped land await development. The downtown layout, primarily in a historic village pattern, further limits development opportunities on publicly-owned parcels.[1]

A review of Mill Valley's zoning designations indicates that the City's most dense category of residential development caps out at 29 dwelling units per acre, with these opportunities generally located in the downtown center. This density typically translates into a 3-story multifamily building with surface parking.

For 100% affordable housing projects (including housing for very low, low, and moderate income households), the California Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with a substantial "density bonus" of an 80% increase in density. For Mill Valley's current most dense residential zone category, this would yield projects with a density of 52 units per acre (1.8 X 29).

Almost all affordable rental housing developers seek yield and scale in their projects (in terms of number of units), due to the complexities and cost involved in creating these projects. In Mill Valley, this combination of relatively low maximum allowable density and typical parcel size mean that even with a density bonus, almost all professional organizations will not be able to expend the time and resources necessary to develop on very small parcels.[2] In addition, even post-development, most affordable housing projects require an on-site property manager living in one of the units, which is generally not sustainable in terms of operating costs in projects with less than 40 units, although exceptions to this rule of thumb can be found for slightly smaller projects if management is shared by the same owner with another small project nearby. The result of these scale and yield considerations means that parcels likely to attract a qualified affordable rental housing developer would need to be at least 0.75 acres (which would yield 39

[1] It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g., aging one-story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be reconsidered as potential housing or mixed-use sites during the City's upcoming Housing Element update process, because downtown infill locations typically create very desirable locations with services for multifamily projects. These kinds of projects also serve to activate streets, bring new shoppers, and contribute to a vibrant village center.

[2] Some for-profit developers of market-rate housing are able to develop on small parcels, due to the typical high profit margins available in a higher-value area such as Mill Valley. Yield and scale affect these two housing segments differently.

units per acre if zoned for 29 units and the maximum density bonus were applied).

Criteria Used in Analysis: Due to the resulting infeasibility of affordable housing development on small parcels, City-owned parcels less than 0.75 acres are considered not developable for this purpose. However, separately, some of these smaller sites may have monetary value to raise funds for a project located elsewhere, and are assessed in this memorandum for that purpose.

Degree of Slope

Due to topography, location near sensitive wetlands, areas which experience flooding, and other environmental factors, Mill Valley sites require a fine-grained assessment to determine physical development feasibility. This analysis focuses on two key physical factors: slope and floodplain/floodway status.

Steep slopes adversely affect affordable multifamily development in several ways, all of which combine to increase project costs without an ability to obtain compensation through commonly-used funding sources. Costs rise in steep slope situations because of extra site grading, design challenges, accessibility challenges for people with disabilities, and seismic safety structural mitigations. In addition, often steep slopes face erosion and other constraining soil conditions, all of which also add to project costs. Most affordable housing developers will seek other opportunities elsewhere that do not pose these increased cost risks.[3]

Criteria Used in Analysis: Sites with an average slope greater than 10% were considered infeasible for affordable housing project development. However, there are a few exceptions noted later in this memorandum, where site visits indicated that flatter building pads may exist among large parcels with otherwise average steeper slopes.

[3] It should be noted that these slope-related factors do not necessarily constrain high value new construction townhouse or single-family homes in the same way; these types of buildings can often maximize views and/or incorporate other creative design features on steeply-sloped lots, adding value to offset increased costs.

Floodplain/Floodway Status

Some portions of Mill Valley's flatter, more developed sections are affected by several waterways which can reach impactful flood stages currently defined by the Federal Emergency Management Agency (FEMA) as having a 1% chance of flooding each year (formerly called "100 year floodplain"). In simple terms, these areas require annual flood insurance premiums, which add to the operating costs in affordable projects. In some subzones of these areas, FEMA recommends architectural and engineering methods to reduce flood damage; while these may add to construction costs, they can sometimes be incorporated without creating project infeasibility (such as raising the dwelling areas above flood levels with parking on the ground floor).

In other floodplain areas, based on waterway hydrology and topography analyses, FEMA designates certain portions as Floodways, which means any building placed on the site needs to be designed so that its structure does not demonstrably impede receding water flow in the event of a flood. In simple terms, this requirement is in place to ensure that floodwaters can flow, unimpeded by structure, causing more damage elsewhere. Building housing structures is floodways is therefore quite difficult to infeasible, and sites in FEMA-designated floodways are not recommended for further consideration by the City of Mill Valley.

Criteria Used in Analysis: Parcels with a FEMA floodplain designation of "AE" or "AO" are considered as possible for development (albeit not ideal), while parcels designated as Floodway are considered not feasible for affordable housing development.

The results of applying the above criteria to the City-owned and other tax-exempt parcels are described in the following section with supporting tables included as Appendices B through D.

Potential City-Owned Affordable Housing Development Sites

The approximately 75 City-owned parcels were evaluated based on criteria outlined above, including a minimum size of at least 0.75 acres and an average slope of 10% or less.

A summary of the resulting "short list" of potentially developable affordable housing sites is shown below. Each of these sites was also visited in-person by The Housing Workshop and evaluated further per other potential site or regulatory constraints, as described below.

Table 1: City-Owned Sites with Potential Feasibility for Multifamily Affordable Rental Housing

Site #	Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
1	1 Hamlton Public Safety Building parking lot serving Hauke Field	030-250-01	0.75	10.0%	Open Area (O-A)	No	No	22-39 units	Site size estimated (part of larger parcel). Needs design study to confirm suitable building pad with sufficient distance from Bayland Corridor boundary. Parcel would require subdivision and rezoning.
2	Portion of Boyle Park Tennis courts and part of field behind it	029-212-24, possibly part of another parcel	0.80	< 10%	Open Area (O-A)	No	No	23-41 units	Site size estimated (portion of Boyle park inc. 5 tennis courts and field/parking lot at end of East Drive)
3	Edgewood (MV Reservoir)	046-070-02, 046-061-52	4.37	24.6%	Open Area (O-A)/Single Family (RS)	No	No	29-52 units	Site size and location estimated (part of larger parcel). Review of 1967 grant deed shows convenant to keep as a park. This parcel is relatively large and has some slope areas, so a portion could be removed from covenant w MMWD agreement. Yield estimate assumes 1 buildable acre within larger sloped site.
4	Portion of Mill Valley Golf Course along Vista Linda Drive	029-131-07	45.68	16.5%	Open Area (O-A)	AO	No	22-39 units	Site would be portion along Vista Linda Drive/ edge of golf course. Yield assumes a .75 acre parcel could be identified. May require relocation/redesign of nearby golf hole. Yield may be reduced depending on parcel shape and golf course safety requirements.

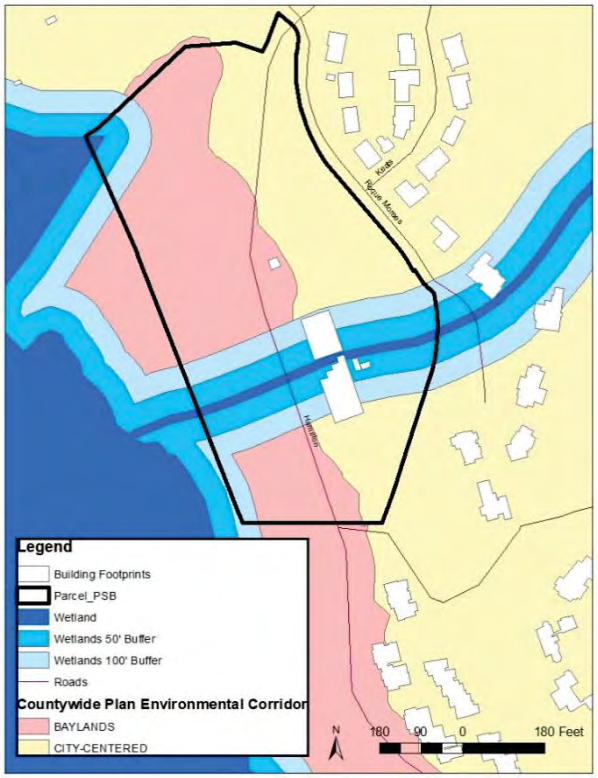
Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, buat cpdroject could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Low end of range assumes zoning for 29 units/acre. High end assumes application of state density bonus law (80% bonus for 100% affordable projects), which would yield 52 units/ ac

Site 1: Public Safety Building/Hauke Field Parking Lot

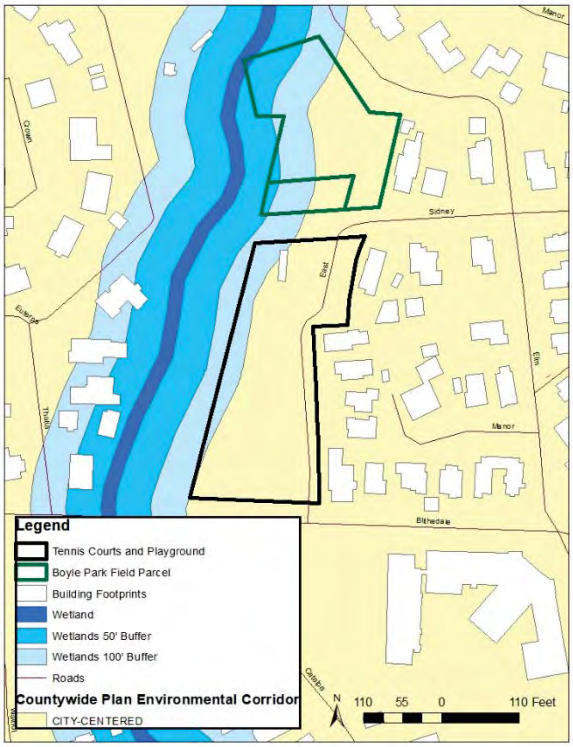




Potential 0.75 acre Housing Site

This potential housing site lies adjacent to the City's Public Safety Building complex, on its northern side. This area currently provides parking and restrooms for recreation fields located nearby. The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary. Until further biological and survey studies can be conducted, it is assumed the identified housing site could provide 0.75 acres for development, creating sufficient scale to develop a physically feasible project. Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site.

Site 2: Portion of Boyle Park



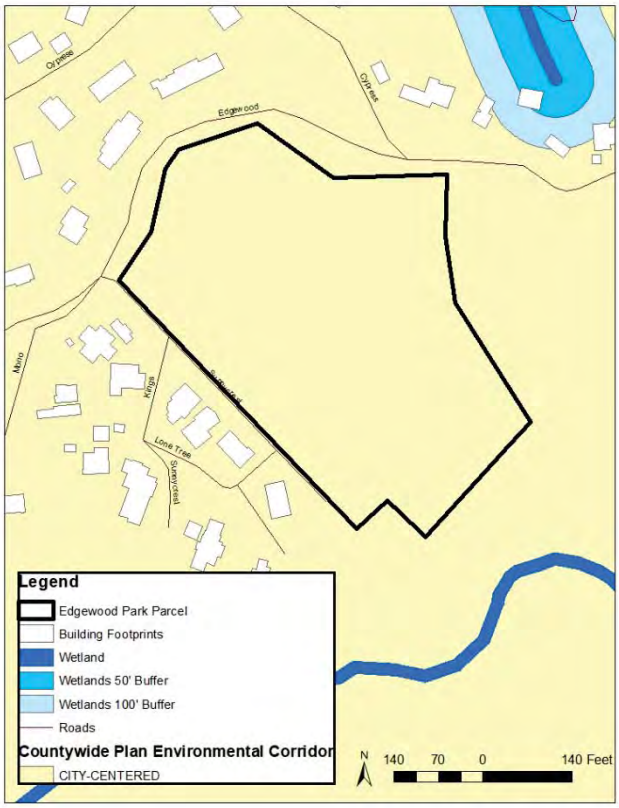


Potential 0.75 acre Housing Site

This site would be subdivided and developed in the portion of Boyle Park containing 5 tennis courts, along E. Blithedale Avenue. While reducing recreational facilities for Mill Valley's residents is less than ideal, this site is included in this memorandum because it would create a sufficiently-sized and shaped parcel in a pleasant residential neighborhood without prohibitive environmental constraints (e.g., floodplain, sensitive habitat, etc.). From an objective affordable housing development point of view, this is the best of the 4 identified sites. As described in this memorandum, identifying sites with sufficient size and yield, that also do not create extraordinary cost challenges, means that other tradeoffs would need to be made to leverage public lands.

As shown in the map on the left, although not in a floodplain or floodway, the tennis courts are located near sensitive wetlands, and would need to be designed carefully to allow for the medium blue 50 foot buffer. The lost tennis courts could potentially be relocated elsewhere in this part of Mill Valley or designed to be placed on the roof of the new housing project with separate public access provided.

Site 3: Edgewood (aka Mill Valley Reservoir)



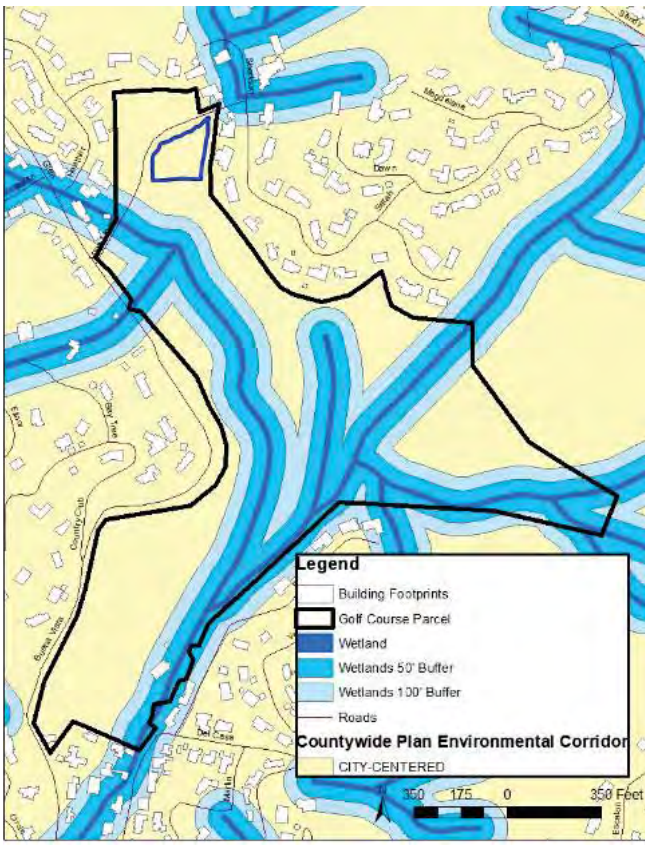


Potential 1 acre Housing Site

The Edgewood parcel contains over 4 acres, with portions containing steep slopes. The site is used as an informal open space area but has not been improved as a public park. Based on topographic map review, it is estimated that a 1-acre or more buildable portion with a feasible slope could be identified. Another development constraint is that this site was deeded by the Marin Municipal Water District to the City in 1967, with a covenant in the recorded deed that the site be maintained by the City and used as a park. However, since this site has not been improved as a park and given the age (50+ years) and nature of the grand deed, it may be possible to amend the deed to remove this covenant for a portion of the site through agreement with the MMWD.

The strategy outlined above has the additional benefit of creating a buildable parcel of 1 acre or more, allowing for a higher unit yield than the other tightly-fitted 0.75 acre sites which limit unit yield with no room to spare. In addition, it may be possible to improve other portions of this site as a park, providing new benefits to the surrounding community in exchange for supporting the 1 acre portion for use as affordable housing.

Site 4: Portion of Mill Valley Municipal Golf Course





Potential 0.75 acre Housing Site

The Mill Valley Municipal Golf Course was purchased by the City from a private owner in the 1930s and has been operated by the City since that time. It has reportedly suffered operating losses in recent years. However, any change in use status of the golf course as a whole will require a more lengthy discussion than the scope of this memorandum, and cannot be addressed here. Thus, as the City considers the future of the 45 acre, 9-hole course, for this memorandum a portion of its greenway buffering along Linda Vista was identified that may be suitable for multifamily affordable housing development in the near term.

It should be noted that the potential housing development site shown above, is across the street along Linda Vista Drive from a recently-proposed public parcel currently uses as a playing field, which engendered substantial community resistance to any development. In addition, further design of a potential building site as shown above may impact the adjacent golf hole; research indicated that 9-hole courses typically require 20 to 48 acres of land, so at 45 acres, the Mill Valley course may well reconfigurable in this section to accommodate the housing site.

City-Owned Sites Considered as Infeasible For Development

Appendix B provides a summary of six additional City-owned sites which were of sufficient size to consider, but have other constraints making them infeasible for near-term multifamily rental housing at affordable levels. These constraints are outlined below.

City Hall/Fire House Parking Lots. The first set of 3 lots are the parking lots and open space surrounding City Hall, including the entry parking area between City Hall and the Mill Valley Market, the back parking lot behind City Hall, and the open space on the far side of the historic fire house adjacent to City Hall. As noted in Appendix B, these parcels are either too small and/or in the case of the back parking lot, designated a Floodway. The table notes that either of the "side" parcels could be developed as a small number (2 to 3) moderate income ownership townhouses, with the most practical site on the open space adjacent to the fire house. This product type does not require an on-site property manager and thus can be developed at a smaller unit yield. These are often more challenging to finance, since many of the commonly-used funding sources such as Low Income Housing Tax Credits do not apply; however, with City-contributed land, there are ways to arrange for this type of housing. In the even the fire house itself were no longer needed, that historic structure could also likely be rehabilitated and converted to possibly 2 more townhouses.

Historic Depot Plaza. This 0.77 acre site is the paved, improved Plaza along with a long, linear parking lot bordering the Plaza area adjacent to and behind the historic Depot in downtown Mill Valley. Although the site is large enough to yield a feasible affordable housing project, it functions as a vital public gathering place, along with much-needed parking for downtown merchants. As such, it would require extensive further study such as a downtown parking study, and likely an urban redesign plan, to replace any public gathering plaza lost to development.

Public Parking Lot Behind D'Angelos. The parking lot behind D'Angelos, accessed from Throckmorton in downtown Mill Valley, has an infeasible configuration due to its linear alley-style parking abutting other buildings. This shape renders the site infeasible for housing of any type.

Community Center Parking Lot. The parking lot adjacent to the Mill Valley Community Center, a portion of which currently contains solar panels, is located partially within or near the Baylands Corridor boundary, meaning that only approximately a 0.5 acre potential development site could be identified. This site size is infeasible for affordable rental housing, as described previously. In addition, the soils on this property are reportedly experiencing substantial subsidence; thus, further soil and biological assessments would need to be conduced to determine if any portion

could be suitable for development. It is likely that a best-case scenario would yield a small developable parcel, which could be used to construct moderate income ownership townhouses.

Public Parking Lot at 411 Miller Avenue. The City-owned parking lot at 411 Miller Avenue offers a good rectangular set of parcels, albeit at an insufficient size for affordable multifamily residential development (smaller than the 0.75 acre threshold). In addition, a substantial portion of the site is located in a FEMA-designated Floodway, rendering new development infeasible. However, due to recent flood improvements in the area, there may be the possibility of requesting a change to the FEMA designation (which may also benefit other parcels that are privately-owned along Miller and adjacent locations such as Sloat Nursery. This would require relatively expensive hydrology studies to demonstrate to FEMA that the current situation has been improved and the Floodway finding in the area no longer applies. This process, including the necessary studies, may be fundable by state or local grants. The City should consult with the Flood Control District to ascertain next steps. If the Floodway designation could be removed, the City-owned portion, with approximately 0.54 acres, would become suitable for moderate income ownership townhouses, which do not require an on-site property manager.

Other City-Owned Parcels

Appendix C shows a summary of dozens of other city-owned parcels deemed infeasible for near-term affordable housing development for one or more of the following reasons:

- Average slopes greater than 10%, with site visits confirming steep slopes throughout parcel
- Small site size below 0.75 acres, limiting yield
- Other prohibitive environmental conditions (see Appendix C)

Potential to Monetize City-Owned Parcels

Among these infeasible-for-development parcels, there were several that may have potential value if offered for sale as a single family lot, as noted in Appendix C. The criteria used to identify salable lots were size and zoning; the parcel must be at least 6,000 square feet (the minimum single family lot size for new construction in Mill Valley) and zoned as some form of residential use. The zoning factor was applied because it is unlikely for retail lot purchasers to undertake a zoning change, especially when most of these parcels are zoned as highly-treasured Open Space.

The value of parcels potentially marketable for single family use involved analyzing sales of single family retail lots in Mill Valley that have occurred over the past 3 years (see Appendix D). As shown, the sales ranged widely, depending on slope (and cost of grading), location, size, and marketing assertions about "approved plans." [4] Because the 3 City-owned parcels identified as sufficient in size and zoning to create marketable lots shown in Appendix C are all zoned to require a minimum lot size of 1.5 acres per unit, a total of 10 potential retail lots could be identified on these 3 parcels, with a maximum retail lot value after broker commission and other selling costs was conservatively estimated at up to $1,000,000 per lot.

This analysis yields a potential total value of up to $10,000,000, but will very likely decline when more detailed site assessments are conducted to ascertain availability of utilities, identification of building sites amongst the very steep slopes, and other factors impacting marketability and value.

[4] "Approved plans" described in listing descriptions were not confirmed with the City, and are assumed to contribute only minor additions to value.

Other Tax-Exempt Parcels with Affordable Housing Development Potential

In addition to the direct potential to develop affordable housing on City-Owned parcels, Mill Valley contains numerous parcels owned by other tax-exempt agencies, non-profits, and religious organizations. These parcels were reviewed for size and slope, along with known likelihood of interest in providing land for development.

The following criteria were used to exclude tax-exempt parcels from further consideration:

- Parcels owned by Marin Open Space
- Parcels owned by Marin Municipal Water District
- Parcels owned by public school districts (which may have potential development sites, but should be considered first by the school district)

Remaining non-City owned tax-exempt parcels, described below, are owned by utilities (AT&T) and religious organizations. These parcels may have some longer-term potential for collaboration with the City of Mill Valley for affordable housing development.

Mt. Tamalpais United Methodist Church (410 Sycamore Avenue)

The church provides worship services along with childcare and other community services in a complex of buildings on a relatively large site. While the complex could possibly be envisioned in a reconfigured layout that could incorporate an affordable housing project (a possible 0.75 acre site is outlined in yellow), it is a challenging process, particularly given several environmental constraints including location near the sewage treatment plant making the site potentially unsuitable for new housing development. In addition, other buildings currently on the site would likely need to be demolished but the functions in them could be incorporated into a housing project (e.g.,



ground floor childcare facility and/or meeting rooms). The leadership of this church may be interested in partnering with the City for housing but does not have near-term plans to undertake such an initiative.

First Church of Christ, Scientist, Mill Valley (279 Camino Alto)

This church sits atop a knoll with substantial land devoted to parking, open space, and circulation. The building itself, pictured here, is relatively small but with sweeping vistas in keeping with a spiritual center. The site could be potentially reconfigured to place a 0.75 acre housing site on it that would be located beyond the requisite wetland buffer, as shown in yellow outline here. However, this would require new access driveways and reconfigured parking lots. It is not known if the leadership of this institution would be interested in collaborating with the City of Mill Valley.



AT&T Building (300 E. Blithedale)

This site contains an historic Tudor-style 3-story commercial building on a 0.48 acre parcel, which in the past has housed both telephone operations and small commercial tenants. Its current occupancy and use are not known, although it is still owned by AT&T. The building size and condition for potential rehabilitation into affordable housing are not known. Adjacent to the building is another parcel owned by AT&T configured as a parking lot to serve the building; however most of the parking lot lies in a floodway, constraining future development. If the City wished to collaborate on the building site, it or a development partner would need to most likely purchase the site from AT&T at market rates, thereby losing the benefit of leveraging publicly-owned property as a direct subsidy to a project.

Appendix A: List of Plans and Other Resources

Marin Countywide Plan 2007 (County General Plan)
https://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan

Marin County Housing Element Information (for unincorporated areas of Marin County only)
https://www.marincounty.org/depts/cd/divisions/housing/housing-element

Mill Valley 2040 (City of Mill Valley General Plan)
https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/default.htm

City of Mill Valley Housing Element Update 2013-2023 (note: the City will soon being updating the Housing Element for the next 8-year cycle)
https://www.cityofmillvalley.org/civicax/filebank/blobdload.aspx?BlobID=24590

About FEMA Flood Zones (portal to many web pages)
https://www.fema.gov/glossary/flood-zones

FEMA Information on Changing Flood Zone Maps (relevant for 411 Miller Ave Floodway)
https://www.fema.gov/flood-maps/change-your-flood-zone

Additional Explanation of FEMA Flood Zones AE AO, and Floodways Related to Insurance
https://www.amica.com/en/products/flood-insurance/what-is-an-ae-flood-zone.html

Appendix B: Infeasible City-Owned Lots Due to Size, Environmental, or Configuration Factors

Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
30 Corte Madera City Hall Portion of Parking Lot (by Fire Dept)	028-014-06	0.14	5.3%	O-A	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Maderao City Hall Portion of Parking Lot (by MVMarket)	028-014-21	0.19	6.4%	C-D	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Madera City Hall and Back Portion of Parking Lot	028-014-16	0.49	6.5%	O-A	AE	Yes	N/A	Floodway makes infeasible
Plaza & Parking Lot	028-013-15	0.77	1.3%	Downtown Commercial (C-D)	AE	No	N/A	Site is public plaza plus has long, narrow parking lot, which makes it challenging to design a housing project without eliminating vital downotown space.Reconfiguring developable area by adding portion of private parking lot next door on sunnyside was considered, but that parcel is in Floodway.
Parking Lot behind D'Angelos	028-061-35	0.71	8.1%	Downtown Commercial (C-D)	AE	Yes	N/A	Small street frontage, narrow lot, units would abut other buildings. Very hard to design as infill.
Portion of Com Center parking lot	030-111-09	0.50	2.0%	Community Facilities (C-F)	mixed No/AE	No	7-10 moderate income townhouses	Buildable site is smaller than parking lot due to location of Bayland Corridor boundary and required 50' setback. Site also likely has soil subsidence issues. Replacement parking may also need to be arranged. Needs further analysis.
411 Miller Miller Parking Lot	030-271-70, 030-071-28	0.54	<2.5%	Open Area (O-A) & Commercial (C-N)	AE	Yes	7-10 moderate income townhouses	Site is impacted by existing Floodway designation, but recent improvements have enable a change by FEMA. Would require hydrology studies to demonstrate and obtain change.

Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, but project could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Assumes townhouse development at approximately 15-18 units per acre..

Appendix D: Other City-Owned Parcels for Potential Sale

(Includes all City-Owned Parcels > minimum single family lot size of 6,000 square feet)

Location	APN	Acres	Gross Sqare Feet	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	Allowed # of Units	Notes	# of Lots	Per Lot	Total
Camino Alto and Stanton Way . Not maintained by DPW	033-102-18	5.25	228,690	42.0	RSP-5A	No		1 DU/1.5 acres	steep slope	3	$1,000,000	$3,000,000
Vasco Court / Corner of Edna Maguire	033-240-15	0.86	37,462	16.3	RSP-2A	No		1 DU/1.5 acres	Does not meet zoning			
Vasco Court / Corner across from Edna Maguire / Creek runs through property/ Bike Path	033-240-01	0.49	21,344	20.0	RSP-2A			1 DU/1.5 acres	Does not meet zoning			
Tenderfoot Trail/Zig Zag Trail. Not maintained by DPW	046-010-25	18.59	809,780	46.2	RSP-10A	No		1 DU/1.5 acres	Trail site			
Corner of Tenderfoot trail. Land Locked/ No Access. Not maintianed DPW	046-010-34	0.41	17,644	40.2	RSP-10A			1 DU/1.5 acres	Does not meet zoning			
Marsh/Margurite ROW Creek runs through site two ways.	027-272-01	0.23	9,924	19.4	RS-43	AO		7 DU/acre	Difficult to develop			
Tenderfoot trail. Not maintained by DPW	046-030-29	9.70	422,532	42.2	RS-10A	No		1 DU/1.5 acres	Nested in trails	6	$1,000,000	$6,000,000
Fern Canyon. Not maintained by DPW	027-066-40	2.07	90,155	61.1	RS-10A			1 DU/1.5 acres	May be 1 lot. Steep slope.	1	$1,000,000	$1,000,000
Next to 226 Rose. Not maintained by DPW	027-252-43	0.49	21,300	72.8	RS-10			7 DU/acre	very steep slope; likely not marketable			
Miller Grove/AE Floodway	029-101-01	11.70	509,865	20.0	O-A	AE	Yes	N/A	Floodway. Not marketable.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-066-50	7.89	343,688	63.9	O-A			N/A	Not marketable due to zoning.			
cascade park (lovell and cascade)	027-106-09	7.40	322,344	24.2	O-A	AE		N/A	Not marketable due to zoning.			
Marsh/Ralston Drive/Blithdale Canyon. Not mainted by DPW	027-033-29	6.80	296,208	36.6	O-A	No		N/A	Not marketable due to zoning.			
Edgewood/Cypress/Rose. Not maintained by DPW	046-320-01	5.47	238,273	62.4	O-A			N/A	Not marketable due to zoning.			
Park/Warner Canyon (Buena Vista/Camelita)	029-192-16	4.99	217,165	11.0	O-A	AE		N/A	Not marketable due to zoning.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-280-03	4.01	174,676	53.7	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-162-01	3.84	167,160	49.1	O-A	No		N/A	Not marketable due to zoning.			
tenderfoot trail. Not maintained by DPW	046-030-20	3.22	140,263	39.9	O-A	No		N/A	Not marketable due to zoning.			
Evelyn/Cascade Damn. Not maintained by DPW	046-010-14	3.02	131,551	49.2	O-A	No		N/A	Not marketable due to zoning.			
Golf Club House	029-084-01	2.26	98,446	33.1	O-A	No		N/A	Not marketable due to zoning.			
Old Mill Park (lower)	028-102-12	2.08	90,605	16.4	O-A	AE	Yes	N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-161-26	2.00	87,120	57.5	O-A			N/A	Not marketable due to zoning.			
Old Mill Park (upper near structure/bathrooms)	028-091-09	1.73	75,359	13.6	O-A	AE		N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-15	1.39	60,600	48.7	O-A	AE		N/A	Not marketable due to zoning.			
Sycamore/Corner of MVMS/MMWD Easement	030-161-12	1.33	58,000	14.8	O-A	No		N/A	Not marketable due to zoning.			
Molino /Cascade (Other side of Old Mill Park). Not maintained by DPW	028-132-09	1.04	45,344	59.4	O-A			N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-05	1.00	43,512	47.0	O-A	AE		N/A	Not marketable due to zoning.			
MonteVista/Earnscliff Park	027-235-28	0.90	39,282	30.9	O-A	No		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-02	0.65	28,509	30.9	O-A	No		N/A	Not marketable due to zoning.			
Fairway Drive (near Golf Course). Not maintained by DPW. Between RS-10 SFR. Could be split into two lots and sold?	029-161-47	0.59	25,760	34.5	O-A	No		N/A	Not marketable due to zoning.			
Narrow ROW near Azalea/Camino Alto and Pathway. Not maintained by DPW	033-112-01	0.53	23,000	29.4	O-A	No		N/A	Not marketable due to zoning.			
Library and back of/AE Floodplain. Maintained by DPW	028-091-11	0.48	20,757	23.8	O-A			N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-01	0.41	17,650	34.2	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	046-030-23	0.39	16,944	46.5	O-A	No		N/A	Not marketable due to zoning.			
Sycamore/ROW/AE Floodplain. 18' wide.	030-101-22	0.27	11,765	10.2	O-A	AE		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-03	0.16	6,825	46.1	O-A			N/A	Not marketable due to zoning.			
Behind 700 East Blithedale/ Roque Mar /AE Floodplain. 47' wide	030-124-11	0.16	7,171	34.9	C-G	AE		29 DU/acre	Too small for cost of building in flood plain unless combined with 700 Blithedale			

Appendix D: Recent Single Family Lot Sales

	Address	Acreage	quare Feet	Sale Date	Sale Price	Price/Sq. Ft. of Land	Notes
	50 Sandy Lane	1.154	50,268	10/20/2020	$ 1,250,000	$ 24.87	1.15 acre parcel above the Mill Valley golf course. Lot features views of the San Francisco Bay and the ridges to the West. Located at the end of a quiet cul de sac with utilities to the lot line. Near trails.
	201 Marion	0.240	10,454	3/24/2019	$ 450,000	$ 43.05	Appears to have slope. Site formerly had 1962 house on it (now demolished, foundation visible). Sold previosly in 2016 for $300,000.
	390 N. Ferndale	0.130	5,662	2/24/2019	$ 559,000	$ 98.73	Description says site has "approved plans" for 1,800 sf new home. Had former (demolished) 1918 home on it. Note: site size below min lot of 6,000 sf.
	316 W. Blithedale	0.200	8,712	7/25/2018	$ 1,050,000	$ 120.52	Sold 4 months earlier for $800,000 ($91.83 per sq. ft.). Also sold for 1.05M in 2004.
	321 Loring Avenue	0.132	5,760	6/25/2018	$ 450,000	$ 78.13	Description says "approved plans, shovel ready." Note: below min lot size.

EXHIBIT C

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED FAMILY HOUSING INVENTORY 100% LOCATED EAST OF CAMINO ALTO

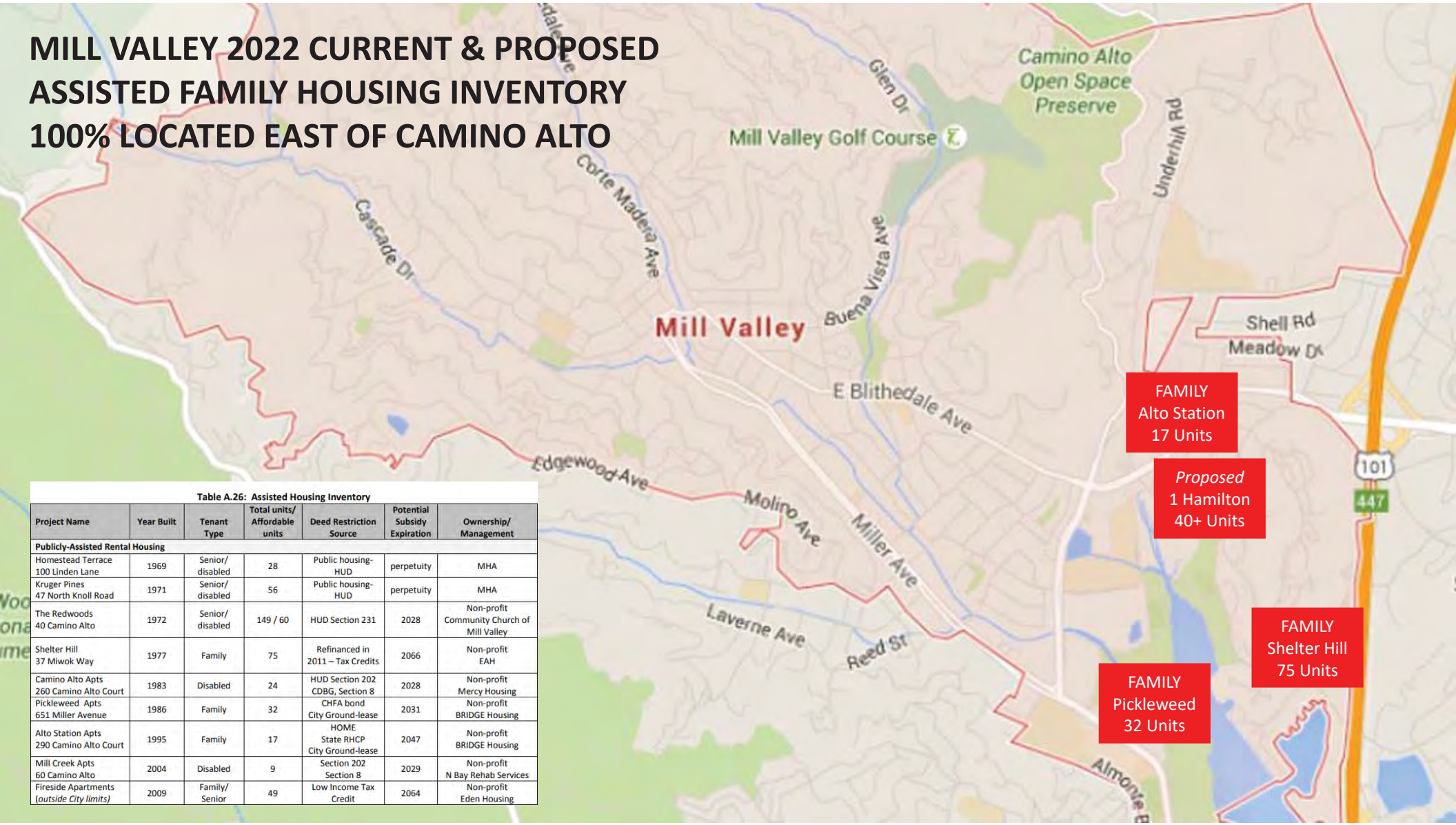


Table A.26: Assisted Housing Inventory

Project Name	Year Built	Tenant Type	Total units/ Affordable units	Deed Restriction Source	Potential Subsidy Expiration	Ownership/ Management
Publicly-Assisted Rental Housing						
Homestead Terrace 100 Linden Lane	1969	Senior/ disabled	28	Public housing-HUD	perpetuity	MHA
Kruger Pines 47 North Knoll Road	1971	Senior/ disabled	56	Public housing-HUD	perpetuity	MHA
The Redwoods 40 Camino Alto	1972	Senior/ disabled	149 / 60	HUD Section 231	2028	Non-profit Community Church of Mill Valley
Shelter Hill 37 Miwok Way	1977	Family	75	Refinanced in 2011 – Tax Credits	2066	Non-profit EAH
Camino Alto Apts 260 Camino Alto Court	1983	Disabled	24	HUD Section 202 CDBG, Section 8	2028	Non-profit Mercy Housing
Pickleweed Apts 651 Miller Avenue	1986	Family	32	CHFA bond City Ground-lease	2031	Non-profit BRIDGE Housing
Alto Station Apts 290 Camino Alto Court	1995	Family	17	HOME State RHCP City Ground-lease	2047	Non-profit BRIDGE Housing
Mill Creek Apts 60 Camino Alto	2004	Disabled	9	Section 202 Section 8	2029	Non-profit N Bay Rehab Services
Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Low Income Tax Credit	2064	Non-profit Eden Housing

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED SENIOR/DISABLED HOUSING INVENTORY
92% LOCATED EAST OF CAMINO ALTO

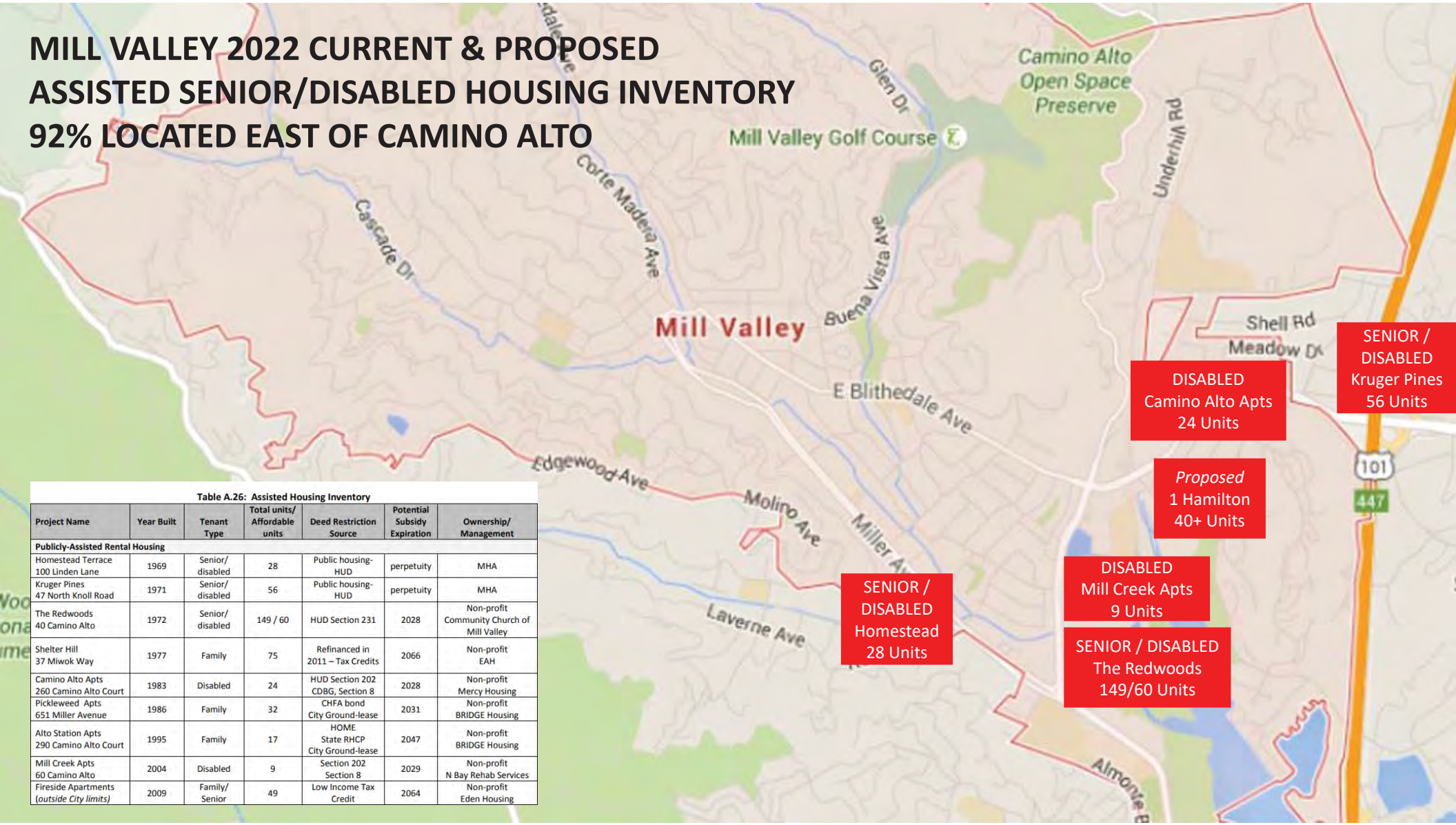


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Mill Creek Apts 60 Camino Alto	2004	Disabled	9	Section 202 Section 8	2029	Non-profit N Bay Rehab Services
Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Low Income Tax Credit	2064	Non-profit Eden Housing

EXHIBIT B

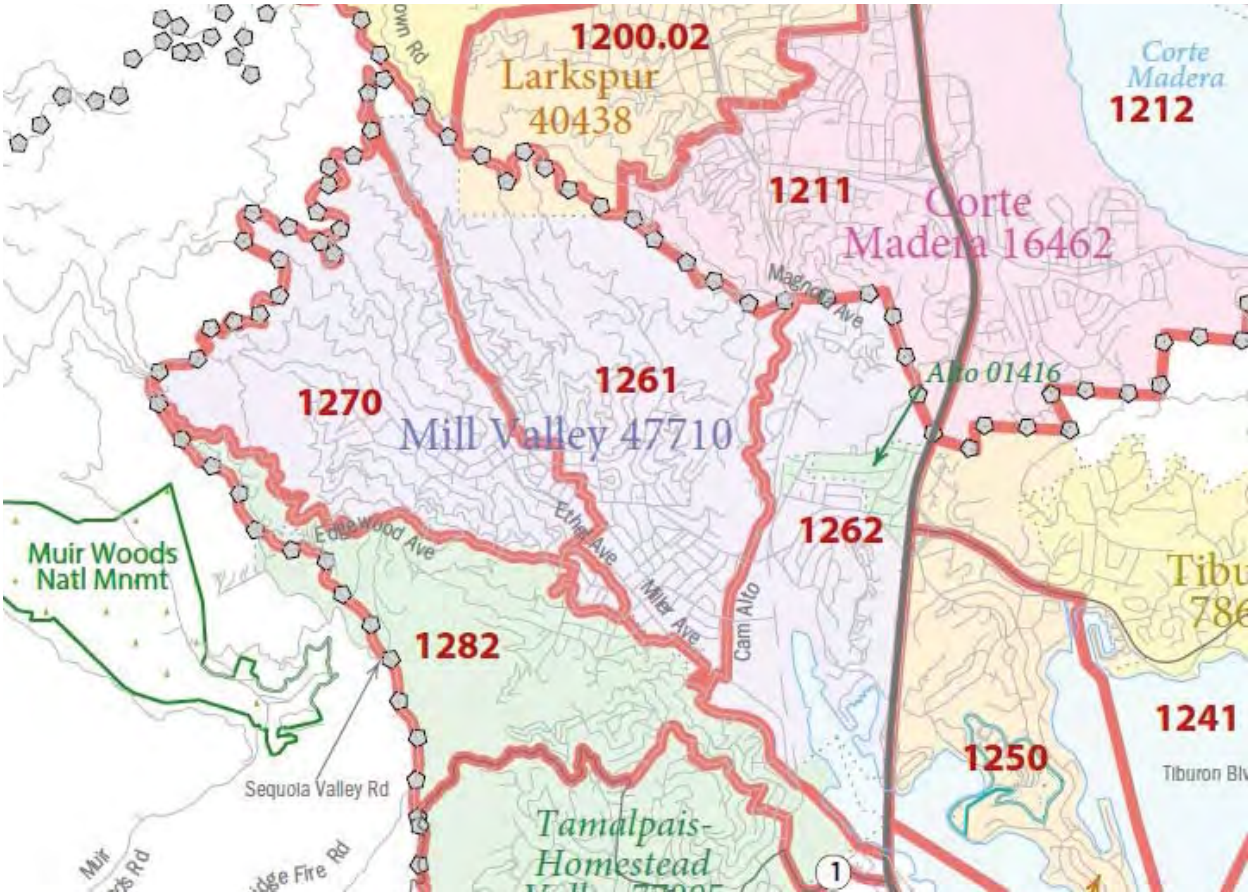
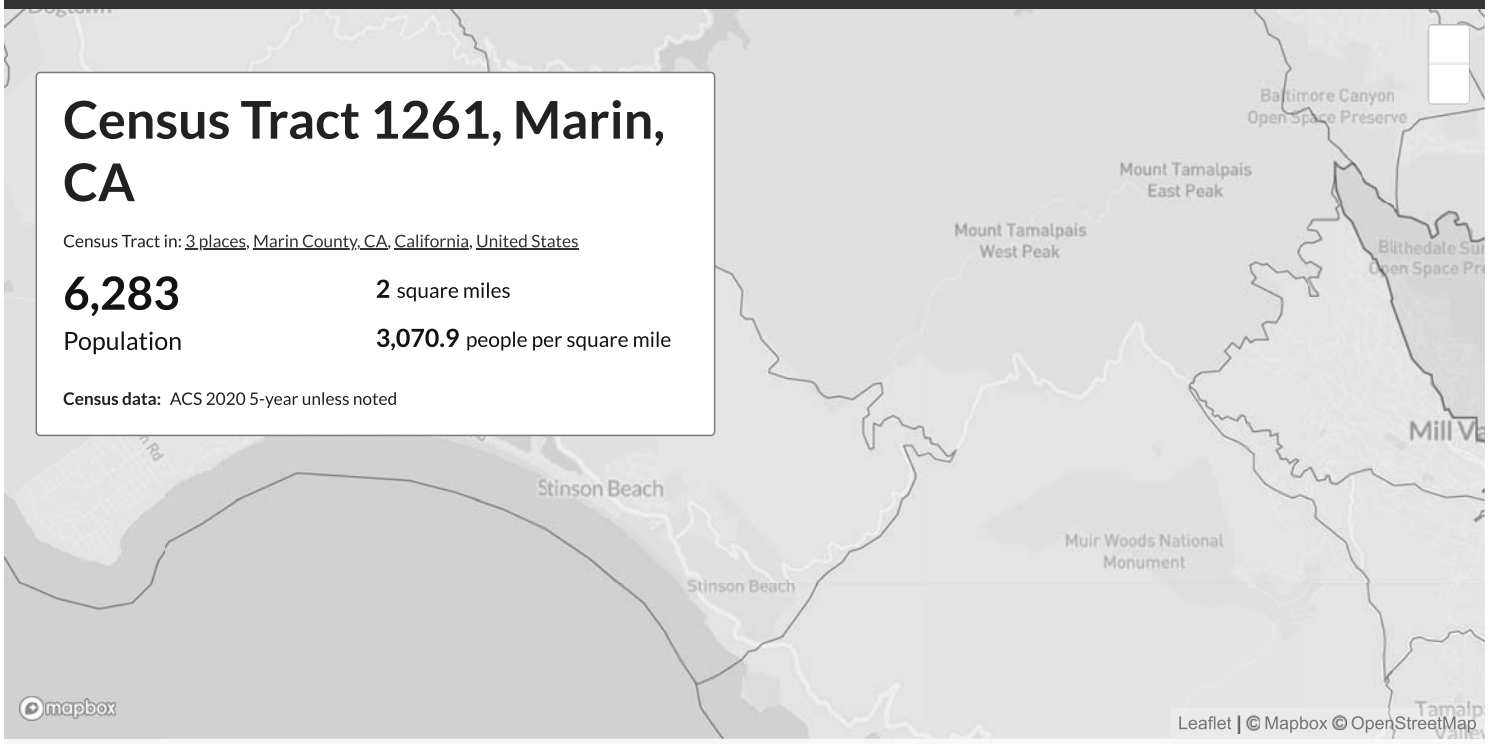

1200.02
Larkspur
40438
Corte
Madera
1212
1211
Corte
Madera 16462
Magnolia Ave
Alto 01416
1270
1261
Mill Valley 47710
1262
Muir Woods
Natl Mnmt
Edgewood Ave
Ethel Ave
Miller Ave
Cam Alto
1282
1241
1250
Tiburon Blv
Sequoia Valley Rd
Tamalpais-
Homestead
1

EXHIBIT C

Census Reporter

Search for places, tables, topics, or glossaries Search



Census Tract 1261, Marin, CA

Census Tract in: 3 places, Marin County, CA, California, United States

6,283
Population

2 square miles

3,070.9 people per square mile

Census data: ACS 2020 5-year unless noted

Find data for this place Search by table or column name...

Hover for margins of error and contextual data.

Demographics

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

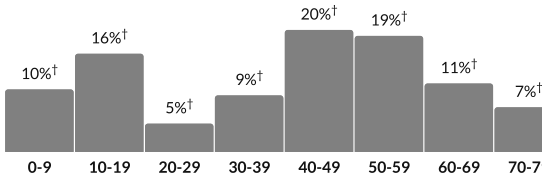
Age

46.5
Median age

a little less than the figure in Mill Valley: 48.3

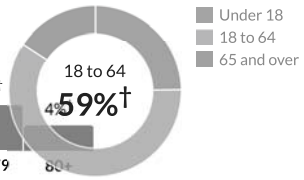
about the same as the figure in Marin County: 47.1

Population by age range



Show data / Embed

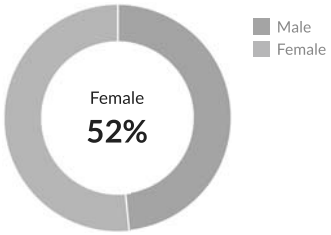
Population by age category



Show data / Embed

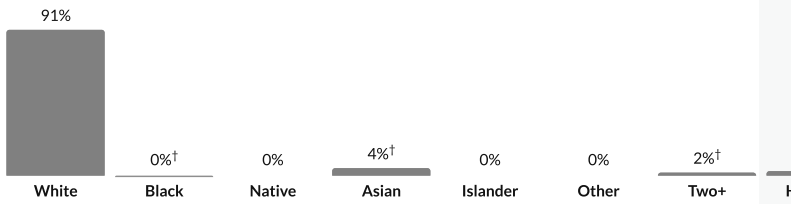
† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Sex



Show data / Embed

Race & Ethnicity



* Hispanic includes respondents of any race. Other categories are non-Hispanic.

Show data / Embed

Economics

† Margin of error is at least 10 percent of the total

Income

$114,580

$216,344

Household income

value. Take care with this statistic.

Per capita income

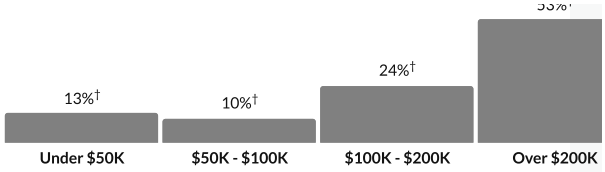
about the same as the amount in Mill Valley: $113,006

about 1.5 times the amount in Marin County: $74,446

Median household income

about 25 percent higher than the amount in Mill Valley: $170,946 †

more than 1.5 times the amount in Marin County: $121,671



Show data / Embed

Poverty

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

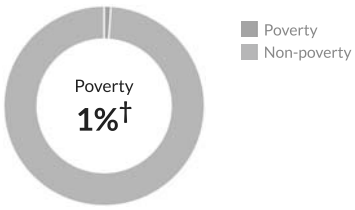
3%

Persons below poverty line

about half the rate in Mill Valley: 5.9% †

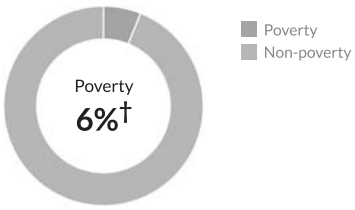
about two-fifths of the rate in Marin County: 6.9%

Children (Under 18)



Show data / Embed

Seniors (65 and over)



Show data / Embed

Transportation to work

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

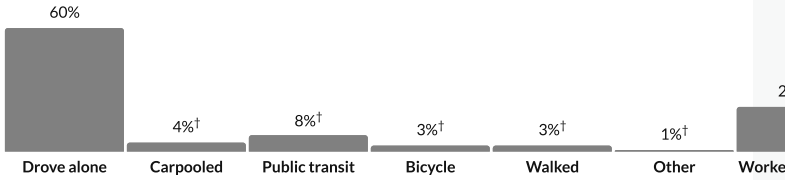
29.5 minutes

Mean travel time to work

about 80 percent of the figure in Mill Valley: 35.2 †

about 90 percent of the figure in Marin County: 31.8

Means of transportation to work



* Universe: Workers 16 years and over

Show data / Embed

Families

Households

2,575

Number of households

Mill Valley: 6,118

Marin County: 104,900

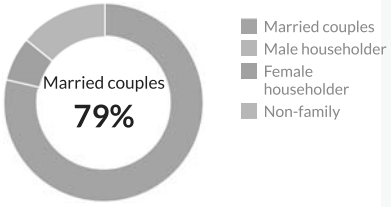
2.4

Persons per household

a little higher than the figure in Mill Valley: 2.4

about the same as the figure in Marin County: 2.4

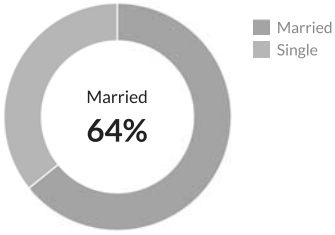
Population by household type



Show data / Embed

Marital status

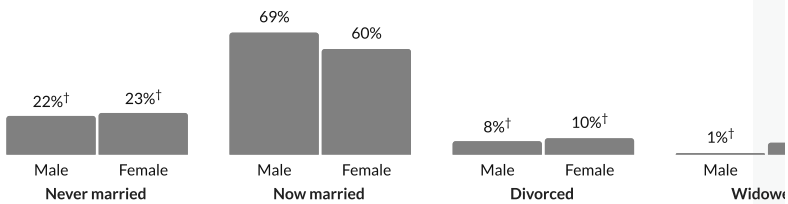
† Margin of error is at least 10 percent of the total value. Take care with this statistic.



* Universe: Population 15 years and over

Show data / Embed

Marital status, by sex



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Fertility

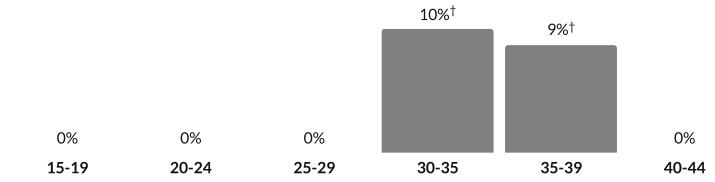
1.8%

Women 15-50 who gave birth during past year

about half the rate in Mill Valley: 3.4% †

about two-fifths of the rate in Marin County: 4.5% †

Women who gave birth during past year, by age group



* Universe: Women 15 to 50 years

Show data / Embed

Housing

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Units & Occupancy

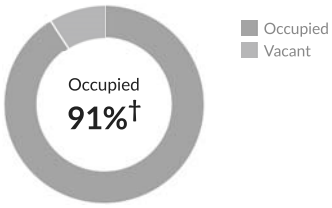
2,830

Number of housing units

Mill Valley: 6,740

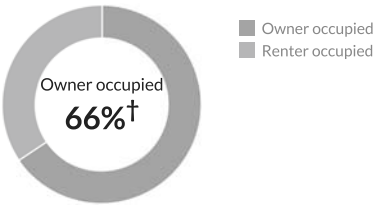
Marin County: 112,319

Occupied vs. Vacant



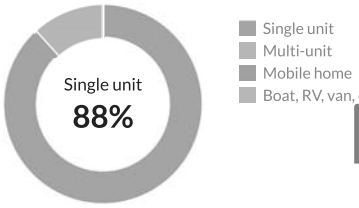
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Ownership of occupied units



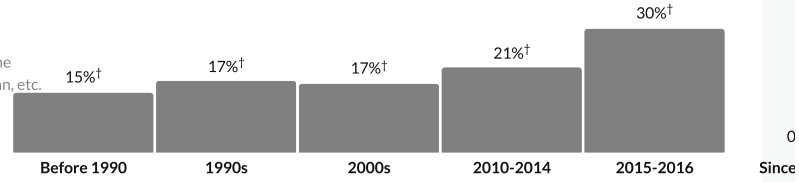
Show data / Embed

Types of structure



Show data / Embed

Year moved in, by percentage of population



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Value

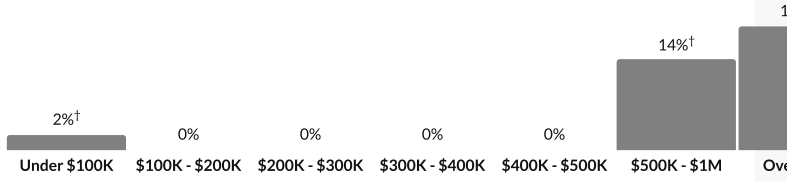
$1,848,600

Median value of owner-occupied housing units

about 10 percent higher than the amount in Mill Valley: $1,625,400

more than 1.5 times the amount in Marin County: $1,053,600

Value of owner-occupied housing units



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Geographical mobility

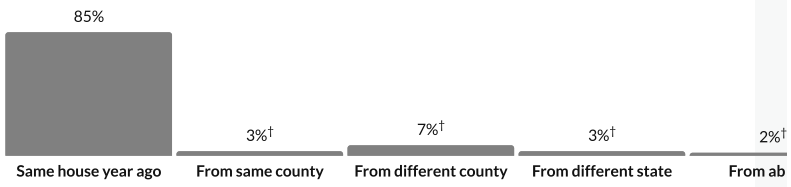
15.3%

Moved since previous year

about 25 percent higher than the rate in Mill Valley: 12.1% †

about 20 percent higher than the rate in Marin County: 12.8%

Population migration since previous year



Show data / Embed

Social

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Educational attainment

98.6%
High school grad or higher

about the same as the rate in Mill Valley: 99%

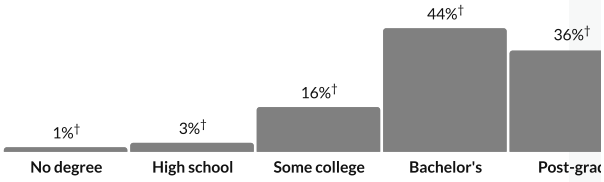
a little higher than the rate in Marin County: 93.6%

80.1%
Bachelor's degree or higher

about 10 percent higher than the rate in Mill Valley: 74.7%

about 1.3 times the rate in Marin County: 60.2%

Population by highest level of education



* Universe: Population 25 years and over

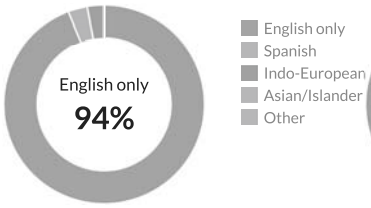
Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Language

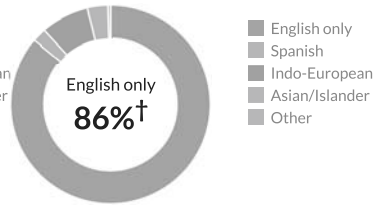
N/A
Persons with language other than English spoken at home

Language at home, children 5-17



Show data / Embed

Language at home, adults 18+



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

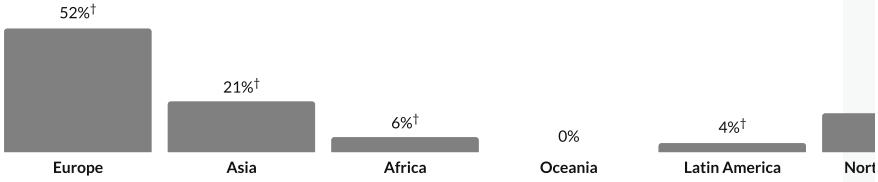
Place of birth

14%
Foreign-born population

about the same as the rate in Mill Valley: 14.4% †

about three-quarters of the rate in Marin County: 18.3%

Place of birth for foreign-born population



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

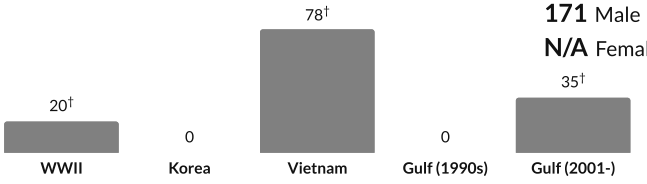
Veteran status

3.6%
Population with veteran status

about 80 percent of the rate in Mill Valley: 4.3% †

about 80 percent of the rate in Marin County: 4.5%

Veterans by wartime service



171 Total veterans
171 Male
N/A Female

* Civilian veterans who served during wartime only

Show data / Embed

Hover for margins of error and contextual data.

Citation: U.S. Census Bureau (2020). *American Community Survey 5-year estimates.* Retrieved from *Census Reporter Profile page for Census Tract 1261, Marin, CA* <http://censusreporter.org/profiles/14000US06041126100-census-tract-1261-marin-ca/>

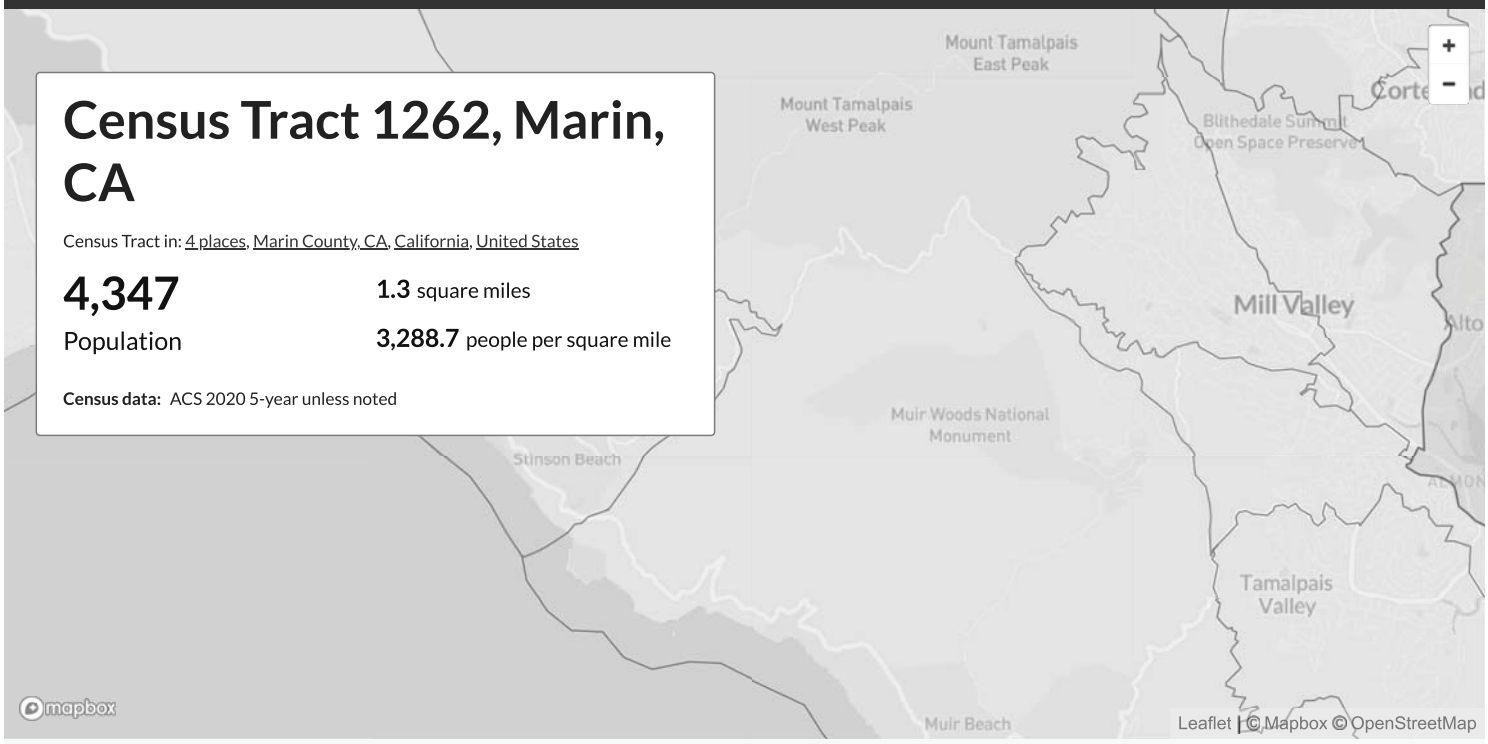
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@CensusReporter
Census Reporter on GitHub

Census Reporter is a free, open-source project. Your donations help us add new data to the site and keep it running.

EXHIBIT D

Census Reporter

Search for places, tables, topics, or glossaries Search



Census Tract 1262, Marin, CA

Census Tract in: 4 places, Marin County, CA, California, United States

4,347
Population

1.3 square miles

3,288.7 people per square mile

Census data: ACS 2020 5-year unless noted

Find data for this place Search by table or column name...

Hover for margins of error and contextual data.

Demographics

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

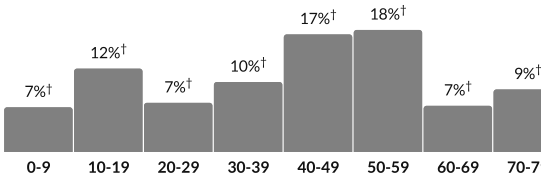
Age

48.7
Median age

about the same as the figure in Mill Valley: 48.3

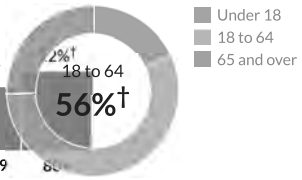
a little higher than the figure in Marin County: 47.1

Population by age range



Show data / Embed

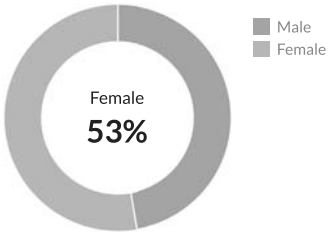
Population by age category



Show data / Embed

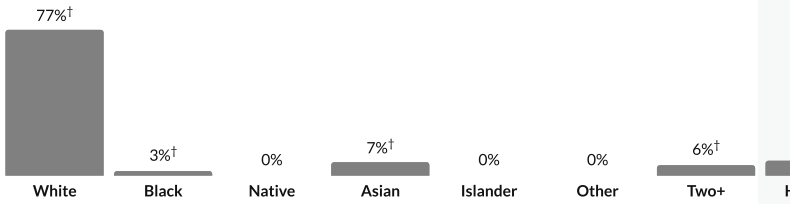
† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Sex



Show data / Embed

Race & Ethnicity



* Hispanic includes respondents of any race. Other categories are non-Hispanic.

Show data / Embed

Economics

† Margin of error is at least 10 percent of the total

Income

$91,937

$116,444

Household income

value. Take care with this statistic.

Per capita income

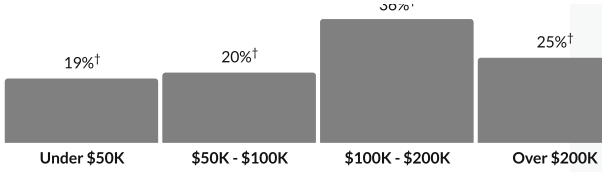
about 80 percent of the amount in Mill Valley: $113,006

about 25 percent higher than the amount in Marin County: $74,446

Median household income

about two-thirds of the amount in Mill Valley: $170,946 †

a little less than the amount in Marin County: $121,671



Show data / Embed

Poverty

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

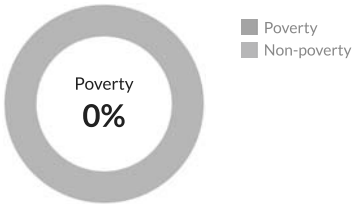
8.6%

Persons below poverty line

about 1.5 times the rate in Mill Valley: 5.9% †

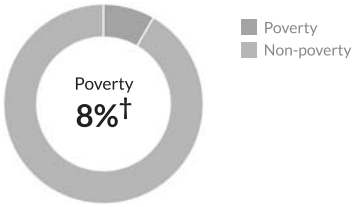
about 25 percent higher than the rate in Marin County: 6.9%

Children (Under 18)



Show data / Embed

Seniors (65 and over)



Show data / Embed

Transportation to work

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

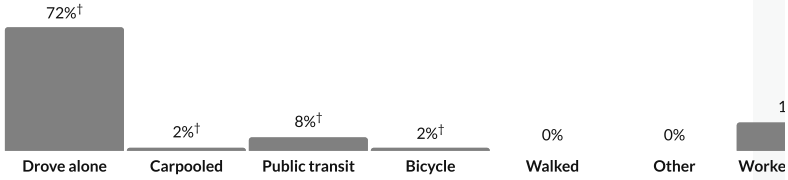
26.7 minutes

Mean travel time to work

about three-quarters of the figure in Mill Valley: 35.2 †

about 80 percent of the figure in Marin County: 31.8

Means of transportation to work



* Universe: Workers 16 years and over

Show data / Embed

Families

Households

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

1,902

Number of households

Mill Valley: 6,118

Marin County: 104,900

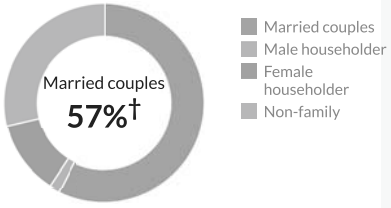
2.3

Persons per household

a little less than the figure in Mill Valley: 2.4

about 90 percent of the figure in Marin County: 2.4

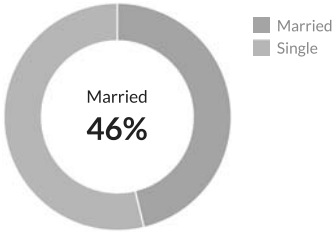
Population by household type



Show data / Embed

Marital status

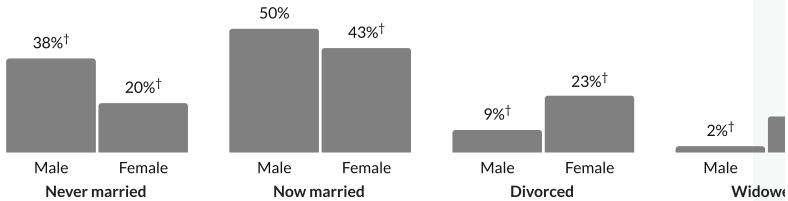
† Margin of error is at least 10 percent of the total value. Take care with this statistic.



* Universe: Population 15 years and over

Show data / Embed

Marital status, by sex



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Fertility

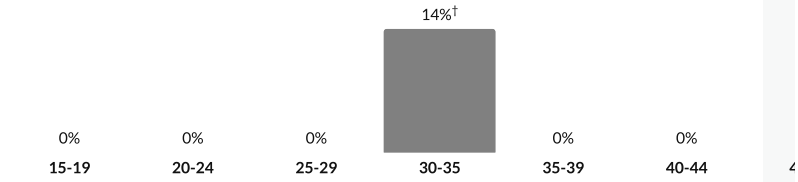
3.2%

Women 15-50 who gave birth during past year

about 90 percent of the rate in Mill Valley: 3.4% †

about two-thirds of the rate in Marin County: 4.5% †

Women who gave birth during past year, by age group



* Universe: Women 15 to 50 years

Show data / Embed

Housing

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Units & Occupancy

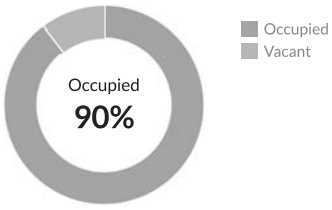
2,122

Number of housing units

Mill Valley: 6,740

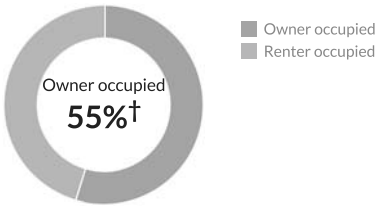
Marin County: 112,319

Occupied vs. Vacant



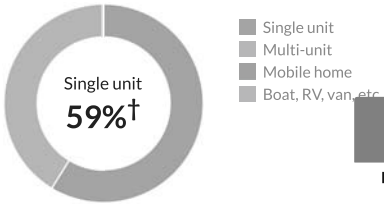
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Ownership of occupied units



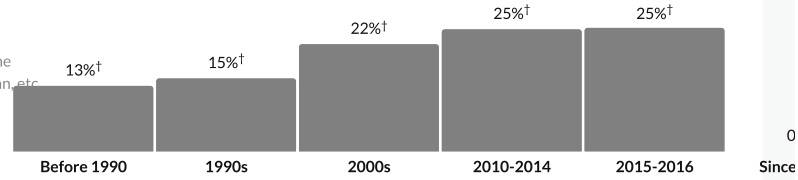
Show data / Embed

Types of structure



Show data / Embed

Year moved in, by percentage of population



Show data / Embed

Value

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

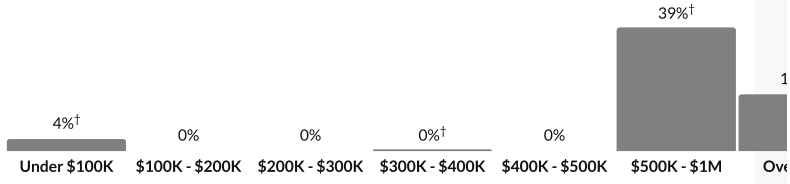
$1,193,500

Median value of owner-occupied housing units

about three-quarters of the amount in Mill Valley: $1,625,400

about 10 percent higher than the amount in Marin County: $1,053,600

Value of owner-occupied housing units



Show data / Embed

Geographical mobility

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

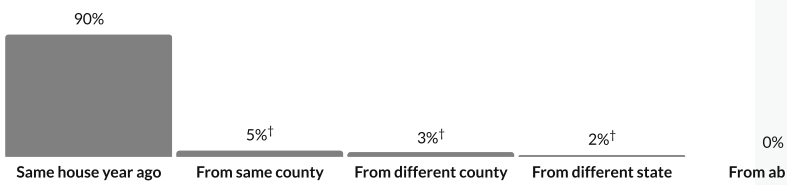
9.9%

Moved since previous year

about 80 percent of the rate in Mill Valley: 12.1% †

about three-quarters of the rate in Marin County: 12.8%

Population migration since previous year



Show data / Embed

Social

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Educational attainment

99.8%
High school grad or higher

about the same as the rate in Mill Valley: 99%

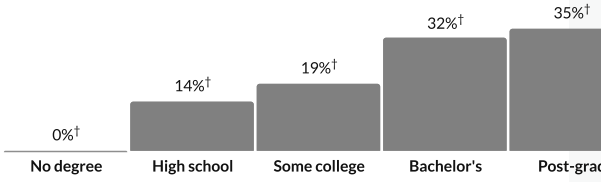
about 10 percent higher than the rate in Marin County: 93.6%

66.7%
Bachelor's degree or higher

about 90 percent of the rate in Mill Valley: 74.7%

about 10 percent higher than the rate in Marin County: 60.2%

Population by highest level of education



* Universe: Population 25 years and over

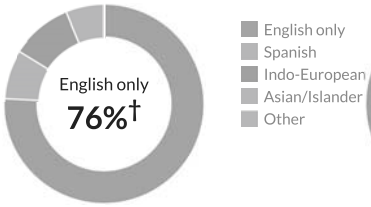
Show data / Embed

Language

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

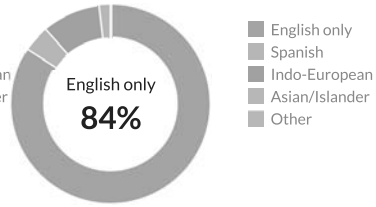
N/A
Persons with language other than English spoken at home

Language at home, children 5-17



Show data / Embed

Language at home, adults 18+



Show data / Embed

Place of birth

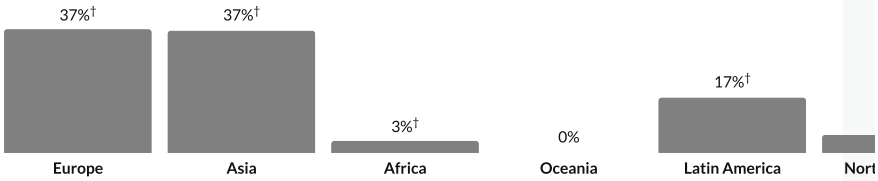
† Margin of error is at least 10 percent of the total value. Take care with this statistic.

12.9%
Foreign-born population

about 90 percent of the rate in Mill Valley: 14.4% †

about two-thirds of the rate in Marin County: 18.3%

Place of birth for foreign-born population



Show data / Embed

Veteran status

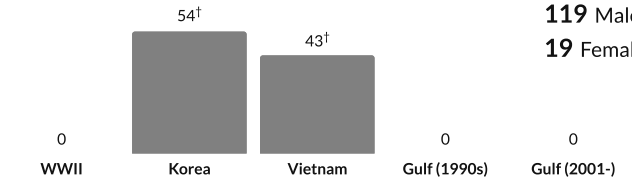
† Margin of error is at least 10 percent of the total value. Take care with this statistic.

3.9%
Population with veteran status

about 90 percent of the rate in Mill Valley: 4.3% †

about 90 percent of the rate in Marin County: 4.5%

Veterans by wartime service



* Civilian veterans who served during wartime only

Show data / Embed

138 Total veterans
119 Male
19 Female

Hover for margins of error and contextual data.

Citation: U.S. Census Bureau (2020). *American Community Survey 5-year estimates.* Retrieved from *Census Reporter Profile page for Census Tract 1262, Marin, CA* <http://censusreporter.org/profiles/14000US06041126200-census-tract-1262-marin-ca/>

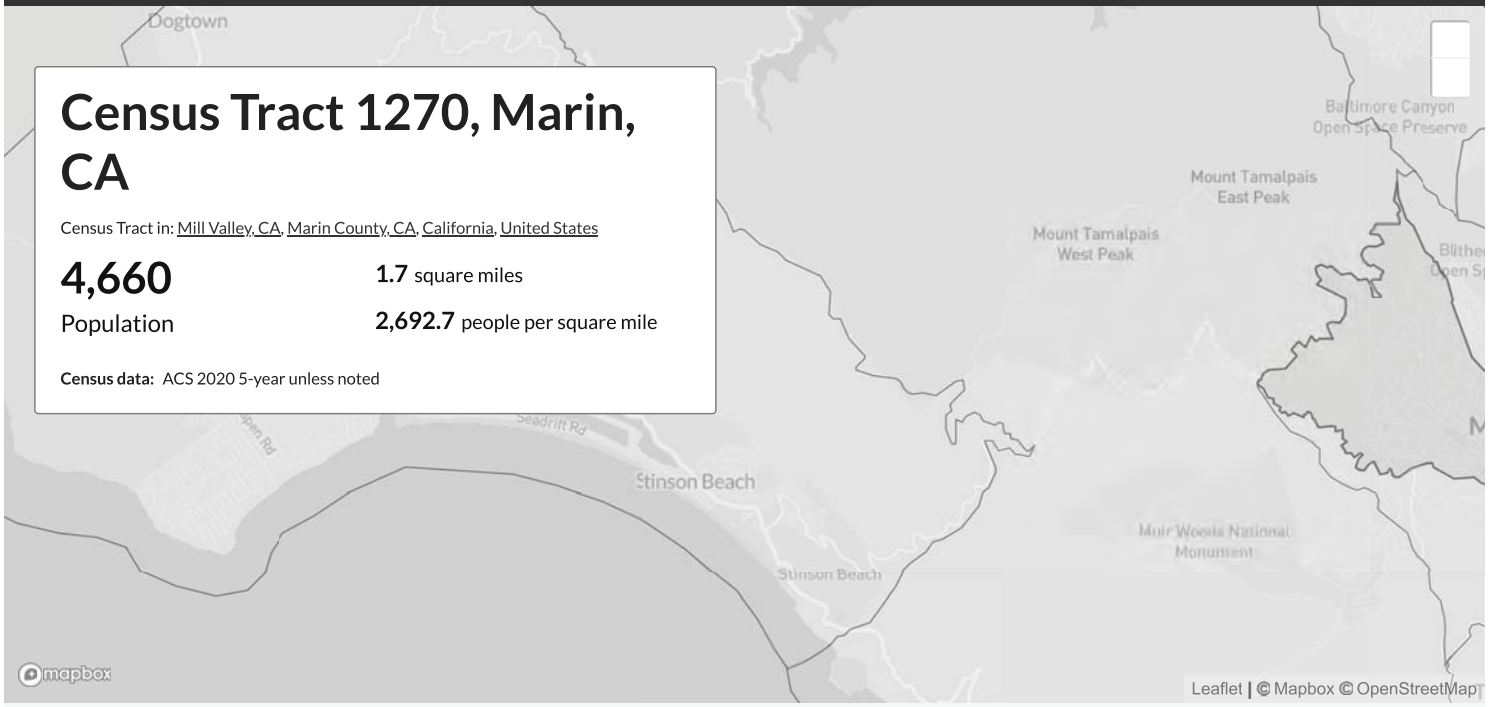
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EXHIBIT E

Census Reporter

Search for places, tables, topics, or glossaries Search



Census Tract 1270, Marin, CA

Census Tract in: Mill Valley, CA, Marin County, CA, California, United States

4,660
Population

1.7 square miles

2,692.7 people per square mile

Census data: ACS 2020 5-year unless noted

Find data for this place Search by table or column name...

Hover for margins of error and contextual data.

Demographics

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

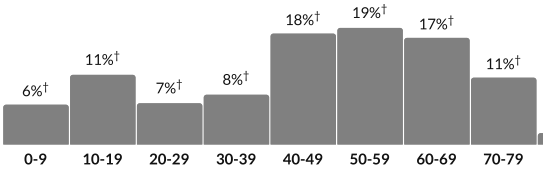
Age

49.7
Median age

a little higher than the figure in Mill Valley: 48.3

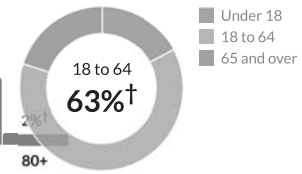
a little higher than the figure in Marin County: 47.1

Population by age range



Show data / Embed

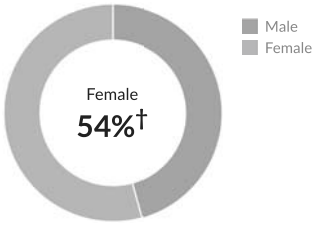
Population by age category



Show data / Embed

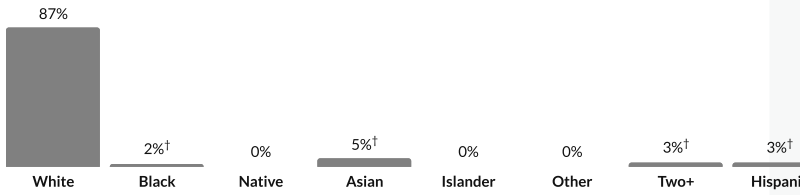
† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Sex



Show data / Embed

Race & Ethnicity



* Hispanic includes respondents of any race. Other categories are non-Hispanic.

Show data / Embed

Economics

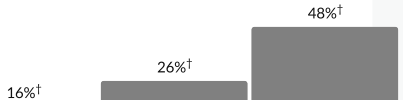
† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Income

$128,293
Per capita income

$190,234
Median household income

Household income



about 10 percent higher than the amount in Mill Valley: $113,006

more than 1.5 times the amount in Marin County: $74,446

about 10 percent higher than the amount in Mill Valley: $170,946 †

about 1.5 times the amount in Marin County: $121,671



Show data / Embed

Poverty

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

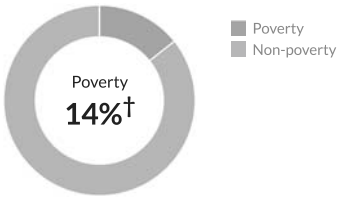
6.6%

Persons below poverty line

about 10 percent higher than the rate in Mill Valley: 5.9% †

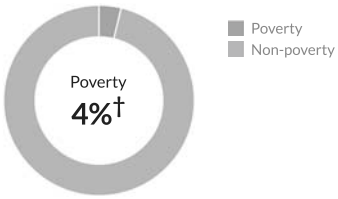
a little less than the rate in Marin County: 6.9%

Children (Under 18)



Show data / Embed

Seniors (65 and over)



Show data / Embed

Transportation to work

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

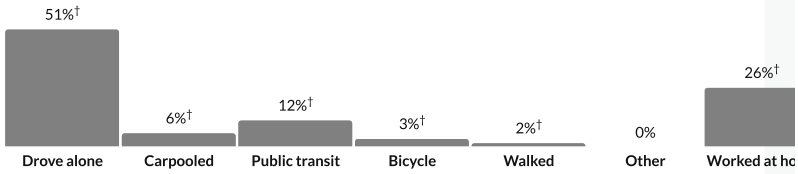
48.4 minutes

Mean travel time to work

about 1.4 times the figure in Mill Valley: 35.2 †

about 1.5 times the figure in Marin County: 31.8

Means of transportation to work



* Universe: Workers 16 years and over

Show data / Embed

Families

Households

1,968

Number of households

Mill Valley: 6,118

Marin County: 104,900

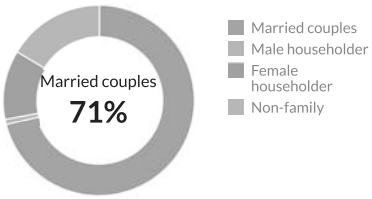
2.4

Persons per household

about the same as the figure in Mill Valley: 2.4

about the same as the figure in Marin County: 2.4

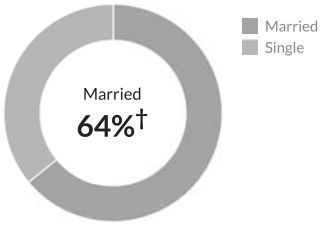
Population by household type



Show data / Embed

Marital status

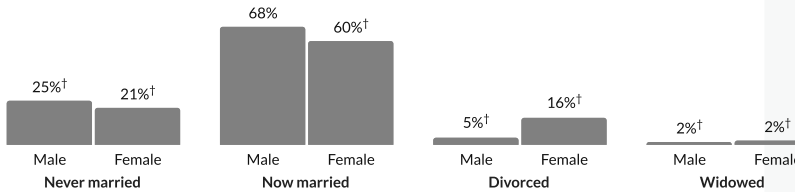
† Margin of error is at least 10 percent of the total value. Take care with this statistic.



* Universe: Population 15 years and over

Show data / Embed

Marital status, by sex



Show data / Embed

Fertility

† Margin of error is at least 10 percent of the total

5.2%

Women who gave birth during past year, by age group

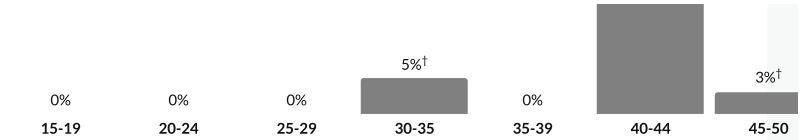


value. Take care with this statistic.

Women 15-50 who gave birth during past year

about 1.5 times the rate in Mill Valley: 3.4% †

about 20 percent higher than the rate in Marin County: 4.5% †



* Universe: Women 15 to 50 years

Show data / Embed

Housing

Units & Occupancy

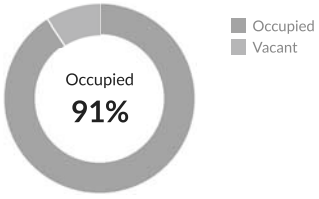
2,166

Number of housing units

Mill Valley: 6,740

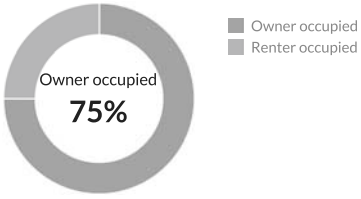
Marin County: 112,319

Occupied vs. Vacant



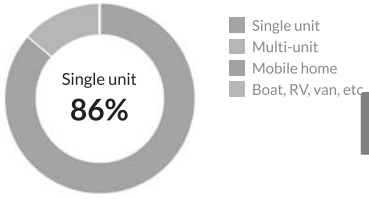
Show data / Embed

Ownership of occupied units



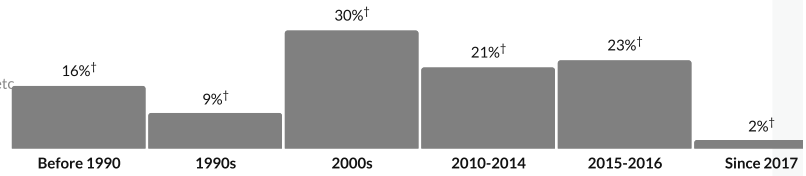
Show data / Embed

Types of structure



Show data / Embed

Year moved in, by percentage of population



Show data / Embed

Value

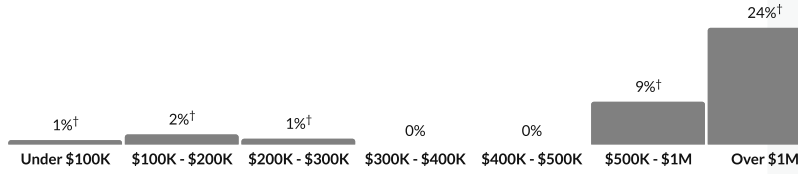
$1,685,100

Median value of owner-occupied housing units

a little higher than the amount in Mill Valley: $1,625,400

about 1.5 times the amount in Marin County: $1,053,600

Value of owner-occupied housing units



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Geographical mobility

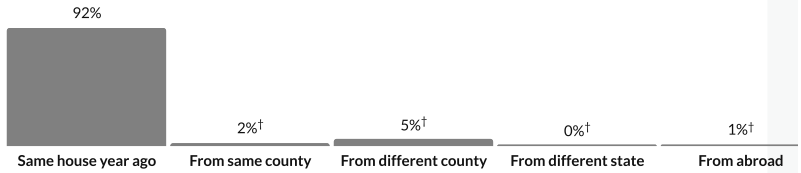
7.8%

Moved since previous year

about two-thirds of the rate in Mill Valley: 12.1% †

about three-fifths of the rate in Marin County: 12.8%

Population migration since previous year



Show data / Embed

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

Social

Educational attainment

98.8% **75.4%**

Population by highest level of education



† Margin of error is at least 10 percent of the total

value. Take care with this statistic.

High school grad or higher

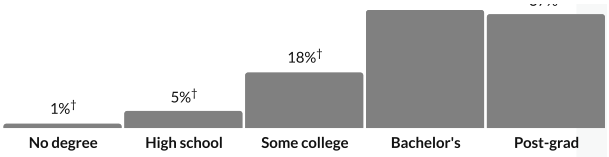
about the same as the rate in Mill Valley: 99%

a little higher than the rate in Marin County: 93.6%

Bachelor's degree or higher

about the same as the rate in Mill Valley: 74.7%

about 25 percent higher than the rate in Marin County: 60.2%



* Universe: Population 25 years and over

Show data / Embed

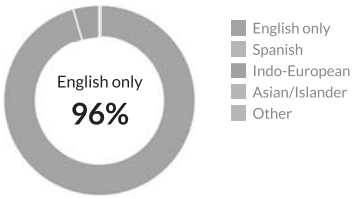
Language

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

N/A

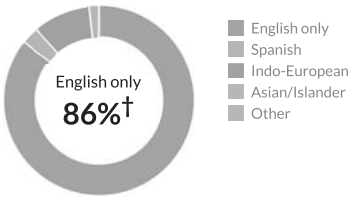
Persons with language other than English spoken at home

Language at home, children 5-17



Show data / Embed

Language at home, adults 18+



Show data / Embed

Place of birth

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

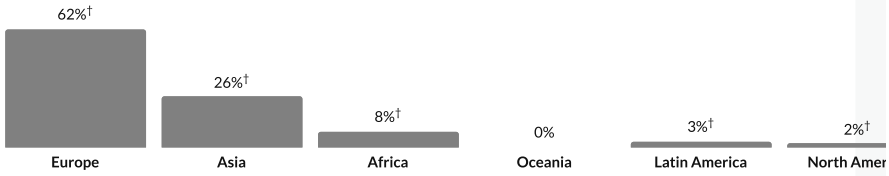
16%

Foreign-born population

about 10 percent higher than the rate in Mill Valley: 14.4% †

about 90 percent of the rate in Marin County: 18.3%

Place of birth for foreign-born population



Show data / Embed

Veteran status

† Margin of error is at least 10 percent of the total value. Take care with this statistic.

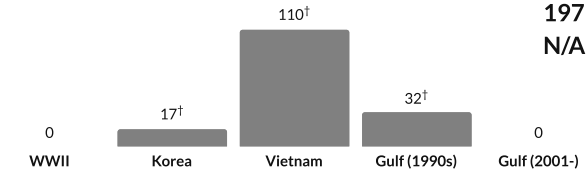
5.1%

Population with veteran status

about 20 percent higher than the rate in Mill Valley: 4.3% †

about 10 percent higher than the rate in Marin County: 4.5%

Veterans by wartime service



* Civilian veterans who served during wartime only

Show data / Embed

197 Total veterans
197 Male
N/A Female

Hover for margins of error and contextual data.

Citation: U.S. Census Bureau (2020). *American Community Survey 5-year estimates.* Retrieved from *Census Reporter Profile page for Census Tract 1270, Marin, CA* <http://censusreporter.org/profiles/14000US06041127000-census-tract-1270-marin-ca/>

EXHIBIT F

MILL VALLEY

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT: Housing Element Annual Progress Report (2020)

DATE: April 19, 2021

Approved for Forwarding:

Alan Piombo, City Manager

Issue: Accept the annual Housing Element Progress Report submitted to the California Department of Housing and Community Development (HCD).

Recommendation: Accept the 2020 Housing Element Annual Progress Report.

Background: In May 2015, the 2015-2023 Housing Element was adopted by Council and certified as complete by HCD. As a result, the City is operating under an 8-year Housing Element review cycle (as opposed to a 4-year cycle), with the next comprehensive update required in 2023. In the meantime, the City is required to submit Annual Progress Reports (APR) to the State by April of each year, identifying new housing units permitted and progress towards the implementation of the various Housing Programs contained in a City's Housing Element[1].

[1] The Housing Element is one of seven "elements" of the Mill Valley 2040 (MV2040) General Plan. The state has specific reporting requirements associated with Housing Elements, outlined in state Housing Element Law, including: Regional Housing Needs Allocation (RHNA) process; content and analysis required in Housing Element updates; and HCD's review and certification process. Annual Progress Reports are required as part of Government Code Section 65400.

ITEM 6

Discussion: **ATTACHMENT 1** contains the 2020 Annual Progress Report submitted to HCD. The report identifies various stages of developing new units from the planning phase (complete and approved) to permitted construction (application, issuance and final). The report also tracks progress towards the implementation of the City's housing programs outlined in Chapter 2 of the Housing Element. RHNA "credit" for new units is associated with the number of building permits issued each year (see Table A2 and Chart 1 below).

New Dwelling Units Approved in 2020 (Table A1, Attachment 1)

Table A1 in Attachment 1 quantifies the number of new *dwelling units approved* as part of the City's design review process and the ministerial approval of ADUs through the building permit process.

	2019	2020
Accessory Dwelling Units	11	19
Single Family Units	2	1
Multi-Family Units	6	0
Total APPROVED Units	**19**	**20**

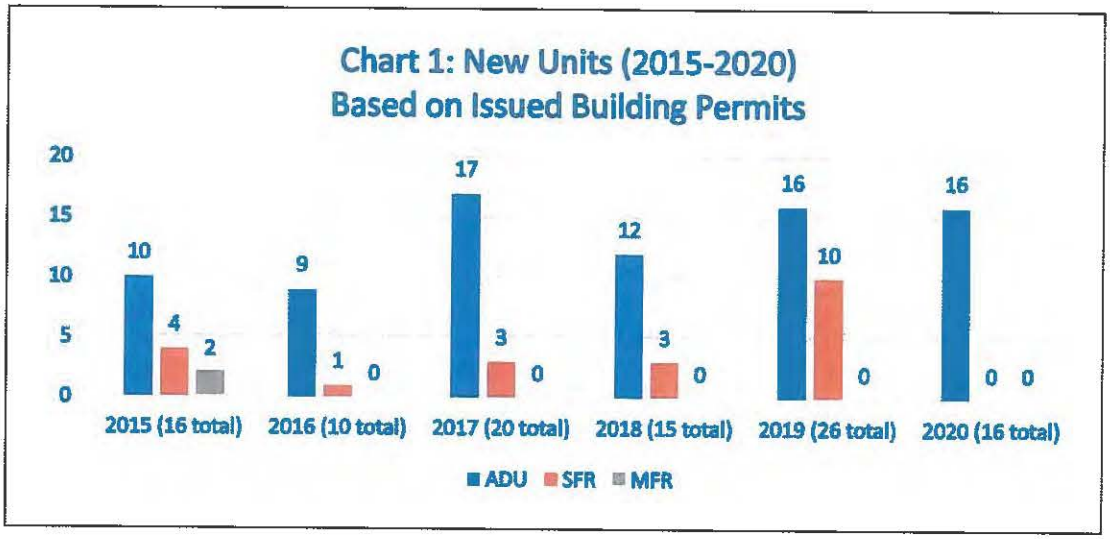
As Council may recall, there are various methods for approving ADUs given new State Law. Of the 19 approved ADUs: 7 ADUs were approved through planning review and 12 ADUs were approved through the ministerial building permit process. Five of the 19 units are converted space including 1 garage conversion and one Junior ADU.

New Dwelling Units Constructed in 2020 (Table A2, Attachment 1)

Summary of new housing development in 2020 (based on Building Permits issued):

- 16 ADUs (includes 1 Junior ADU)
- 0 Single Family Units
- 0 Multi-Family Units

Table A2 in Attachment 1 documents the number of new *dwelling units built* based on the issuance of a building permit in 2020. In 2020, all new units were Accessory Dwelling Units (ADUs). For a comparison of units built per year, see Chart 1 on page 3.



The range in "affordability" for newly constructed units is also captured in Table A2/Attachment 1 and is illustrated in Table 1 and Chart 2 below. The affordability categorization is based on a survey of the existing ADUs to determine the proportion that can be attributed to each affordability level (very low, low, moderate, above moderate). This approach has been approved the past three years as part of HCD's compliance review of the City's annual reports and is in accordance with HCD's guidance. The City issues 13 ADU building permits on average per year (based on the past 5 years). Based on current development trends, staff anticipates a higher-than-average number of ADUs to be counted in 2021; with 7 ADU building permits issued in calendar year 2021 already and another 18 ADU building applications currently in plan check pending building permit approval.

While there are not any building permits issued for new Single Family or Multi-Family dwelling units for calendar year 2020, there are several opportunities that will likely result in building permits that will count towards the City's RHNA in the future, including:

- 542 Miller Avenue development (aka "Simon's Way"): This 16-unit housing development is currently under construction and undergone a recent ownership change. There are 7 Single Family Residential (SFR) units that have not been issued a building permits to date but are anticipated for construction in 2021.

- 500 Miller Avenue: This site is under construction. Phase 1 site work has commenced on the project, and construction of the 9-unit mixed use development is scheduled to commence in Spring 2021.

- 550 Miller Avenue: This project was approved by Planning Commission in 2019 for 6 units; a building permit application is pending.

- 575 East Blithedale: An application for a 25-unit mixed use development has been received for this parcel, however it is not listed in this year's progress report (as part of Table A1) because the project has not been deemed "complete" for review purposes by the Planning Department.

Progress Towards RHNA (Table B, Attachment 1)

The City also continues to illustrate progress in satisfying its Regional Housing Needs Allocation ("RHNA") in all income categories (very low, low, moderate, and above moderate). Staff anticipates that the City will meet its 8-year regional housing allocation (2014-2023) based on ADU trends and the anticipated Single-Family homes pending construction as part of 542 Miller (Simons Way).

Table 1: New Dwelling Units based on Building Permit Activity, by Year and Affordability

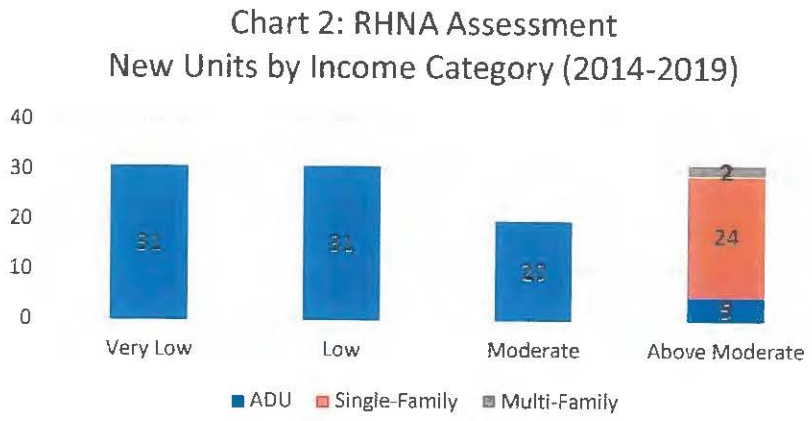
	Very Low Income	Low Income	Moderate Income	Above Moderate	Total
2015	6	8	3	9	26
2016	4	3	2	2	10
2017	6	5	5	4	20
2018	5	3	3	4	15
2019	5	6	4	11	26
2020	6	6	3	1	16
TOTAL PERMITS	**32**	**31**	**20**	**31**	**114**
RHNA (2014-2023)	**41**	**24**	**26**	**38**	**129**
% Achieved	78%	129%	77%	82%	87%

Source: Staff analysis based on Annual Progress Reports to HCD. Accessory Dwelling Units are spread throughout the various income levels based on the formula derived from the Second Unit survey conducted in 2014, approved by HCD.

The accounting of new units through Annual Progress Reports is also used to determine if a jurisdiction is subject to streamlined approval requirements for qualifying multi-family and mixed-use housing established through SB35.[2] Mill Valley is currently exempt from SB35 based on the midpoint determination (meeting the 50% target in each income

[2] A municipality is subject to SB35 if: 1) two or more Annual Progress Reports have not been submitted to HCD (unlike Mill Valley), or 2) there are not enough building permits to build the number of new dwelling units identified in a jurisdiction's Regional Housing Needs Allocation ("RHNA"), by income category (very low, low, moderate, and above moderate). Streamlining under SB35 requires ministerial approval of certain Multi-Family and Mixed-Use projects based on a City's development standards and "objective" design guidelines. A project must qualify for streamlining based on several pre-requisites, including, but not limited to, building a portion of units as affordable units; location of the site (outside of a flood zone, high wildland fire zone and/or historic district); and construction of the project using prevailing wages.

category). This status and determination remain in effect until the RHNA cycle is reviewed (with a target of 100%) as part of the 2023 annual reporting.



The City continues to note to HCD, as well as state legislators, that the City does not build new units, but rather facilitates development through land use, zoning regulations and City-related services such as design review and building inspections. The City is also working to educate and inform state legislators about the critical importance of balancing local conditions with regional housing needs. The City's natural and topographical characteristics, including floodplain and hillside areas, pose sever fire safety concerns, flooding constraints, are costly to build on and therefore have limited development opportunity.

Progress in Implementing Housing Element Programs (Table D, Attachment 1)
Staff continues to make progress in implementing various Housing Element Programs. As part of the Annual Progress Report, Staff has highlighted the following actions and activities occurring in 2020 to implement the Housing Programs identified in Chapter 2 of the Housing Element:

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Mixed Use and Multi-Family Residential Design Guidelines (Program 1)	Develop Guidelines & Standards for Mixed use and Multi-Family Zoning SB 2 Funding for Objective Design Guidelines and Standards	Reviewing Design Guidelines and Standards	Revisiting Multi-family and Mixed-Use Development Standards and Design Guidelines adopted in 2016 to address new state requirements requiring "objective" standards (SB 330, SB 35, Housing Accountability Act, etc.)

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Historic Preservation Guidelines and Incentives (Program 2)	Identify properties that qualify as a historic resource and clarify overall process for evaluating potential historic resources as part of development review	On-going	Work commenced in 2017 for this program and includes developing a Partial Historic Resource Inventory List and a Historic Context Statement. In 2020, staff presented the Historic Inventory List and Historic Context Statement to Planning Commission. City Council will review the documents and provide guidance in 2021.
Housing Maintenance and Public Information (Program 3)	Residential Building Report (RBR) and Pre-Sale Inspection Program and Public Information	On-going	Webpages updated on the City's website to provide information to the public including housing resources; energy efficiency programs/reimbursements; and home improvement loan programs for low-income residents. Viewing the status and past permitting and Planning applications available online. In 2019/20 the City also initiated online application submittals and permitting and launched the ADUMarin.org website.
ADUs (Program 8)	Review and revise ADU ordinance to provide housing opportunities for the community SB 2 Funding for ADU Website	On-going	The City drafted an ADU Ordinance with local square footage incentives to encourage the use of ADUs to accommodate affordable households. However, this Draft Ordinance was not adopted due to new State ADU laws. As a result, the City adopted an Interim ADU Ordinance in 2019, which was extended by City Council November 2020 to ensure that ADU regulations follow State Law. In 2021 staff will present a regular ADU Ordinance for consideration of adoption that strives to balance the production of housing units with hazards and safety (see Program 35). The County-wide ADU website (ADUMarin.org) was launched in late 2020, which was funded through the SB2 grant. The website provides information on regulations, floor plans, video testimonials and a calculator for establishing approximate costs. Three county-wide webinars have also been hosted to facilitate discussion and interest in ADUs.
JADUs (Program 9)	Incorporate JADUs into ADU Ordinance	N/A	Adopted as part of the City's Interim Urgency Ordinance (extended 11/2020)
Green Building (Program 33)	Update Green Building Standards	On-going	CalGreen, Tier 1 incorporated into the new 2019 Building Code for Mill Valley.

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Energy Conservation (Program 34)	Support Clean energy and energy efficiency	On-going	Supported through new Green Building Standards; reimbursement programs for energy efficient toilets and modifying kitchen appliances from gas to electric; and streamlined solar building permits.
Community Education and Outreach (Program 36)	Education and outreach on Housing-related issues	On-going	Staff coordinates with other local jurisdictions on housing-related matters on a regular and ongoing basis on various topics such as homelessness, new legislation, and affordable housing opportunities. Outreach and discussion occur through City Council meetings, as well as meetings with the Housing Advisory Committee (see below).
Housing Advisory Committee (Program 38)	Establish Housing Committee to support Housing Element implementation.	Committee establish and work on-going	On March 16, 2020 City Council approved the Administrative Guidelines to expend funds deposited in its local Affordable Housing Trust Fund (HE Program 17) and the Housing Committee's Work Plan. Priorities for 2020 include leveraging existing, underutilized housing through a Home Sharing Program (HE Program 29 below) and identification of public land to leverage an affordable housing project (HE Program 12 below).
Publicly Owned Land for Affordable Housing (Program 12)	Prepare an inventory of publicly owned land and examine the feasibility of their use for housing.	2018	City staff has worked through the Housing Advisory Committee on this program and has conducted an internal audit of public own sites, particularly those public sites that are City owned. In October 2020, Council directed staff to work with a housing consultant to further evaluate public owned sites and identify approximate costs associated with an 100% affordable project on City-owned land.
Home Sharing & Tenant Matching (Program 29) and Non-Traditional Housing (Program 13)	Support organizations that facilitate house sharing.	On-going	In September 2020, the City Council approved a contract with Covia Foundation to assist the City in Home Matching opportunities. As of March 2020, one home match has been established, with several others in process.

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Addressing Natural Hazards (Program 35)	Continue to work with local jurisdictions and through the All-Hazards Mitigation Plan and the MV2040 General Plan to address and mitigate natural hazards.	In process	In 2020, the City also hosted several study sessions with Planning Commission and City Council to discuss and investigate options to balance fire safety with state ADUs law recognizing that over 30% of the City's parcels are in Very High Fire Severity Zones with narrow roadways and limited egress. Staff intends to bring information back to Planning Commission and City Council in 2021 to determine options for regulating ADUs natural hazard zones. Staff also continues to provide information and feedback on proposed state legislation in recognition of surrounding natural hazards.

ATTACHMENT:

1. Mill Valley Housing Element 2020 Annual Progress Report

ONLINE RESOURCES:

Housing Element:
http://www.cityofmillvalley.org/gov/generalcode/generalplan/default.htm

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Notes
1					2	3	4	5							6	7	8	9	10
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low-Income Deed Restricted	Low-Income Non-Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non-Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Notes*
Summary Row: Start Data Entry Below								0	1	0	4	0	3	2	10	10	0	0	
	029-033-04	55 Eldridge	New ADU	PL20-4914	ADU	R	6/5/2020		1						1	1	0	No	PL Approved no BP
	029-113-17	144 Hillside	New ADU	PL20-4963	ADU	R	12/7/2020				1				1	1	0	No	PL Approved no BP
	030-065-14	342 Sycamore	New	B-039202	ADU	R	8/3/2020				1				1	1	0	No	PL Approved no BP
	029-041-06	197 Corte Madera	New Detached ADU	B-04081	ADU	R	8/30/2020				1				1	1	0	No	BP Issued
	033-101-51	13 Escalon	New Attached ADU	B-039920	ADU	R	10/19/2020						1		1	1	0	No	BP Issued
	030-061-17	41 Nelson	New ADU	B-040024	ADU	R	5/26/2020				1				1	1	0	No	BP Issued
	029-151-04	26 Glen	Convert garage to ADU	B-040048	ADU	R	5/8/2020				1				1	1	0	No	BP Issued
	028-162-08	112 Edgewood	New	B-040093	ADU	R	9/17/2020						1		1	1	0	No	BP Issued
	028-032-07	26 Walnut	New Detached ADU	B-040120	ADU	R	8/12/2020							1	1	1	0	No	BP Issued
	030-062-38	48 Valley Circle	New	B-040419	ADU	R	9/14/2020				1				1	1	0	No	BP Issued
	030-034-15	240 Elm	New	B-040829	ADU	R	12/9/2020				1				1	1	0	No	BP Issued
	048-071-44	10 East Laverne	New SFR vacant lot	PL15-4355	SFD	O	3/24/2020							1	1	1	0	No	BP issued
	028-111-25	1 Heuters	Conrversion of existing basement space	B-04134	ADU	R	5/25/2020		1						1	1	0	No	BP Issued
	027-213-07	484 Throckmorton	conversion of exisitng space	B-040204	ADU	R	8/8/2020		1						1	1	0	No	BP Issued
	029-213-07	25 Sidney	Conversion detached structure	B-040578	ADU	R	12/14/2020		1						1	1	0	No	BP Issued
	033-142-05	1 Underhill	conversion of exisitng space	B-040475	ADU	R	7/16/2020		1						1	1	0	No	BP Issued
	028-184-26	330 Ethel	ADU	PL17-4569	ADU	R	6/5/2020		1						1	1	0	No	PL Approved no BP
	028-165-08	50 Birch	ADU	PL18-4709	ADU	R	7/2/2020				1				1	1	0	No	PL Approved no BP
	029-102-34	84 Hillside	ADU	PL19-4871	ADU	R	6/5/2020				1				1	1	0	No	PL Approved no BP
	028-166-01	6 Pimlot	ADU	PL19-4869	ADU	R	2/26/2020						1		1	0	0	No	PL Approved no BP
															0				
															0				

TABLE A

ATTACHMENT 1

Jurisdiction	Mill Valley
Reporting Year	2020 (Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A2
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement								Affordability by Household Incomes - Building Permits								
1					2	3	4							5	6	7							8	9
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID	Unit Category (SFD, SFA, 2 to 4, 5+, ADU, MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units Issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits
Summary Row: Start Data Entry Below							0	0	1	0	2	0	2		5	0	0	0	4	0	3	1		16
	030-065-14	342 Sycamore	New	B-039202	ADU	R								8/3/2020					1				9/14/2020	1
	029-841-06	197 Cone Madera	New	B-04051	ADU	R													1				7/27/2020	1
	033-101-51	13 Escalon	New Attached ADU	B-039920	ADU	R								10/19/2020							1		11/2/2020	1
	048-071-44	10 East Laverne	New SFR vacant lot	PL15-4355	SFD	O							1	9/9/2020	1									0
	029-151-04	26 Glen	Convert garage to ADU	B-040048	ADU	R								8/24/2020					1				8/28/2020	1
	028-162-28	112 Edgewood	New	B-040053	ADU	R								9/17/2020							1		10/1/2020	1
	028-032-07	28 Walnut	New Detached ADU	B-040120	ADU	R								8/12/2020								1	8/21/2020	1
	030-082-38	48 Valley Circle	New	B-040419	ADU	R								9/14/2020					1				10/5/2020	1
	030-034-15	240 Elm	New	B-040829	ADU	R								12/9/2020					1				12/9/2020	1
	027-103-01	720 Lovell	Convert garage to ADU	B-039700	ADU	R								3/9/2020			1						7/31/2020	1
	028-111-25	1 Hooters	Conversion of existing basement space	B-04134	ADU	R								5/28/2020			1						6/18/2020	1
	027-213-07	484 Throckmorton	conversion of existing space	B-040204	ADU	R								10/22/2020			1						11/4/2020	1
	029-213-07	25 Sidney	Conversion detached structure	B-040678	ADU	R								12/14/2020			1						12/18/2020	1
	033-142-05	1 Underhill	conversion of existing space	B-040475	ADU	R								10/28/2020			1						11/17/2020	1
	027-103-01	720 Lovell	Junior ADU lower level existing space	B-039700	ADU	R											1						3/9/2020	1
	030-051-17	41 Nelson	New ADU	B-040024	ADU	R								8/28/2020					1				1/17/2020	1
	033-152-08	18 Stanton	New ADU	B-039084	ADU	R															1		1/17/2020	1
	028-184-28	330 Ethel	ADU	PL17-4569	ADU	R			1					6/23/2020	1									0
	028-185-08	52 Birch	ADU	PL18-4709	ADU	R					1			8/11/2020	1									0
	029-152-34	84 Hillside	ADU	PL19-4871	ADU	R					1			9/3/2020	1									0
	028-156-31	6 Parish	ADU	PL19-4869	ADU	R							1	9/9/2020	1									0
	027-042-48	70 Lee	SFR		SFD	O									0									0
	030-032-17	191 Elm	ADU		ADU	R									0									0
	029-113-24	175 Bolsa	ADU		ADU	R									0									0
	027-122-26	3 Magee	ADU		ADU	R									0									0
	033-172-07	14 Mehrli	ADU		ADU	R									0									0
	030-012-38	75 Alta Vista	ADU		ADU	R									0									0
	033-162-07	15 Middle Court	ADU		ADU	R									0									0
	028-024-19	144 E Blithedale	ADU		ADU	R									0									0
	033-216-04	208 Benson	ADU Removed		ADU	R								2/13/2020	0								2/20/2020	0

TABLE A2

Affordability by Household Incomes - Certificates of Occupancy										Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destroyed Units			Notes
10							11	12	13	14	15	16	17	18	19	20			21
Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low-Income Deed Restricted	Low-Income Non-Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non-Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units Issued Certificates of Occupancy or other forms of readiness	Density of the Jurisdiction's Housing Element Sites Inventory	Was Streamlining Applied (SB 35 (2017) or AB 2162 (2018))	Infill Units? Y/N*	Inclusionary Ordinance (see instructions)	Deed Restriction Type (see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years)	Demolished/Destroyed Units	Date Demolished or Destroyed (mm/dd/yyyy)	Demolished/Destroyed Units Owner or Renter*	None*
								0	0										
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD			0		Not built yet
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
							11/4/2020	0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
							5/18/2020	0		N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					PL Approved no BP
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					PL Approved no BP
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					PL Approved no BP
								0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					PL Approved no BP
						1	3/11/2020	1	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					Finaled in 2020 only
					1		7/9/2020	1	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					Finaled in 2020 only
							12/21/2020	0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					Finaled in 2020 only
							2/18/2020	0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					Finaled in 2020 only
			1				11/2/2020	1	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					Finaled in 2020 only
							7/8/2020	0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					Finaled in 2020 only
							8/3/2020	0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					Finaled in 2020 only
							7/7/2020	0	0	N	Y			Mill Valley ADU Survey, as allowed by HCD					
								0	0	N	N					1	Demolished	R	

Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	41										32	9
	Non-Deed Restricted		6	4	6	5	5	6					
Low	Deed Restricted	24					2					31	
	Non-Deed Restricted		8	3	5	3	4	6					
Moderate	Deed Restricted	26										20	6
	Non-Deed Restricted		3	2	5	3	4	3					
Above Moderate		38	9	2	4	4	11	1				31	7
Total RHNA		129											
Total Units			26	11	20	15	26	16				114	22

Note: units serving extremely low-income households are included in the very low-income permitted units totals
Cells in grey contain auto-calculation formulas

TABLE B

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	Mill Valley	
Reporting Year	2020	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Mixed Use and Multi-Family Residential Design Guidelines (Program 1)	Develop Guidelines and Standards for Mixed use and Multi-Family Zoning Districts SB 2 Funding for Objective Design Guidelines and Standards	Reviewing Design Guidelines and Standards	Revisiting Multi-family and Mixed Use Development Standards and Design Guidelines adopted in 2016 to address new state requirements requiring "objective" standards (SB 330, SB 35, Housing Accountability Act, etc.)
Historic Preservation Guidelines and Incentives (Program 2)	Identify properties that qualify as a historic resource and clarify overall process for evaluating potential historic resources as part of development review	On-going	Work commenced in 2017 for this program and includes developing a Partial Historic Resource Inventory List and a Historic Context Statement. In 2020, staff presented the Historic Inventory List and Historic Context Statement to Planning Commission. City Council will review the documents and provide guidance in 2021.
Housing Maintenance and Public Information (Program 3)	Residential Building Report (RBR) and Pre-Sale Inspection Program and Public Information	On-going	Webpages updated on the City's website to provide information to the public including: housing resources; energy efficiency programs/reimbursements; and home improvement loan programs for low income residents. Viewing the status and past permitting and Planning applications available online. In 2019/20 the City also initiated online application submittals and permitting, and launched the ADUMarin website.

TABLE D

ADUs (Program 8)	Review and revise ADU ordinance to provide housing opportunities for the community SB 2 Funding for ADU Website	On-going	The City drafted an ADU Ordinance with local square footage incentives to encourage the use of ADUs to accomodate affordable households. However, this Draft Ordinance was not adopted due to new State regulations passed in 2019. As a result, the City adopted an Interim ADU Ordinance in 2019, which was extended by City Council November 2020 to ensure that ADU regulations are in compliance with State Law. In 2021 staff will present a regular ADU Ordinance for consideration of adoption that strives to balance the production of housing units with hazards and safety (see Program 35 below). The County-wide ADU website (ADUMarin.org) was launched in late 2020, which was funded through the SB2 grant. The website provides information on regulations, floor plans, video testimonials and a calculator for establishing approximate costs. Three county-wide webinars have also been hosted to facilitate discussion and interest in ADUs.
JADUs (Program 9)	Incorporate JADUs into ADU Ordinance	N/A	Adopted as part of the City's Interim Urgency Ordinance (extended 11/2020)
Green Building (Program 33)	Update Green Building Standards	On-going, most recently updated as part of the new Building Code Dec. 2019	CalGreen, Tier 1 incorporated into the new 2019 Building Code for Mill Valley.
Energy Conservation (Program 34)	Support Clean energy and energy efficiency	On-going	Supported through new Green Building Standards; reimbursement programs for energy efficient toilets and modifying kitchen appliances from gas to electric; and streamlined solar building permits.
Community Education and Outreach (Program 36)	Education and outreach on Housing-related issues	On-going	Staff coordinates with other local jurisdictions on housing-related matters on a regular and ongoing basis on various topics such as homelessness, new legislation and affordable housing opportunities. Outreach and discussion occurs through City Council meetings, as well as meetings with the Housing Advisory Committee (see below).
Housing Advisory Committee (Program 38);	Establish Housing Committee to support Housing Element implementation.	Committee establish and work on-going	On March 16, 2020 City Council approved the Administrative Guidelines to expend funds deposited in its local Affordable Housing Trust Fund (HE Program 17) and the Housing Committee's Work Plan. Priorities for 2020 include leveraging existing, underutilized housing through a Home Sharing Program (HE Program 29 below) and identification of public land to leverage an affordable housing project (HE Program 12 below).

Publicly-Owned Land for Affordable Housing (Program 12)	Prepare an inventory of publicly-owned land and examine the feasibility of their use for housing. Consider modifying the City's zoning regulations to allow residential uses in the C-F zone subject to the approval of a conditional use permit.	2018	City staff has worked through the Housing Advisory Committee on this program, and has conducted an internal audit of public own sites, particilarly those public site that are City owned. In October 2020, Council directed staff to work with a housing consultant to further evaluate public owned sites and identify approximate costs assocaited with an 100% affordable project on City-owned land.
Home Sharing & Tenant Matching Opportunities (Program 29) and Non-Traditional Housing Types (Program 13)	Support organizations that facilitate house sharing, and actively promote through senior citizen organizations, such as Mill Valley Village and Mill Valley Seniors Club.	On-going	In September 2020, the City Council approved a contract with Covia Foundation to assist the City in Home Matching opportunities. As of March 2020, one home match has been established, with several others in process.
Addressing Natural Hazards (Program 35)	Continue to work with local jurisdictions and through the All Hazards Mitigation Plan and the MV2040 General Plan to address and mitigate natural hazards.	In process	Over 30% of the City's parcels in Very High Fire Severity Zones, and are adjacent to narrow roadways with limited access. In 2020, the City also hosted several study sessions with Planning Commission and City Council to discuss and investigate options to balance fire safety with state ADUs law. Staff is developing data to bring back to Council in 2021 to determine options for regulating ADUs in Very High Fire Severity Zones and/or other areas with natural hazards. Staff also continues to provide information and feedback on proposed state legislation in recognition of surrounding natural hazards.

EXHIBIT G

Danielle Staude

From: Mark Polite <mbp@seagateprop.com>
Sent: Tuesday, September 29, 2020 3:58 PM
To: Danielle Staude
Subject: Save Scott Highlands Park!!!

Importance: High

CAUTION: External Sender

Dear Ms. Staude:
I strongly oppose the proposed consideration of selling any city parks or open space to generate funds for the development of affordable housing.
On a very fundamental level, the sale of public lands (especially park land) is an idea that flies in the face of all that Mill Valley stands for. What's next, sell a slightly underutilized school?

A former mayor, Dennis Fisco, has suggested to Councilmembers that the lot next to the Public Safety Building at Hauke Park could be given, for free, to an experienced affordable housing developer to accomplish both goals at one time. The lot could be given to the developer with the restriction that a single level of public parking (for use of the Hauke Park sports/athletics users) be incorporated in the new affordable housing project (for public parking at all times). The city already owns the lot, no views would be blocked (thus minimal neighborhood opposition) and housing could actually be built, rather than just talked about; this is a no-brainer! The developers will line up to pursue this transaction!

Please consider the big picture and don't pursue the sale of Scott Highlands Park, either parcel!
Sincerely,
Mark Polite

Mark B. Polite
Seagate Properties, Inc.
980 Fifth Avenue
San Rafael, CA 94901
Office (415) 455-0300
Cell (415) 987-8424
www.seagateproperties.com

EXHIBIT H

MILL VALLEY

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT: Preliminary Review and Analysis of City-Owned Parcels to Leverage for Affordable Housing

DATE: October 5, 2020

Approved for Forwarding:

Hank Pio on behalf of

Alan Piombo, City Manager

Issue: Preliminary review and analysis of City-owned parcels to leverage for affordable housing projects.

Recommendation: Receive report and provide feedback and direction.

Background: On September 30, 2020, the Housing Advisory Committee will review a preliminary analysis of city-owned sites conducted by City staff and Housing Advisory Committee members, Councilmember McCauley and Matt Franklin.

The purpose of this project is to identify City-owned parcels that may leveraged for affordable housing by either selling land to directly fund an affordable housing project and/or donating land for a dedicated affordable housing project. Identification of public-owned property was identified as a priority of the Housing Advisory Committee and is also identified in the Housing Element as a program for implementation (Program #12).

Furthermore, this analysis and review coincides with two General Plan goals: protecting and enhancing the natural beauty and small-town character of Mill Valley (Goal #1); and encouraging the continued diversity of housing, income levels and lifestyles within the community (Goal #2).

ITEM 7

Recommendations: See **ATTACHMENT 1 and 2** for supporting information about housing strategies aimed at diversifying housing and the preliminary analysis of city-owned property.

At the September 30, 2020 meeting, the Housing Advisory Committee will discuss the following staff recommendations. These recommendations are intended to provide staff with additional information needed to: 1) further evaluate land that could be sold to finance an affordable housing project and 2) assess interest in developing an affordable housing project in Mill Valley.

- **Issue a Notice of Funding Availability to Identify Possible Affordable Housing Sites.** Develop Notice of Funding Availability based on the estimated Trust Fund proceeds (after the anticipated sale of land) and other local funds that may be available to determine possible interest and location of affordable housing sites; and

- **Consider Rezoning and Selling Public Land to Generate Revenue to Help Finance an Affordable Housing Project.** Staff has conducted a preliminary analysis of City-owned parcels. The City of Mill Valley owns 71 parcels, which mainly consists of parking lots; parks; community facilities (e.g. City Hall, Library, Community Center, Public Safety Building); odd shaped parcels associated with public right of ways and drainage areas; and vacant parcels zoned as open space.

  Staff worked with the assistance of the site subcommittee (Housing Advisory Committee Members John McCauley and Matt Franklin, Planning and Building Director, Patrick Kelly and City Manager, Alan Piombo) to identify the most valuable and realistic opportunities in terms of leveraging public land for housing. The evaluation of sites is contained in **ATTACHMENTS 1 and 2** and will be discussed at the Council meeting. Based on the analysis, staff recommends further exploring land adjacent to the Golf Course to rezone and sell as a means of generating revenue to finance an Affordable Housing Project.

  Additional exploration and analysis is required, including further outreach to the Scott Highland neighborhood to identify concerns and interests, such as the Scott Highland Park and greenspace, and develop strategies for packaging the land to sell (e.g. rezoning, subdividing, etc.). Council can also consider making the sale of land contingent upon identifying an affordable housing site.

- **Use of Trust Funds.** Allocate Trust Fund proceeds to further evaluate the items above, such as land use consultants to assess the subdivision and rezoning of land and/or housing consultants to assist with the Notice of Funding Availability.

Staff will report to City Council on the above-referenced recommendations and any other recommendations and/or modifications made by the Housing Advisory Committee.

Next Steps: City Council should consider the above-referenced recommendations and direct staff to report back with more refined next steps, such as appropriate outreach, consultants, scope of work, and/or draft Notices of Funding Availability to further explore City-owned sites to leverage affordable housing.

ATTACHMENTS:

1. Staff Report to Housing Committee
2. Draft Presentation of Sites Analysis
3. Public Comments

MILL VALLEY

MEMORANDUM

TO: Housing Advisory Committee

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT: Work Plan Update: Home Match Program and Identification of Public Owned Land to Leverage New Affordable Housing

DATE: September 30, 2020

BACKGROUND

Housing Context. Development of new housing units in the past decade--whether affordable, market priced, ownership or rental--has become challenging due to various hurdles including limited vacant land opportunities; environmental constraints (e.g. topography and floodplain issues); the approval process; neighborhood concerns; cost of land; financing; permitting costs/timelines; and costs of construction.

Meanwhile, the cost and availability of housing continues to be of a concern across the Bay Area and state with housing costs outpacing household incomes. In Mill Valley, the median single-family home sales price is over $1.7 million, requiring an annual income of $289,000 to buy a house (on average). Renting in Mill Valley can also be expensive, with wages of $49/hour or more (approximately $102,000 annually) to afford a one-bedroom apartment.

Limited housing options result in other consequences including: a large portion of Mill Valley's workforce living outside the community; difficulty in hiring and retaining employees for jobs within the community; commuter-generated traffic; a disconnected community (not living and working in the community); lack of public employees living nearby to respond and provide aid during an emergency; displacement and homelessness (due to increased housing costs); and a lack of community diversity.

The City of Mill Valley's two overarching General Plan Goals are to: 1) protect and enhance the natural beauty and small-town character (Goal #1) and 2) encourage continued diversity of housing, income levels and lifestyles in the community (Goal #2).

ATTACHMENT 1

These goals were originally established in 1989 and serve as the guiding principles in policymaking for the City.

SUMMARY OF MILL VALLEY HOUSING STOCK

Of the 6,534 total housing units:

- 76% are Single-Family Residential and 12% of these homes are ADUs;
- 24% are Multi-family Residential;
- 65% are owner occupied;
- 6% are deed-restricted affordable units

Source: 2010 Census Data



Strategies to Diversify Housing. The following are local housing strategies aimed at diversifying housing stock:

- **Land Negotiations.** Several large redevelopment projects have occurred in Mill Valley that included negotiations resulting in the development of 100% affordable housing projects, such as 32-unit Pickleweed project (651 Miller Ave). There are a total of nine assisted affordable housing projects with a total of 350 deed restricted affordable units (including the Fireside project just outside the City).

  These 100% affordable projects typically require a large piece of land in order to accommodate the number of units to successfully finance an affordable housing project. In the past, land donations have helped spur affordable housing projects. A large number Mill Valley's assisted affordable housing sites were developed in the 1970-80's (with more land and financing available). Today, with less land and financing available, more creative approaches are required (Discussion Item 2).

Inventory of Assisted Affordable Housing Sites

Project Name	Year Built	Tenant Type	Total units/ Affordable rental units	Ownership/ Management
Homestead Terrace 100 Linden Lane	1969	Senior/ Disabled	28	MHA
Kruger Pines 47 North Knoll Road	1971	Senior/ Disabled	56	MHA
The Redwoods 40 Camino Alto	1972	Senior/ disabled	149 / 60	Non-profit Community Church
Shelter Hill 37 Miwok Way	1977	Family	75	Non-profit EAH
Camino Alto Apts 260 Camino Alto Court	1983	Disabled	24	Non-profit Mercy Housing
Pickleweed Apts	1986	Family	32	Non-profit

651 Miller Avenue				BRIDGE Housing
Alto Station Apts 290 Camino Alto Court	1995	Family	17	Non-profit BRIDGE Housing
Mill Creek Apts 60 Camino Alto	2004	Disabled	9	Non-profit N Bay Rehab Services
Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Non-profit Eden Housing

- **Accessory Dwelling Unit (ADU) Program.** The City's ADU Ordinance dates back to 1983. At the time of adoption, these regulations were recognized as an innovative approach to diversifying single-family neighborhoods by the State Department of Housing and Community Development (HCD). Today, there are over 520 legal ADUs within the City. ADUs allow for generational housing, creating a smaller-scaled living space "accessory" to the main dwelling unit.

  In 2019, Planning Commission and City Council worked diligently to craft ADU occupancy deed restriction language to ensure that these small scaled units were used as intended, as secondary dwelling units to the Single-Family household. City Council also expressed interest in making sure these smaller scaled units remained affordable. Council proposed language in the Draft ADU Ordinance requiring that the ADU be occupied by an affordable household, senior, adult family member, or vacant. These occupancy restrictions, however, did not get adopted due to new ADU regulations established by the State of California.

  The City continues to support the development and use of ADUs. A County-wide ADU website will be launched in fall with online tools such as a financial calculator; online webinars will also follow-on after the launch of the website and additional resources will be available through the Mill Valley Home Match program (see Discussion Item 1 below).

- **Inclusionary Requirements.** Since 1975, the City has required a portion of new multi-family redevelopment projects to include units to be sold or rented as affordable. Currently, there are 38 deed restricted affordable inclusionary units in Mill Valley. In 2017, the City updated its "inclusionary" regulations, requiring multi-family projects with 4 or more units to build 25% of the total units as affordable units.

- **Impact and In-lieu Fees.** Over the years, the City has collected an in-lieu fee for smaller multi-family projects (rather than requiring the small project build an affordable unit). As of 2018, single family redevelopment building permits valued at $105,000 are assessed an affordable housing impact fee of 1% of the total value of the building permit. These funds are deposited in the City's Affordable Housing Trust Fund for the purposes of creating, developing and/or maintaining housing targeted for affordable households within the City. There is currently $457,000 in the Trust Fund, with $150,000 recently allocated for the Covia Home Match program (Discussion Item 1).

Housing Advisory Committee Priorities. The Housing Advisory Committee has discussed the housing needs and concerns of the community (summarized above) and has expressed interest in finding creative ways to diversify the City's housing to creating new affordable and "attainable" housing opportunities in the City. With that in mind, the Committee established a 2-year Work Plan that includes the following priorities:

1. Leverage existing, underutilized housing (e.g. single family homes occupied by empty nesters or seniors and/or ADUs not occupied); and

2. Identify public land to leverage new affordable housing.

DISCUSSION:

This memo provides an update on the Committee's Work Plan Priorities, including the implementation of 1) a Home Match program and 2) identification of public land to leverage new affordable housing in Mill Valley. The Committee should be prepared to discuss and provide recommendations, as needed, for further review and consideration by City Council.

1. "House Mill Valley" / Home Match Program

On September 8, 2020, City Council approved the contract with Covia Foundation for a Home Match Program. Covia Foundation will provide consultant assistance to jump start and facilitate an 18-month "House Mill Valley" program aimed at matching home seekers with interested home owners, as well as providing other housing-related information to homeowners, such as regulations to build an ADU and home improvement loan opportunities.

2. Identification of Public Land to Leverage New Housing

There are approximately 150 "public owned" parcels, which consists of land owned by the City of Mill Valley, Marin County Open Space, PG&E, School Districts, Marin Municipal Water District, and other tax-exempt entities.

This analysis mainly focuses on City-owned property as a means of taking action and moving the discussion forward. The City of Mill Valley owns 71 parcels, which mainly consists of parking lots; parks; community facilities (e.g. City Hall, Library, Community Center, Public Safety Building); odd shaped parcels associated with public right of ways and drainage areas; and vacant parcels zoned as open space.

Summary of Publicly Owned Parcels located within the City of Mill Valley	
Public Owned Parcels	150
City-Owned *17 Residential Zoned* *47 Open Area Zoned* *7 Commercial Zoned*	71
City-Owned over 1 acre	24
City-Owned over 1 acre + vacant	17
City-Owned over 1 acre + vacant + less than 40% slope	4

Staff worked with the assistance of the site subcommittee (Housing Advisory Committee Members John McCauley and Matt Franklin, Planning and Building Director, Patrick Kelly and City Manager, Alan Piombo) to identify the most valuable and realistic opportunities in terms of leveraging public land for housing. There are two general

approaches to leveraging public land—donating land to use for housing and/or selling land to develop affordable housing elsewhere.

Donation of Land. A sizeable piece of property is required to develop an affordable housing project. As noted previously by Committee Member Franklin, as well as by other Non-Profit experts, the land area would have to be of significant size or zoned adequately to accommodate between 30-40 units. This is the minimum number of units (cited by experts) to finance a project that also includes on-going tenant and housing services associated with an affordable housing project. Based on the City's zoning standards, a parcel would have to be *at least* 1 to 1.5 acres to accommodate an affordable housing project. Assuming the City would have to own the site to donate the land, there are 24 city-owned parcels over an acre. Most of these parcels are associated with parks, parking lots or civic buildings (e.g. golf course, cascade and old mill park, community center) or situated on hillsides (e.g. tenderfoot trail, edgewood, cascade).

Based on a review of the City-owned parcels, the subcommittee determined there is not a large piece of land (preferably vacant over an acre) available to *dedicate solely* to affordable housing. The subcommittee did recognize some opportunities by redeveloping and combining uses, such as civic building or public parking that also incorporate housing on top floors. In addition, the committee also identified the portion of vacant land behind the Public Safety Building and Hauke Park Parking/Restrooms as a possible opportunity for affordable housing. These concepts are discussed more under the "hybrid approach" below.

Sale of Land. The subcommittee reviewed parcels to determine those pieces of property that may be of interest to build on, mainly for the purposes of market-rate housing. The proceeds from the sale of land would then be used to finance an affordable housing project elsewhere. There are several aspects to consider when trying to sell a piece of property, including: the allowable use based on existing land use and zoning standards, location, and construction feasibility.

The subcommittee reviewed the City-owned parcels, with additional investigation into the following sites:

- ***Golf Clubhouse.*** This facility is underutilized due to the condition of the historic structure and has potential for redevelopment. However, the Committee determined that the community may disagree with the redevelopment of the site due to the historic Clubhouse on the site.

- ***Fragment parcels adjacent to Golf Course.*** Underutilized parcels off Vista Linda and Buena Vista) were discussed by the Committee, which saw potential in some of these parcels (discussed below).

- ***Fragment Single Family Zoned parcels in the hillsides of Cascade Canyon and Scott Valley.*** There are quite a few City-owned parcels that are zoned Single-Family Residential; however, these parcels are mainly fragment parcels on largely

sloped lots (45-75% slope); undersized/odd shaped lots; or associated with previous planned development projects that may have granted the land to the City as a means of negotiation for the development.

- ***Civic parking lots on Miller Avenue and Downtown.*** These commercial zoned properties are considered vacant lots. These parking lots were not considered viable for accommodating public parking in addition to housing due to the narrow configuration of the downtown parking lots and the FEMA Floodway designation for the Miller Avenue parking lot.

- ***Community Center.*** This piece of land was quickly dismissed due to the high use of the facility; new ground mounted solar array; FEMA floodplain; and bay fill constructability issues.

- ***Public Safety Building.*** This parcel was discussed, and the subcommittee determined that the parcel was underutilized due to size of the lot, with potential to redevelop on the land that is vacant.



Upon further review and discussion, the subcommittee determined that the parcels off Vista Linda Drive near the 7th tee of the golf course provided the best opportunity to subdivide and rezone the land (currently zoned as Open Area) to Single-Family Residential. There also may be other smaller scaled lots in the hillsides that could also be sold. See **ATTACHMENT 1** for additional details and aerial photos of these sites.

The land would then be sold to build new single-family market rate homes with the proceeds going to fund an affordable housing project in town. The Subcommittee recommended that the sale and use of the rezoned parcels as single-family housing be contingent upon building an affordable housing project in town (see "hybrid" discussion below).

The subcommittee and staff also acknowledged that more exploration and public outreach are required as part of the evaluation. However, at first pass, selling this land for redevelopment may be possible to accomplish the following:

1. Approximately 3-5 market-rate homes (number of units is *approximate*);
2. Revitalization of the neighborhood's playground and/or greenspace in conjunction with the redevelopment of the lots; and
3. Use of sale proceeds to finance and build an affordable housing project elsewhere. The Subcommittee recommended that City Council consider the sale of land be contingent upon identifying a site to build affordable housing.

While reviewing opportunities the subcommittee recognized that:

- New development can be difficult for all neighborhoods, but it should not stop the City from addressing the needs and demands for housing in Mill Valley; and
- More information should be gathered to better understand and communicate how sale of the land will leverage new affordable housing opportunities in the City. In other words, when and where will new affordable units be built based on the estimated proceeds collected from the sale of public owned land?

Hybrid Approach – Selling Land and Identifying Potential Redevelopment Opportunities on Public Land to Accommodate Affordable Housing.

Based on the above-referenced considerations, the subcommittee further explored a "hybrid approach" to generate the sale of land while simultaneously identifying possible public-owned site that could be redeveloped to accommodate housing with other existing uses. To that end, the subcommittee suggested releasing a Notice of Funding Availability based on anticipated Trust Fund proceeds after the sale of land. This Notice of Funding Availability would help to foster interest by announcing potential funding available for affordable housing and jump start the large collaborative effort required to finance an affordable housing project and, in return, helping the City better identify viable sites that may exist within the City. The subcommittee recognized that affordable housing experts were better equipped to offer possible locations, while the City, through the community's support, can help generate the vision for the project through the appropriate approvals (rezoning, design review, etc.).

The Notice of Funding Availability would be the first step in a collaborative work as a community to further explore opportunities in affordable housing, including developing the appropriate relationships with various members of the community; landowners; non-profit affordable housing groups; financing groups; among others.

The subcommittee agreed that there are several parcels that *could* be leveraged in Mill Valley to create affordable housing, given the right circumstances (financing, community support, construction feasibility), including the *examples* below:

- **Private land for sale, such as Edgars Plaza (401 Miller Avenue).** This land has been for sale for quite some time but has some hurdles to overcome that are potentially costly but may be able to be negotiated as part of the sale of the parcel, including rezoning and technical analysis for FEMA floodplain Map Amendment.

- **City-owned land.** There are parcels that are currently in use that could be combined to provide housing. For instance, the Public Safety Building is located on a 4-5-acre parcel that could be redeveloped to provide public safety services and housing. A similar approach could be used for public parking lots.

- **Other Public-Owned Land and Tax-Exempt Land.** There are other parcels that also may lend to affordable housing that are not owned by the City, such as the County of Marin, Pacific Gas & Electric, Marin Municipal Water District, School Districts and Churches. The State of California continues to provide unique opportunities and incentives for affordable housing projects, including Density Bonus law for projects that are 100% affordable or senior housing. There are now new incentives for school-owned sites, and the legislature is also considering legislation to incentivize student housing and housing on church-owned parcels. Possible sites in town include school and church sites and the Pacific Bell Building at 300 East Blithedale.

The subcommittee is confident that through the issuance of a Notice of Funding Availability, more relationships and understanding of potential affordable housing sites will be discovered based on feedback from those with more experience in financing and developing affordable housing projects.

SUBCOMMITTEE RECOMMENDATION:

The site subcommittee (and staff) recommends further exploring the "hybrid approach" including a recommendation to City Council to:

- **Issue a Notice of Funding Availability to Identify Possible Affordable Housing Sites.** Develop Notice of Funding Availability based on the estimated Trust Fund proceeds (after the anticipated sale of land) and other local funds that may be available to determine possible interest and location of affordable housing sites; and

- **Rezone and Sell Land to Generate Revenue to Help Finance an Affordable Housing Project.** Further explore land adjacent to Golf Course as identified above, including further outreach to the Scott Highland neighborhood to identify concerns and interests such as the Scott Highland Park and greenspace, and strategies for packaging the land to sell (e.g. rezoning, subdividing, etc.). The sale

of land for market rate Single-Family homes is contingent on identifying an affordable housing site; and

- **Use of Trust Funds.** Allocate Trust Fund proceeds to further evaluate the items above, such as land use consultants to assess the subdivision and rezoning of land and/or housing consultants to assist with the Notice of Funding Availability.

NEXT STEPS:

Staff will continue to provide updates on the Home Match program to the Committee, as needed.

In terms of the public sites analysis, staff recommends that the Housing Advisory Committee consider public and committee comments in reviewing the site subcommittee's recommendation, and provide direction to staff accordingly. Staff will discuss the Housing Committee's direction and recommendations at the October 3, 2020 City Council meeting.

ATTACHMENTS:

1. Summary presentation of sites

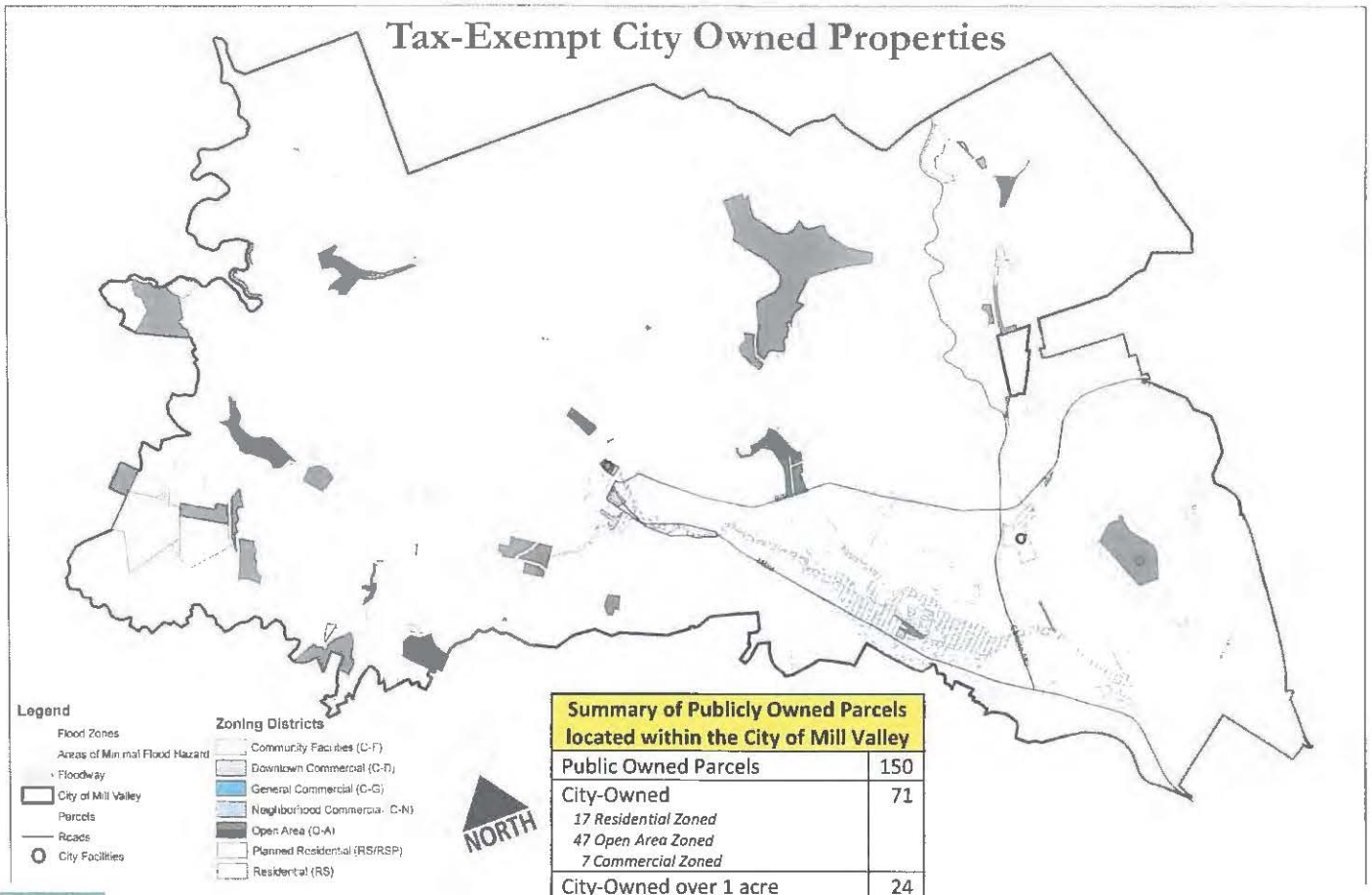
Summary of City-Owned Parcels

Housing Advisory Committee

September 2020

ATTACHMENT 2

Tax-Exempt City Owned Properties

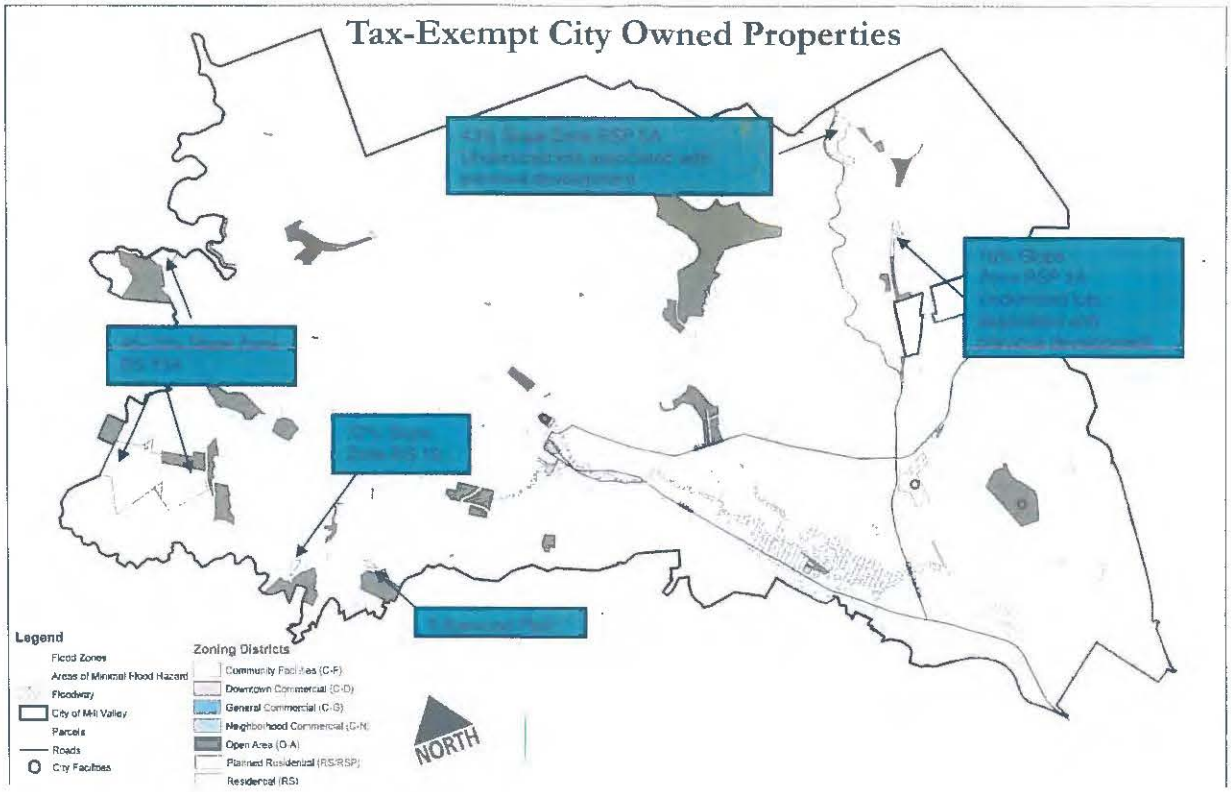


Summary of Publicly Owned Parcels located within the City of Mill Valley	
Public Owned Parcels	150
City-Owned *17 Residential Zoned* *47 Open Area Zoned* *7 Commercial Zoned*	71
City-Owned over 1 acre	24
City-Owned over 1 acre + vacant	17
City-Owned over 1 acre + vacant + less than 40% slope	4

Underutilized Land Owned by the City to Sell (Revenue Generating)

Revenue intended to leverage and fund an Affordable Housing Site

City Owned Parcels Zoned Residential: not feasible due to slope, parcel size or use



Example: Cascade Canyon Edgewood/Cypress (RS10)

Lot Size: .45 Acres

Zoned: Single Family Residential-10 (RS-10)

Avg slope: 31%

Use: Vacant

Zoning Allows 1 Unit



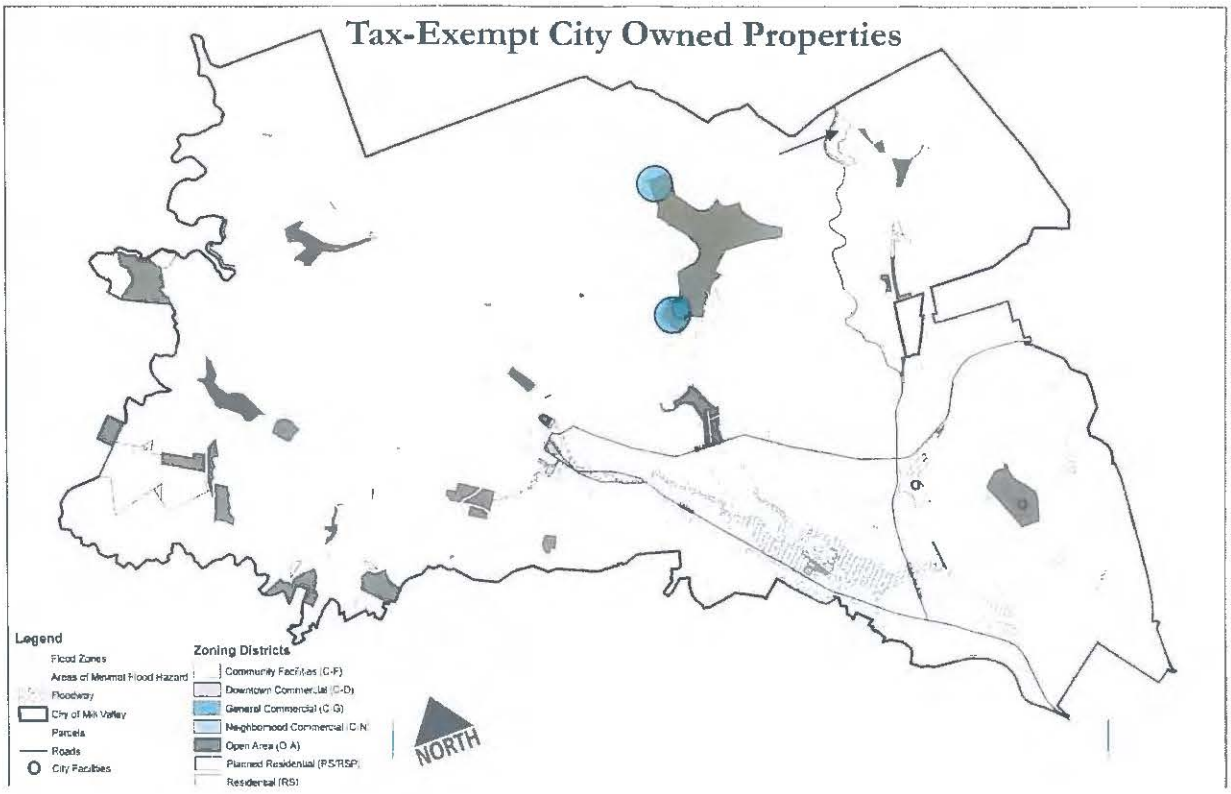
Example: Cascade Canyon Tenderfoot Trail

Lot Size: 9.7 Acres
Zoned: RSP 10A
Avg slope: 42%
Use: Vacant

Significant slope
Zoning Allows 1 unit



City Owned Parcels: Fragment Parcels Associated with the Golf Course



Golf Club House

Lot Size: 2.26 Acres

Zoned: Open Area (OA)

Avg slope: 33%

Use: Existing building/ Golf Club House for Recreational Use and overflow parking for Golf Course



Golf Course: Near Pro Shop

Lot Size: 4,000 sf
Zoned: Open Area (OA)
Avg slope: 21%
Use: Vacant

Narrow Lot



Golf Course

Near 7th Tee

Zoned: Open Area (OA)
Avg slope: 20%

Lot 1 Size: 1.05 Acres
Use: Vacant
(Scott Highlands Park removed from square footage total)

Lot 2 Size: 0.5 Acres
Use: Vacant



Large Pieces of City-Owned Land (Land Donation)

Possible land to donate for an Affordable Housing Project

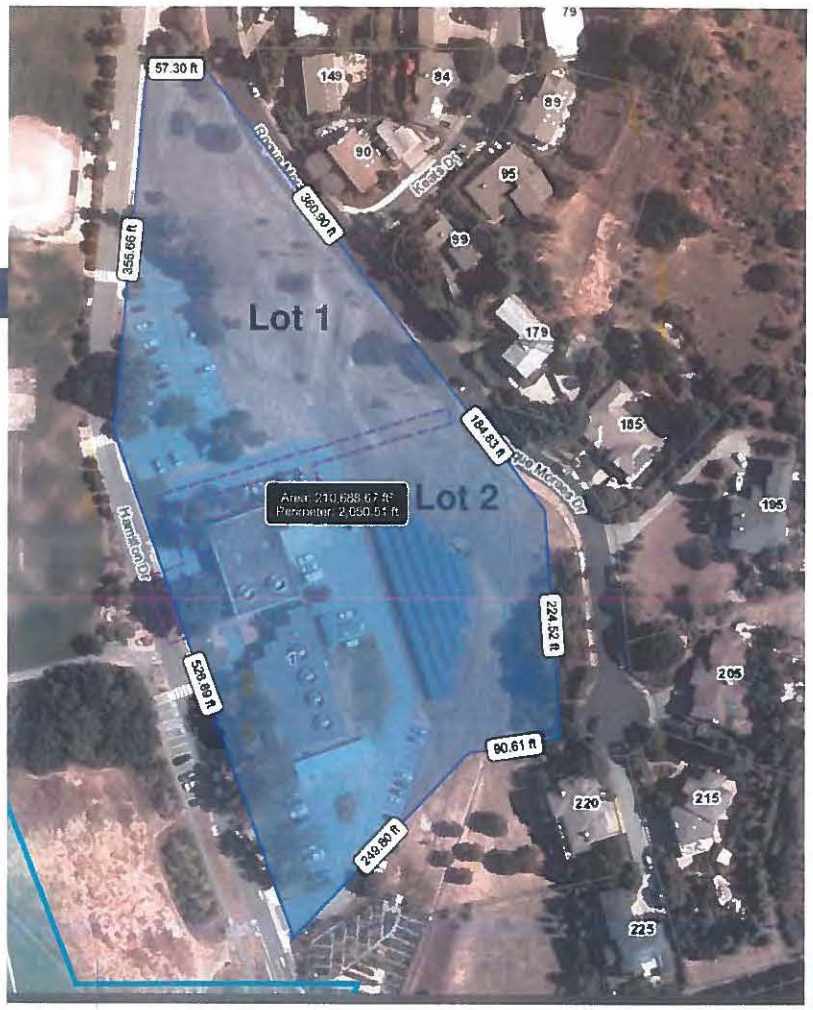
Public Safety Building

Zoned: Open Area (OA)
Avg slope: 9%

Lot 1: Approx 2 Acres
Use: Public Parking, Restrooms and Electric Vehicle Charging Station

Lot 2: Approx 3 Acres
Use: Public Safety Building and Ground Solar Array

Opportunity: large parcel with underutilized space



Miller Parking Lot

Zoned: Neighborhood Commercial (CN)

FEMA Floodway

Avg slope: .8%

Lot Size: .32

Use: Public Parking

Adjacent Properties:

Sloat/Eggars Plaza (1.4 acres) and MTC/Shipiro (1.2 acres)

Challenge: Floodway and requires additional land acquisition



Downtown Parking Lot (Zoned CD)

Lot Size: .71 Acres

Zoned: Downtown Commercial (CD)

Avg slope: 8%

Use: Vacant

Challenge: Narrow Lot



Danielle Staude

From: Charles Wilmoth <wilmothcr@gmail.com>
Sent: Thursday, September 24, 2020 12:12 PM
To: Danielle Staude
Cc: Cathy Wilmoth; city manager; city clerk; Planning; Trevor Atashkarian; Sashi McEntee; John McCauley; Jim Wickham - Mill Valley mail; Urban Carmel; Tricia Ossa
Subject: Scott Highlands Park: Potential Sale to Fund Affordable Housing

CAUTION: External Sender

Hello Danielle,

My comments, prior to reviewing the Preliminary Analysis report (which I will do):

I'd be absolutely opposed to the sale of the open space at Scott Highlands park. The e-mail to our Scott Highlands Neighborhood Association indicates it is to raise money to provide affordable housing. It seems to put the cost of that housing disproportionately on the homeowners in the specific neighborhood, where this open space (our field and playground) are proposed to be sold. Since the proposal isn't suggesting the Scott Highland land be used for the purpose of building affordable housing on the space, presumably that sale would go to private developers clammering to buy valuable land and willing to pay the highest price to plop more expensive homes on the sought after lots.

The Scott Highlands park and playground have been a wonderful asset to our neighborhood community, not only for our annual picnic and Easter egg hunt gatherings, but for the variety of families that use the park for picnics, parties, and the playground for our children, grandchildren, and even families that come from outside the neighborhood to use our tranquil oasis.

As one of the homeowners adjacent to the park, our home value would be directly negatively impacted, by the removal of this adjacent neighborhood gem. Other homes would also lose the view through open space to the golf course, impacting their values. Even non-adjacent lots in the neighborhood would likely be impacted by the removal of the wonderful community recreation and park space.

If the city wants to subsidize affordable housing (a laudable objective), the burden should be shared by the whole Mill Valley community via a modest tax reviewed and approved by the taxpayers of the city. The burden should not be borne only by specific neighborhoods that have enjoyed community open space and parks to lose the qualitative aspects of that space, as well as the quantitative impact on property values due to that loss.

I encourage all our neighbors to provide their own individual input and opinions, as well as to share them at the meetings scheduled at the noted times.

Sincerely,

Charlie Wilmoth
6 Heather Way
415-450-1314

ATTACHMENT 3

Danielle Staude

From: ptabet@aol.com
Sent: Thursday, September 24, 2020 1:43 PM
To: Danielle Staude; wilmothcr@gmail.com; cathy.wilmoth@gmail.com; city manager; city clerk; Planning; Trevor Atashkarian; Sashi McEntee; John McCauley; Jim Wickham - Mill Valley mail; Urban Carmel; Tricia Ossa; scottshighland@gmail.com
Subject: City Owned Lan-Scott Highlands

CAUTION: External Sender

Dear Danielle,

I feel like I am missing something here. Get rid of a park when the neighborhood is full of young children? Scott Highlands absorbs this potential affordable housing plan?

Why would a single neighborhood have to absorb the cost of raising funds for affordable housing? I am in complete agreement with the letter sent to you by Charles Wilmoth.

Sincerely,
Irene Tabet
34 Glen Drive.

Danielle Staude

From: John Riley <rileyjohnm@yahoo.com>
Sent: Thursday, September 24, 2020 3:33 PM
To: Charles Wilmoth; Danielle Staude
Cc: Cathy Wilmoth; city manager; city clerk; Planning; Trevor Atashkarian; Sashi McEntee; John McCauley; Jim Wickham - Mill Valley mail; Urban Carmel; Tricia Ossa
Subject: Re: Scott Highlands Park: Potential Sale to Fund Affordable Housing

CAUTION: External Sender

I agree with you.

Sent from Yahoo Mail for iPhone

On Thursday, September 24, 2020, 12:12 PM, Charles Wilmoth <wilmothcr@gmail.com> wrote:

Hello Danielle,

My comments, prior to reviewing the Preliminary Analysis report (which I will do):

I'd be absolutely opposed to the sale of the open space at Scott Highlands park. The e-mail to our Scott Highlands Neighborhood Association indicates it is to raise money to provide affordable housing. It seems to put the cost of that housing disproportionately on the homeowners in the specific neighborhood, where this open space (our field and playground) are proposed to be sold. Since the proposal isn't suggesting the Scott Highland land be used for the purpose of building affordable housing on the space, presumably that sale would go to private developers clammering to buy valuable land and willing to pay the highest price to plop more expensive homes on the sought after lots.

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I encourage all our neighbors to provide their own individual input and opinions, as well as to share them at the meetings scheduled at the noted times.

Sincerely,

Danielle Staude

From: Lisa De Gennaro <l.deg@sbcglobal.net>
Sent: Thursday, September 24, 2020 10:48 PM
To: Danielle Staude
Subject: Selling city properties

CAUTION: External Sender

Especially parks and public recreation space is not acceptable. There has got to be a better way. So far from what I've seen, the only who benefits from this has been the developers. The high density condo's by old Mill School got pushed through as affordable housing for teacher, first responders and ended up being expensive rentals. And to take away a neighborhood park is just wrong. We pay a lot of taxes, this is our town's investment in itself. You cannot take that away. The City council does not own this, the residents do.

Danielle Staude

From: Whitney Bollier <whit_bollier@outlook.com>
Sent: Thursday, September 24, 2020 8:16 PM
To: Danielle Staude
Subject: Affordable Housing

CAUTION: External Sender

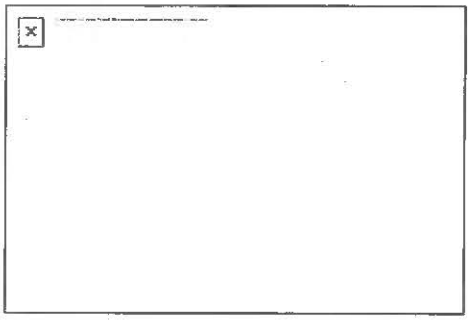
Attn: HOUSING ADVISORY COMMITTEE

It has come to my attention that your committee is studying the possibility of selling property owned by the City of Mill Valley to raise funds to establish "Affordable Housing" in Mill Valley. First and foremost are you aware that President Trump and HUD Secretary Ben Carson has or is going to revoke an Obama era Regulation to eliminate racial disparities in the suburbs? Are you also aware that the properties you may be considering to sell were donated to the City of Mill Valley to maintain the city's Open Space atmosphere? And are you aware that if the City of Mill Valley sells any property for purposes in which it was not originally gifted, the majority of Mill Valley property owners will in all probability sue the City of Mill Valley for immediate property tax relief. Not to mention probable lawsuits against the City of Mill for violating property sales agreements to maintain the donated property in an undeveloped state.

History: Mill Valley's population grew after WWII. The majority of that population worked in San Francisco, but could not afford to live in San Francisco. As a consequence, Marin County began to grow, with the southern end growing first and expanding northward. Yes, there was an earnings disparity between southern Marin and northern Marin, forcing those with lesser means to eventually move to Sonoma County. As a result of this growth Marin and Sonoma County residents built what is now called the "Smart Train".

Opinion: Life is not about who got where first. Life is about gaining experience, and using that experience to better one's self. In today's world everybody has an equal chance to gain experience by paying attention in school. And paying attention in school comes with rewards, like where one lives. Mill Valley has become one of those places where ability is rewarded. For the government to simply change societies tried and true reward system by arbitrarily changing the rules for society is nothing short of communism. Blunt? Yes, however it is the best descriptor of what the City of Mill Valley is trying to do. I suggest drop it!

https://www.usnews.com/news/politics/articles/2020-07-23/hud-revokes-obama-era-rule-designed-to-diversify-the-suburbs



HUD Revokes Obama-Era Rule Designed to Diversify the Suburbs | Political News | US News

The Trump administration said Thursday that it is revoking an Obama-era housing regulation designed to eliminate racial disparities in the suburbs, a move that fair housing advocates have decried ...

www.usnews.com

Sincerely, Whit Bollier

Danielle Staude

From: Stella Sutherland <stellasutherland@me.com>
Sent: Thursday, September 24, 2020 9:12 PM
To: Danielle Staude
Subject: Scott Highlands - neighborhood park

CAUTION: External Sender

Dear Danielle Staude,

Please consider this a voice against building affordable housing in a local park. Parks are essential to the fabric of Mill Valley society, for kids, dogs, sanity, wildlife, views, property prices, community.

Stella Sutherland
231 Elm Ave, Mill Valley, CA 94941

- "Get creative..... or your horse will"

Hannah Politzer

From: Danielle Staude
Sent: Friday, September 25, 2020 11:50 AM
To: Kelsey Rogers
Cc: Hannah Politzer
Subject: Public Comment 7

From: Birgit Kelley [birgitkelley@gmail.com]
Sent: Friday, September 25, 2020 9:14 AM
To: Danielle Staude
Subject: City of Mill Valley selling of parks

CAUTION: External Sender

I am outraged about the notion that the MV City Council is debating and already has approved one project to sell off our precious parks and open green space for housing development.

Birgit Kelley

Birgit Kelley
birgitkelley@gmail.com
60 mirabel avenue
mill valley, ca 94941

415 517-4008 cell

Hannah Politzer

From: Danielle Staude
Sent: Friday, September 25, 2020 11:54 AM
To: Kelsey Rogers; Hannah Politzer
Subject: Public Comment 8

Let me know when the cut off time is for comments to go in the packet.

Thanks!

From: holly karmanocky [taylor@me.com]
Sent: Friday, September 25, 2020 9:15 AM
To: Danielle Staude
Subject: Do NOT sell the Neighborhood parks

CAUTION: External Sender

Danielle,

Leslie Katzman sounded the alarm regarding the neighborhood parks intiative and I am looking to form an action committee to stop the sale of essential neighborhood parks.
Where do you stand on this issue ?

Best,
Holly Karmanocky,
Boyle Park, Mill Valley

Hannah Politzer

From: Danielle Staude
Sent: Friday, September 25, 2020 12:42 PM
To: Hannah Politzer
Subject: Public Comment 9

From: Robert McGinn [mcginn@stanford.edu]
Sent: Friday, September 25, 2020 12:40 PM
To: Danielle Staude
Subject: status of Mill Valley Parks and open spaces

Dear Ms. Danielle Staude,

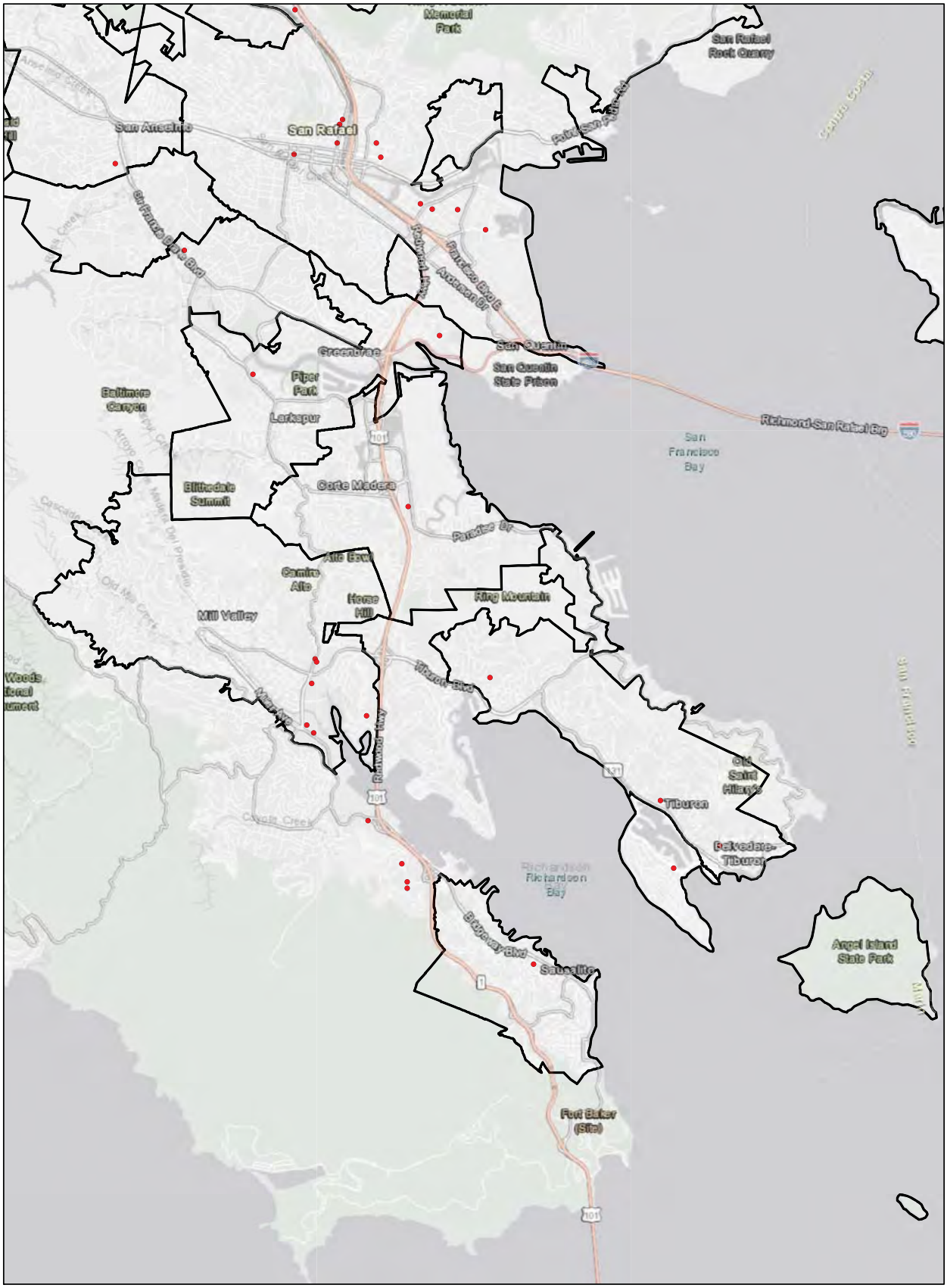
I am writing to VOCIFEROUSLY oppose any thought, plan, or decision to sell or otherwise repurpose any Mill Valley parks or open spaces for more housing in the City. The City is already densely populated, and we can all see that the traffic in Mill Valley is getting worse and worse for more of the day, to the point where we now has to plan ahead to minimize traffic congestion. We should not do anything to degrade the quality of life in this special community any further. Any City Council member who votes to sell or repurpose our parks or open spaces will not get a single vote from this MV resident, that I can say with deadbolt certainty.

Best wishes,

Robert McGinn
60 Mirabel Avenue
Mill Valley, CA 94941

EXHIBIT I

AFFH Analysis



8/24/2022, 11:45:22 AM

City/Town Boundaries

(A) Subsidized Housing (CHPC, 2021)

1:72,224

0 0.5 1 2 mi

0 1 2 4 km

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County of Marin, Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

EXHIBIT J

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED FAMILY HOUSING INVENTORY 100% LOCATED EAST OF CAMINO ALTO

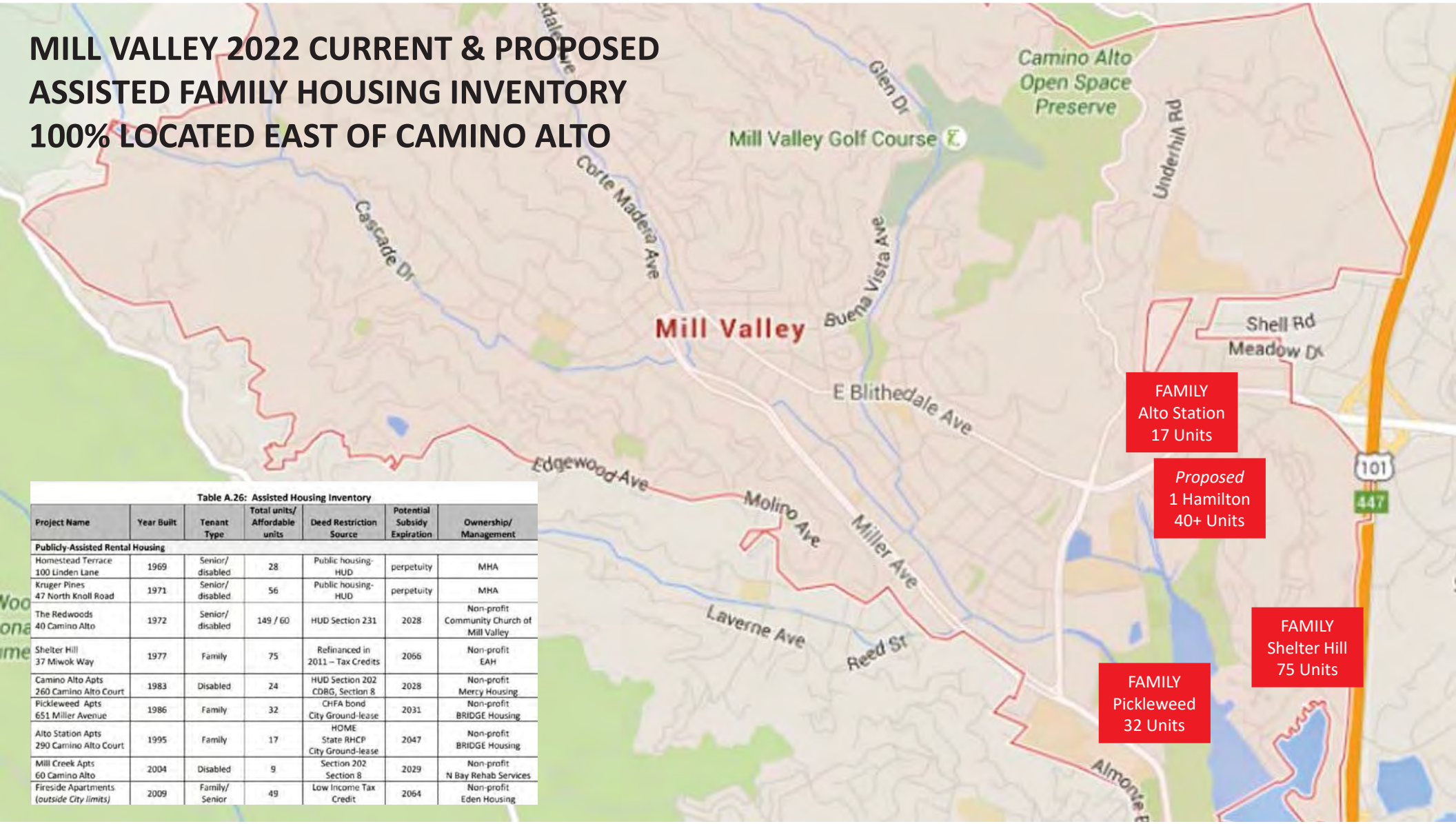


Table A.26: Assisted Housing Inventory

Project Name	Year Built	Tenant Type	Total units/ Affordable units	Deed Restriction Source	Potential Subsidy Expiration	Ownership/ Management
Publicly-Assisted Rental Housing						
Homestead Terrace 100 Linden Lane	1969	Senior/ disabled	28	Public housing-HUD	perpetuity	MHA
Kruger Pines 47 North Knoll Road	1971	Senior/ disabled	56	Public housing-HUD	perpetuity	MHA
The Redwoods 40 Camino Alto	1972	Senior/ disabled	149 / 60	HUD Section 231	2028	Non-profit Community Church of Mill Valley
Shelter Hill 37 Miwok Way	1977	Family	75	Refinanced in 2011 – Tax Credits	2066	Non-profit EAH
Camino Alto Apts 260 Camino Alto Court	1983	Disabled	24	HUD Section 202 CDBG, Section 8	2028	Non-profit Mercy Housing
Pickleweed Apts 651 Miller Avenue	1986	Family	32	CHFA bond City Ground-lease	2031	Non-profit BRIDGE Housing
Alto Station Apts 290 Camino Alto Court	1995	Family	17	HOME State RHCP City Ground-lease	2047	Non-profit BRIDGE Housing
Mill Creek Apts 60 Camino Alto	2004	Disabled	9	Section 202 Section 8	2029	Non-profit N Bay Rehab Services
Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Low Income Tax Credit	2064	Non-profit Eden Housing

MILL VALLEY 2022 CURRENT & PROPOSED ASSISTED SENIOR/DISABLED HOUSING INVENTORY
92% LOCATED EAST OF CAMINO ALTO

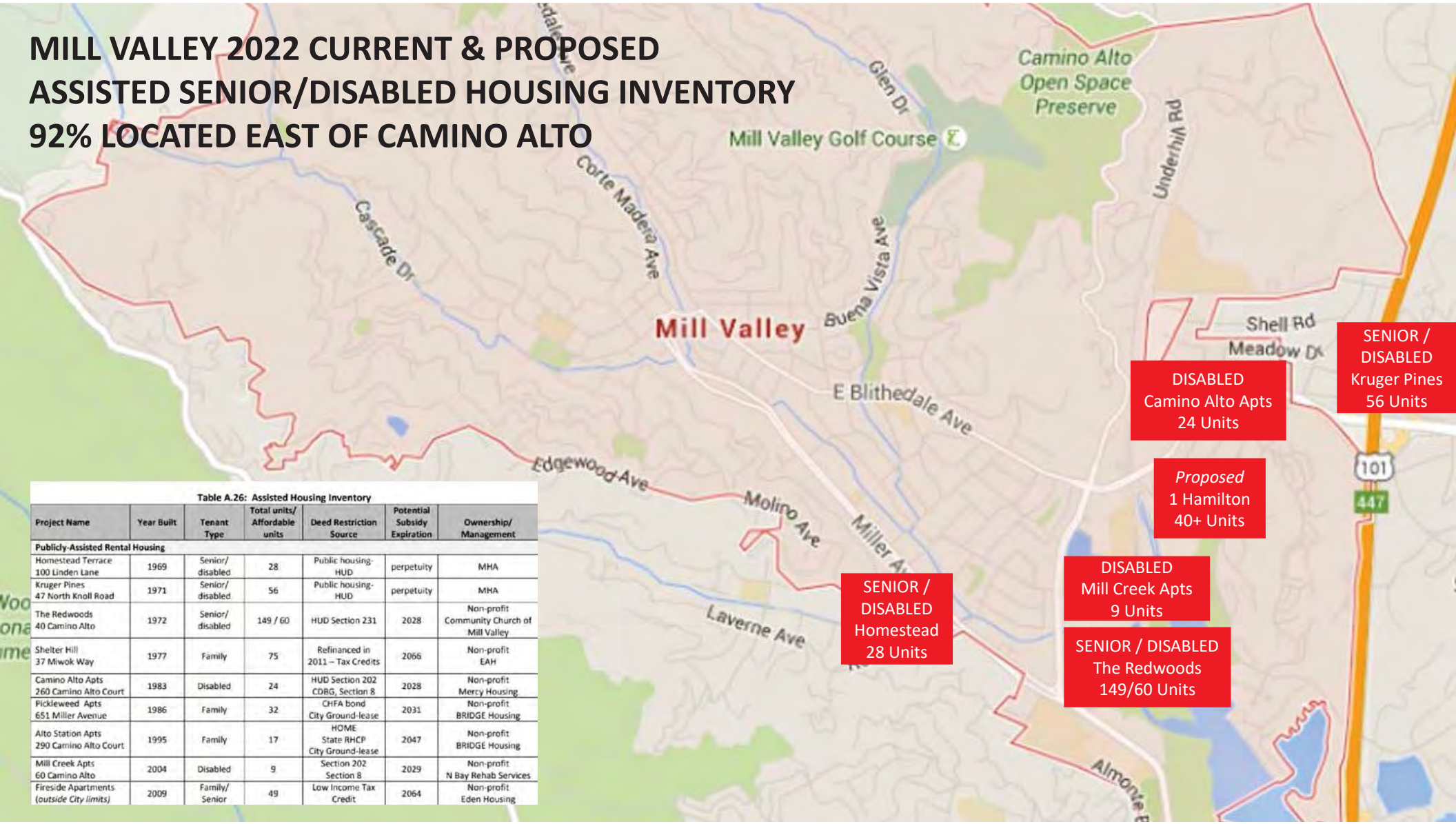
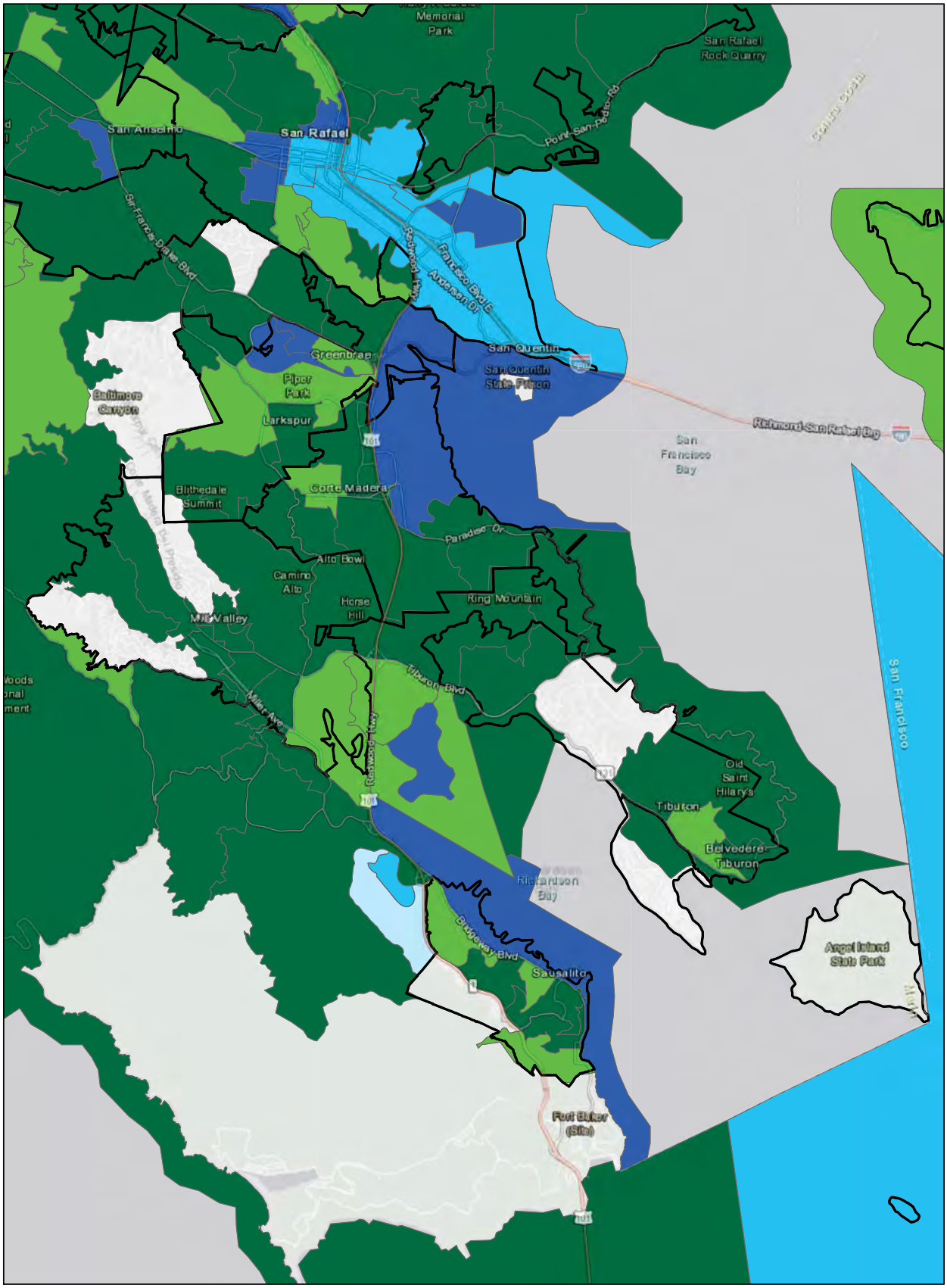


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Mill Creek Apts 60 Camino Alto	2004	Disabled	9	Section 202 Section 8	2029	Non-profit N Bay Rehab Services
Fireside Apartments *(outside City limits)*	2009	Family/ Senior	49	Low Income Tax Credit	2064	Non-profit Eden Housing

EXHIBIT K

AFFH Analysis



8/24/2022, 11:41:49 AM

City/Town Boundaries

(R) Median Income (ACS, 2015-2019) - Block Group

- < $30,000
- < $55,000
- < $87,100 (HCD 2020 State Median Income)
- < $125,000
- Greater than $125,000

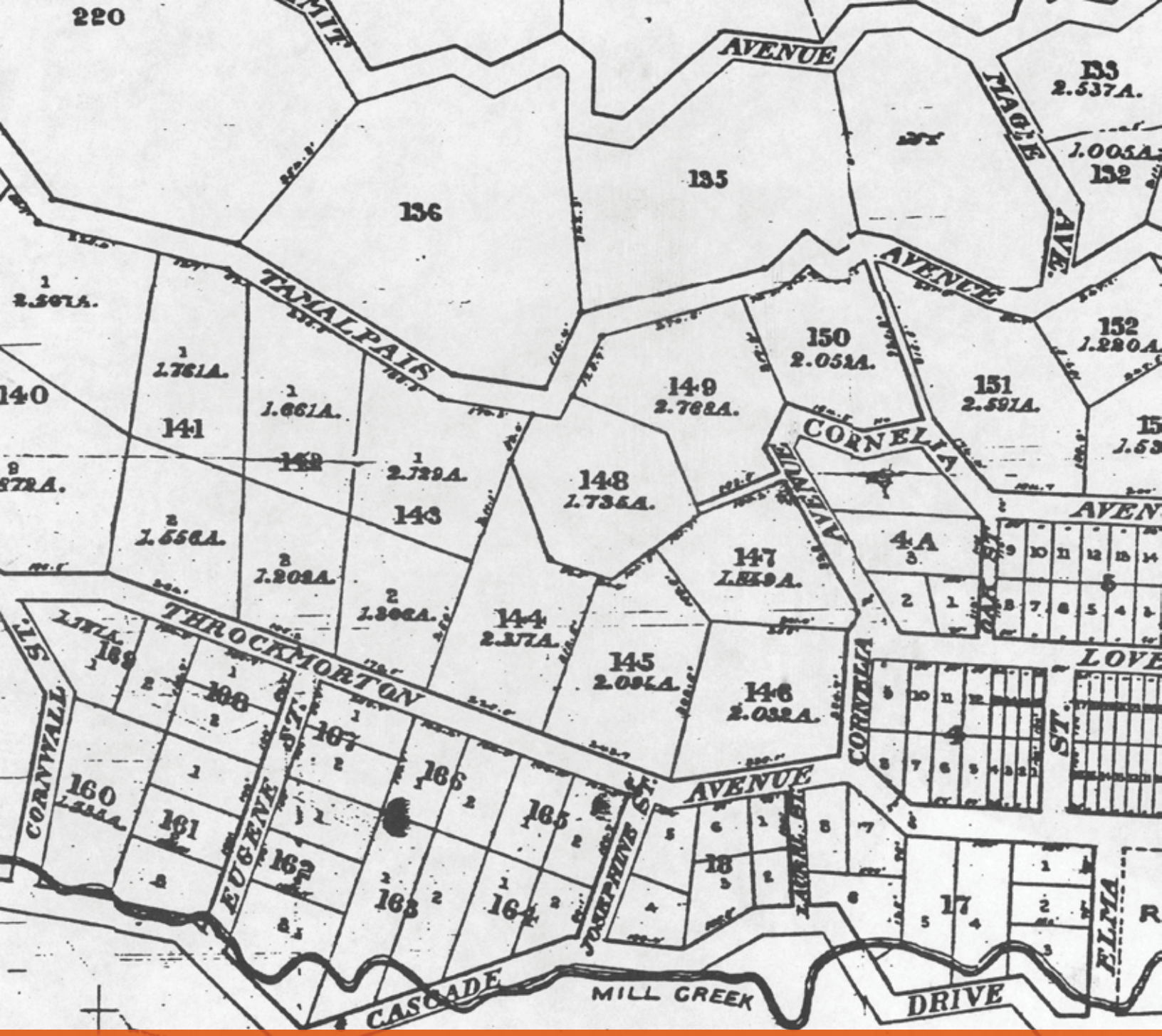
1:72,224

0 0.5 1 2 mi

0 1 2 4 km

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County of Marin, Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

EXHIBIT L



Land Use

MAP

OF

EASTLAND, MILLWOOD

AND

VICINITY,

A SUBDIVISION OF OLD MILL VALLEY

Table 2.2 | General Plan Land Use Categories

MV2040 General Plan Land Use Category			Corresonding Mill Valley Zoning District(s)
Title	**Density Range[1,2]**	**Description**	
Single-Family Residential – 1 (SFR-1)	1 DU/10 acres to 1 DU/1.5 acres	Very low-density, large lot and estate residential development	RSP-1.5A; RSP-2A; RSP-2.5A; RSP-3A; RSP-4A; RS-5; RSP-5A; RSP-10A; RS-10A
Single-Family Residential – 2 (SFR-2)	1 DU/acre to 7 DU/acre	Low- to medium-density single-family residential	RS-43; RSP-30; RSP-1A; RS-30; RS-20; RS-15; RS-10; RS-7.5; RS-6; RSP-5, RP; Single Family homes in the RM3.5 zoned area between Sunnyside and Millwood
Multi-Family Residential – 1 (MFR-1)	8 DU/acre to 15 DU/acre	Medium-density multi-family and attached single-family residential	RM-5.5; RM-5.0; RM-4.0; RM-3.5; RM-3.0
Multi-Family Residential – 2 (MFR-2)	17 DU/acre to 29 DU/acre	Higher-density multi-family and attached single-family residential	RM-2.5; RM-2.0; RM-1.5; PA (on Miller Avenue and Corte Madera Avenue)
Downtown Residential - 1 (DR-1)	8 DU/acre (minimum) to 16 DU/acre; 1 DU allowed on any vacant parcel or any parcel currently developed with a single-family residence	A mix of medium density multi-family and single-family residential near the downtown. Single-family residential allowed on vacant lots and lots currently developed with a single-family residential use. Single-family residences are not allowed on lots currently developed with multi-family units. Multi-family residential allowed on any lot in accordance with minimum and maximum densities.	RM2.5; RM3.0 transition areas between Downtown Residential and Single Family Residential
Downtown Residential - 2 (DR-2)	12 DU/acre (minimum) to 29 DU/acre; 1 DU allowed on any vacant parcel or any parcel currently developed with a single-family residence	A mix of medium density multi-family and single-family residential near downtown. Single-family residential allowed on vacant lots and lots currently used as single-family residential use. Single-family residences are not allowed on lots currently developed with multi-family units.; Multi-family residential allowed on any lot in accordance with minimum and maximum densities.	RM-1.5; RM2.5 zones adjacent to Downtown
Downtown Commercial (CD)	17 DU/acre (minimum) to 29 DU/acre for mixed use developments with residential component	Lytton Square/Town Center area from 1989 General Plan, plus Mill Valley Lumber properties between inbound and outbound Miller Avenue; small-scale, local-serving restaurants, commercial uses, and entertainment uses; and residential units above or behind the ground floor	C-N (this designation anticipates the creation of the proposed new "Downtown Commercial" zoning district); PA (on Camino Alto and East Blithedale)
Neighborhood Commercial (CN)	17 DU/acre (minimum) to 29 DU/acre for mixed use developments with residential component	Lower Miller Avenue area from 1989 General Plan, plus P-A zoned areas on East Blithedale Avenue and Camino Alto; personal, business, and medical services; local-serving retail; and residential units above or behind the ground floor	C-N (this designation also anticipates the creation of the proposed new "Limited Commercial" zone on East Blithedale Avenue)
General Commercial (CG)	17 DU/acre (minimum) to 29 DU/acre for mixed use developments with residential component	East Blithedale/Alto Center and Redwood Highway Frontage areas from 1989 General Plan; Safeway Center (Camino Alto); local and regional commercial and office	C-G
Open Space (OS)	N/A	All designated public and private open space	O-A
Community Facilities (CF)	N/A	All City facilities including City golf course, parks, City Hall, Community Center, Public Safety Building, etc.; public schools and private schools	C-F; O-A; C-R

[1] "DU" denotes "dwelling unit." Density calculations (dwelling units per acre) for specific development proposals are rounded up to the nearest whole number if the calculation results in more than 0.50 of a unit; rounded down to the nearest whole number if less than 0.50 of a unit. N/A denotes "not applicable."

[2] Density of a given development project may be approved at less than the stated minimum based on findings supported by evidence in the record set forth in Land Use Element Program LU 1-3.

EXHIBIT M

THEHOUSINGWORKSHOP

To: Danielle Straude, Senior Planner, City of Mill Valley
From: Janet Smith-Heimer, The Housing Workshop
Re: Analysis of Tax-Exempt Sites for Affordable Housing Development
Date: 2-10-21

Introduction and Summary of Findings

This memo summarizes an initial analysis of a list of approximately 75 parcels of land owned by the City of Mill Valley, for the purposes of identifying a short list of parcels suitable for potential affordable housing development. In addition, the analysis for this memo included a review of all other identifiable property tax-exempt parcels located within City limits (e.g., owned by Marin Open Space, Marin Municipal Water District, several religious organizations, etc.). The source for identifying tax-exempt parcels, the County Assessor's database, lists all land parcels in Mill Valley by identifying number, size, owner, and tax-exempt or taxable status.

The analysis of publicly-owned/tax-exempt land parcels was commissioned by the City of Mill Valley, and prepared under the guidance of City staff and the Housing Advisory Committee. Following discussion of this initial analysis, The Housing Workshop will conduct an in-depth financial analysis of potential housing projects on two of the best-suited sites to demonstrate feasibility and facilitate potential next steps by the City.

Purpose of the Analysis

This initial study phase was conducted with two objectives: to identify City-owned or other tax-exempt parcels that could be developed into affordable housing, and to identify any parcels that could potentially be monetized (e.g., sold or leased) by the City to private parties to raise local funds that could help subsidize affordable housing projects. The review of City-owned properties aligns well with policy initiatives promoted by housing policy experts as well as the State of California, to leverage publicly-owned land assets to address the current housing crisis. This memorandum does not outline or analyze housing affordability issues in Mill Valley; several key resources to further explore those issues are referenced in Appendix A of this memorandum.

Leveraging publicly-owned land assets by making them available, typically at reduced or no cost to a non-profit affordable housing developer, is a direct method of subsidizing and creating this type of development, which otherwise faces major challenges in acquiring developable land and

raising sufficient funding to build new units. In other words, eliminating the time and cost of acquiring land (because it is contributed by a city or public agency to a project), immediately reduces the need for funding by 20 to 40% of total project cost, depending on the cost of that land. This concept, sometimes called "land write-down," was used very successfully throughout California for decades through local redevelopment agencies tasked with funding new affordable housing projects. Nearby examples of this concept can be found in San Rafael and other Marin locations.

Summary of Findings

As detailed in the following memorandum, the initial analysis concluded the following:

- Among the numerous City-owned parcels, just 4 sites were identified for further analysis, including:
    1. Public Safety Building/Hauke Field Parking Lot
    2. Boyle Park Tennis Courts
    3. Portion of Edgewood (aka Mill Valley Reservoir)
    4. Portion of Mill Valley Golf Course along Linda Vista Drive
- The factors affecting this conclusion – parcel size, degree of slope, recreation/open space designations, and environmental constraints – render many of the subject parcels infeasible for multifamily affordable housing development.
- A review of other non-City owned, tax-exempt parcels indicates that there are likely no short-term opportunities to partner with property owners.
- There are limited opportunities to monetize City-owned parcels, due to likely infeasibility of creating retail single family lots matching zoning requirements for parcel size. Three parcels that may yield up to 10 lots in total were identified as potentially saleable, but require further analysis to determine their marketability and value. It should also be noted that raising funds for potential use as subsidy in future projects does not directly resolve the lack of available project development sites.

Next steps in the study process will include preparing a financial analysis for 2 of the 4 sites identified as having near-term development potential for affordable housing. If these sites "pencil," The Housing Workshop will recommend a series of future actions to undertake City-sponsored affordable housing development on those sites.

Affordable Housing Development Challenges in Mill Valley

There are several key development constraints facing Mill Valley's publicly-owned parcels, all of which were converted into criteria to apply to the list of parcels for the analysis. These are summarized below.

Current Zoning Designations

Mill Valley owns numerous tracts of land used for active recreation (e.g., ballfields, tennis courts) along with extensive networks of trails, gardens, public parks, and designated open space areas with heritage trees. These recreation/open space lands are treasured by residents, and are considered important parts of Mill Valley's quality of life.

The community valuing of recreation/open space, and the balancing of potential development versus conservation for recreation/open space, have long been codified in the City's General Plan land use and zoning designations. The balancing of competing goals, such as development versus recreation/open space, is a tension that occurs in every city in the Bay Area. This current analysis does not seek to alter these land use designations; the work conducted every 8 years to prepare the City's Housing Element Update is meant to address those larger policy questions.

Criteria Used in Analysis. With a few exceptions as described later in this memorandum, the City-owned sites analysis considered a current zoning designation of Open Space as a given, thereby not permitting any new multifamily housing development. The few exceptions described later in this memorandum represent potential building sites located within larger open space areas, sited to be on frontage roads so as to not disturb recreation/open space enjoyment.

Parcel Size and Development Density

In Mill Valley, even though the City owns parcels of various sizes throughout the city, these assets are not easily identifiable on the ground. Mill Valley, with its desirable location, climate, and lifestyle, has long been "built-out," meaning no obvious tracts of undeveloped land await development. The downtown layout, primarily in a historic village pattern, further limits development opportunities on publicly-owned parcels.[1]

A review of Mill Valley's zoning designations indicates that the City's most dense category of residential development caps out at 29 dwelling units per acre, with these opportunities generally located in the downtown center. This density typically translates into a 3-story multifamily building with surface parking.

For 100% affordable housing projects (including housing for very low, low, and moderate income households), the California Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with a substantial "density bonus" of an 80% increase in density. For Mill Valley's current most dense residential zone category, this would yield projects with a density of 52 units per acre (1.8 X 29).

Almost all affordable rental housing developers seek yield and scale in their projects (in terms of number of units), due to the complexities and cost involved in creating these projects. In Mill Valley, this combination of relatively low maximum allowable density and typical parcel size mean that even with a density bonus, almost all professional organizations will not be able to expend the time and resources necessary to develop on very small parcels.[2] In addition, even post-development, most affordable housing projects require an on-site property manager living in one of the units, which is generally not sustainable in terms of operating costs in projects with less than 40 units, although exceptions to this rule of thumb can be found for slightly smaller projects if management is shared by the same owner with another small project nearby. The result of these scale and yield considerations means that parcels likely to attract a qualified affordable rental housing developer would need to be at least 0.75 acres (which would yield 39

[1] It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g., aging one-story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be reconsidered as potential housing or mixed-use sites during the City's upcoming Housing Element update process, because downtown infill locations typically create very desirable locations with services for multifamily projects. These kinds of projects also serve to activate streets, bring new shoppers, and contribute to a vibrant village center.

[2] Some for-profit developers of market-rate housing are able to develop on small parcels, due to the typical high profit margins available in a higher-value area such as Mill Valley. Yield and scale affect these two housing segments differently.

units per acre if zoned for 29 units and the maximum density bonus were applied).

Criteria Used in Analysis: Due to the resulting infeasibility of affordable housing development on small parcels, City-owned parcels less than 0.75 acres are considered not developable for this purpose. However, separately, some of these smaller sites may have monetary value to raise funds for a project located elsewhere, and are assessed in this memorandum for that purpose.

Degree of Slope

Due to topography, location near sensitive wetlands, areas which experience flooding, and other environmental factors, Mill Valley sites require a fine-grained assessment to determine physical development feasibility. This analysis focuses on two key physical factors: slope and floodplain/floodway status.

Steep slopes adversely affect affordable multifamily development in several ways, all of which combine to increase project costs without an ability to obtain compensation through commonly-used funding sources. Costs rise in steep slope situations because of extra site grading, design challenges, accessibility challenges for people with disabilities, and seismic safety structural mitigations. In addition, often steep slopes face erosion and other constraining soil conditions, all of which also add to project costs. Most affordable housing developers will seek other opportunities elsewhere that do not pose these increased cost risks.[3]

Criteria Used in Analysis: Sites with an average slope greater than 10% were considered infeasible for affordable housing project development. However, there are a few exceptions noted later in this memorandum, where site visits indicated that flatter building pads may exist among large parcels with otherwise average steeper slopes.

[3] It should be noted that these slope-related factors do not necessarily constrain high value new construction townhouse or single-family homes in the same way; these types of buildings can often maximize views and/or incorporate other creative design features on steeply-sloped lots, adding value to offset increased costs.

Floodplain/Floodway Status

Some portions of Mill Valley's flatter, more developed sections are affected by several waterways which can reach impactful flood stages currently defined by the Federal Emergency Management Agency (FEMA) as having a 1% chance of flooding each year (formerly called "100 year floodplain"). In simple terms, these areas require annual flood insurance premiums, which add to the operating costs in affordable projects. In some subzones of these areas, FEMA recommends architectural and engineering methods to reduce flood damage; while these may add to construction costs, they can sometimes be incorporated without creating project infeasibility (such as raising the dwelling areas above flood levels with parking on the ground floor).

In other floodplain areas, based on waterway hydrology and topography analyses, FEMA designates certain portions as Floodways, which means any building placed on the site needs to be designed so that its structure does not demonstrably impede receding water flow in the event of a flood. In simple terms, this requirement is in place to ensure that floodwaters can flow, unimpeded by structure, causing more damage elsewhere. Building housing structures is floodways is therefore quite difficult to infeasible, and sites in FEMA-designated floodways are not recommended for further consideration by the City of Mill Valley.

Criteria Used in Analysis: Parcels with a FEMA floodplain designation of "AE" or "AO" are considered as possible for development (albeit not ideal), while parcels designated as Floodway are considered not feasible for affordable housing development.

The results of applying the above criteria to the City-owned and other tax-exempt parcels are described in the following section with supporting tables included as Appendices B through D.

Potential City-Owned Affordable Housing Development Sites

The approximately 75 City-owned parcels were evaluated based on criteria outlined above, including a minimum size of at least 0.75 acres and an average slope of 10% or less.

A summary of the resulting "short list" of potentially developable affordable housing sites is shown below. Each of these sites was also visited in-person by The Housing Workshop and evaluated further per other potential site or regulatory constraints, as described below.

Table 1: City-Owned Sites with Potential Feasibility for Multifamily Affordable Rental Housing

Site #	Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
1	1 Hamlton Public Safety Building parking lot serving Hauke Field	030-250-01	0.75	10.0%	Open Area (O-A)	No	No	22-39 units	Site size estimated (part of larger parcel). Needs design study to confirm suitable building pad with sufficient distance from Bayland Corridor boundary. Parcel would require subdivision and rezoning.
2	Portion of Boyle Park Tennis courts and part of field behind it	029-212-24, possibly part of another parcel	0.80	< 10%	Open Area (O-A)	No	No	23-41 units	Site size estimated (portion of Boyle park inc. 5 tennis courts and field/parking lot at end of East Drive)
3	Edgewood (MV Reservoir)	046-070-02, 046-061-52	4.37	24.6%	Open Area (O-A)/Single Family (RS)	No	No	29-52 units	Site size and location estimated (part of larger parcel). Review of 1967 grant deed shows convenant to keep as a park. This parcel is relatively large and has some slope areas, so a portion could be removed from covenant w MMWD agreement. Yield estimate assumes 1 buildable acre within larger sloped site.
4	Portion of Mill Valley Golf Course along Vista Linda Drive	029-131-07	45.68	16.5%	Open Area (O-A)	AO	No	22-39 units	Site would be portion along Vista Linda Drive/ edge of golf course. Yield assumes a .75 acre parcel could be identified. May require relocation/redesign of nearby golf hole. Yield may be reduced depending on parcel shape and golf course safety requirements.

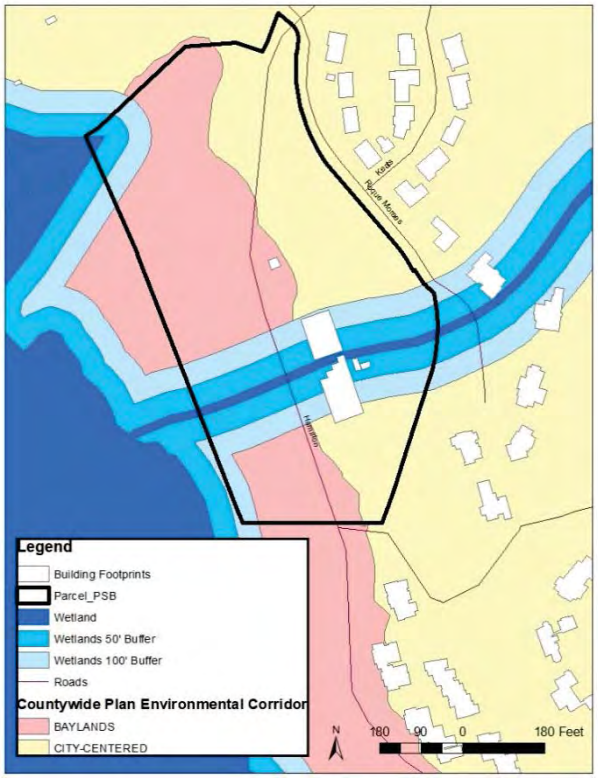
Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, buat cpdroject could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Low end of range assumes zoning for 29 units/acre. High end assumes application of state density bonus law (80% bonus for 100% affordable projects), which would yield 52 units/ ac

Site 1: Public Safety Building/Hauke Field Parking Lot

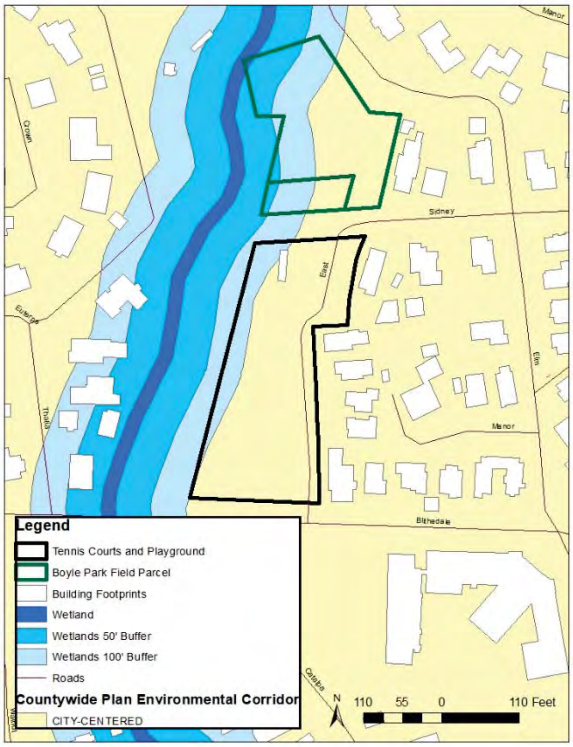




Potential 0.75 acre Housing Site

This potential housing site lies adjacent to the City's Public Safety Building complex, on its northern side. This area currently provides parking and restrooms for recreation fields located nearby. The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary. Until further biological and survey studies can be conducted, it is assumed the identified housing site could provide 0.75 acres for development, creating sufficient scale to develop a physically feasible project. Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site.

Site 2: Portion of Boyle Park



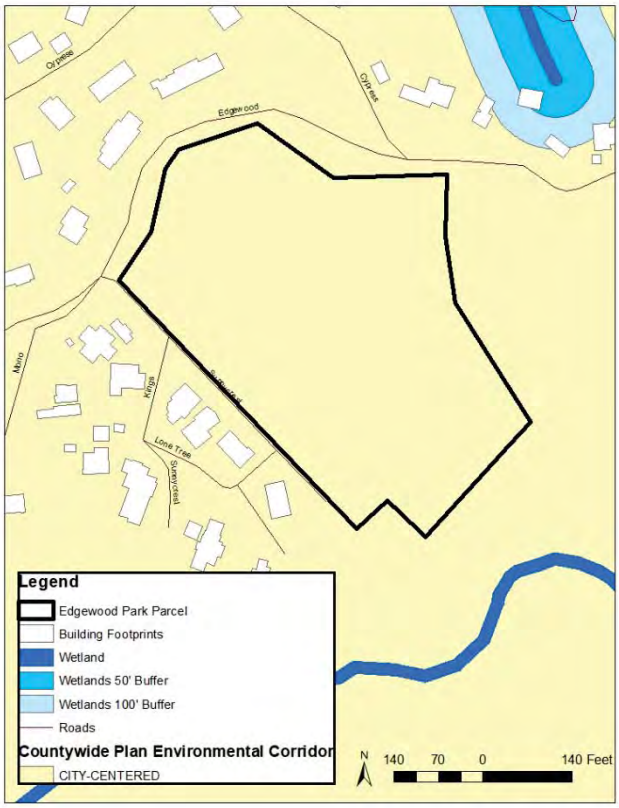


Potential 0.75 acre Housing Site

This site would be subdivided and developed in the portion of Boyle Park containing 5 tennis courts, along E. Blithedale Avenue. While reducing recreational facilities for Mill Valley's residents is less than ideal, this site is included in this memorandum because it would create a sufficiently-sized and shaped parcel in a pleasant residential neighborhood without prohibitive environmental constraints (e.g., floodplain, sensitive habitat, etc.). From an objective affordable housing development point of view, this is the best of the 4 identified sites. As described in this memorandum, identifying sites with sufficient size and yield, that also do not create extraordinary cost challenges, means that other tradeoffs would need to be made to leverage public lands.

As shown in the map on the left, although not in a floodplain or floodway, the tennis courts are located near sensitive wetlands, and would need to be designed carefully to allow for the medium blue 50 foot buffer. The lost tennis courts could potentially be relocated elsewhere in this part of Mill Valley or designed to be placed on the roof of the new housing project with separate public access provided.

Site 3: Edgewood (aka Mill Valley Reservoir)



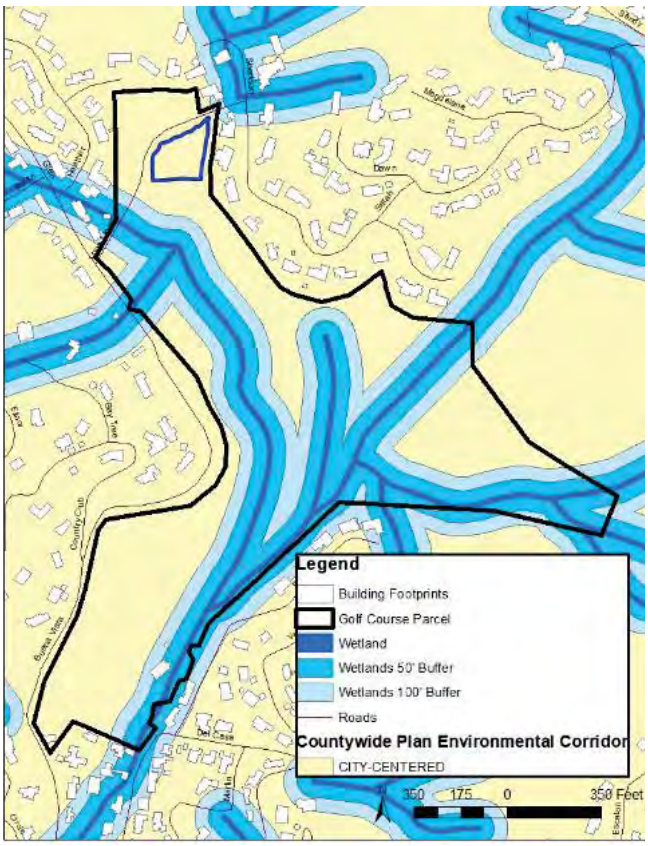


Potential 1 acre Housing Site

The Edgewood parcel contains over 4 acres, with portions containing steep slopes. The site is used as an informal open space area but has not been improved as a public park. Based on topographic map review, it is estimated that a 1-acre or more buildable portion with a feasible slope could be identified. Another development constraint is that this site was deeded by the Marin Municipal Water District to the City in 1967, with a covenant in the recorded deed that the site be maintained by the City and used as a park. However, since this site has not been improved as a park and given the age (50+ years) and nature of the grand deed, it may be possible to amend the deed to remove this covenant for a portion of the site through agreement with the MMWD.

The strategy outlined above has the additional benefit of creating a buildable parcel of 1 acre or more, allowing for a higher unit yield than the other tightly-fitted 0.75 acre sites which limit unit yield with no room to spare. In addition, it may be possible to improve other portions of this site as a park, providing new benefits to the surrounding community in exchange for supporting the 1 acre portion for use as affordable housing.

Site 4: Portion of Mill Valley Municipal Golf Course





Potential 0.75 acre Housing Site

The Mill Valley Municipal Golf Course was purchased by the City from a private owner in the 1930s and has been operated by the City since that time. It has reportedly suffered operating losses in recent years. However, any change in use status of the golf course as a whole will require a more lengthy discussion than the scope of this memorandum, and cannot be addressed here. Thus, as the City considers the future of the 45 acre, 9-hole course, for this memorandum a portion of its greenway buffering along Linda Vista was identified that may be suitable for multifamily affordable housing development in the near term.

It should be noted that the potential housing development site shown above, is across the street along Linda Vista Drive from a recently-proposed public parcel currently uses as a playing field, which engendered substantial community resistance to any development. In addition, further design of a potential building site as shown above may impact the adjacent golf hole; research indicated that 9-hole courses typically require 20 to 48 acres of land, so at 45 acres, the Mill Valley course may well reconfigurable in this section to accommodate the housing site.

City-Owned Sites Considered as Infeasible For Development

Appendix B provides a summary of six additional City-owned sites which were of sufficient size to consider, but have other constraints making them infeasible for near-term multifamily rental housing at affordable levels. These constraints are outlined below.

City Hall/Fire House Parking Lots. The first set of 3 lots are the parking lots and open space surrounding City Hall, including the entry parking area between City Hall and the Mill Valley Market, the back parking lot behind City Hall, and the open space on the far side of the historic fire house adjacent to City Hall. As noted in Appendix B, these parcels are either too small and/or in the case of the back parking lot, designated a Floodway. The table notes that either of the "side" parcels could be developed as a small number (2 to 3) moderate income ownership townhouses, with the most practical site on the open space adjacent to the fire house. This product type does not require an on-site property manager and thus can be developed at a smaller unit yield. These are often more challenging to finance, since many of the commonly-used funding sources such as Low Income Housing Tax Credits do not apply; however, with City-contributed land, there are ways to arrange for this type of housing. In the even the fire house itself were no longer needed, that historic structure could also likely be rehabilitated and converted to possibly 2 more townhouses.

Historic Depot Plaza. This 0.77 acre site is the paved, improved Plaza along with a long, linear parking lot bordering the Plaza area adjacent to and behind the historic Depot in downtown Mill Valley. Although the site is large enough to yield a feasible affordable housing project, it functions as a vital public gathering place, along with much-needed parking for downtown merchants. As such, it would require extensive further study such as a downtown parking study, and likely an urban redesign plan, to replace any public gathering plaza lost to development.

Public Parking Lot Behind D'Angelos. The parking lot behind D'Angelos, accessed from Throckmorton in downtown Mill Valley, has an infeasible configuration due to its linear alley-style parking abutting other buildings. This shape renders the site infeasible for housing of any type.

Community Center Parking Lot. The parking lot adjacent to the Mill Valley Community Center, a portion of which currently contains solar panels, is located partially within or near the Baylands Corridor boundary, meaning that only approximately a 0.5 acre potential development site could be identified. This site size is infeasible for affordable rental housing, as described previously. In addition, the soils on this property are reportedly experiencing substantial subsidence; thus, further soil and biological assessments would need to be conduced to determine if any portion

could be suitable for development. It is likely that a best-case scenario would yield a small developable parcel, which could be used to construct moderate income ownership townhouses.

Public Parking Lot at 411 Miller Avenue. The City-owned parking lot at 411 Miller Avenue offers a good rectangular set of parcels, albeit at an insufficient size for affordable multifamily residential development (smaller than the 0.75 acre threshold). In addition, a substantial portion of the site is located in a FEMA-designated Floodway, rendering new development infeasible. However, due to recent flood improvements in the area, there may be the possibility of requesting a change to the FEMA designation (which may also benefit other parcels that are privately-owned along Miller and adjacent locations such as Sloat Nursery. This would require relatively expensive hydrology studies to demonstrate to FEMA that the current situation has been improved and the Floodway finding in the area no longer applies. This process, including the necessary studies, may be fundable by state or local grants. The City should consult with the Flood Control District to ascertain next steps. If the Floodway designation could be removed, the City-owned portion, with approximately 0.54 acres, would become suitable for moderate income ownership townhouses, which do not require an on-site property manager.

Other City-Owned Parcels

Appendix C shows a summary of dozens of other city-owned parcels deemed infeasible for near-term affordable housing development for one or more of the following reasons:

- Average slopes greater than 10%, with site visits confirming steep slopes throughout parcel
- Small site size below 0.75 acres, limiting yield
- Other prohibitive environmental conditions (see Appendix C)

Potential to Monetize City-Owned Parcels

Among these infeasible-for-development parcels, there were several that may have potential value if offered for sale as a single family lot, as noted in Appendix C. The criteria used to identify salable lots were size and zoning; the parcel must be at least 6,000 square feet (the minimum single family lot size for new construction in Mill Valley) and zoned as some form of residential use. The zoning factor was applied because it is unlikely for retail lot purchasers to undertake a zoning change, especially when most of these parcels are zoned as highly-treasured Open Space.

The value of parcels potentially marketable for single family use involved analyzing sales of single family retail lots in Mill Valley that have occurred over the past 3 years (see Appendix D). As shown, the sales ranged widely, depending on slope (and cost of grading), location, size, and marketing assertions about "approved plans." [4] Because the 3 City-owned parcels identified as sufficient in size and zoning to create marketable lots shown in Appendix C are all zoned to require a minimum lot size of 1.5 acres per unit, a total of 10 potential retail lots could be identified on these 3 parcels, with a maximum retail lot value after broker commission and other selling costs was conservatively estimated at up to $1,000,000 per lot.

This analysis yields a potential total value of up to $10,000,000, but will very likely decline when more detailed site assessments are conducted to ascertain availability of utilities, identification of building sites amongst the very steep slopes, and other factors impacting marketability and value.

[4] "Approved plans" described in listing descriptions were not confirmed with the City, and are assumed to contribute only minor additions to value.

Other Tax-Exempt Parcels with Affordable Housing Development Potential

In addition to the direct potential to develop affordable housing on City-Owned parcels, Mill Valley contains numerous parcels owned by other tax-exempt agencies, non-profits, and religious organizations. These parcels were reviewed for size and slope, along with known likelihood of interest in providing land for development.

The following criteria were used to exclude tax-exempt parcels from further consideration:

- Parcels owned by Marin Open Space
- Parcels owned by Marin Municipal Water District
- Parcels owned by public school districts (which may have potential development sites, but should be considered first by the school district)

Remaining non-City owned tax-exempt parcels, described below, are owned by utilities (AT&T) and religious organizations. These parcels may have some longer-term potential for collaboration with the City of Mill Valley for affordable housing development.

Mt. Tamalpais United Methodist Church (410 Sycamore Avenue)

The church provides worship services along with childcare and other community services in a complex of buildings on a relatively large site. While the complex could possibly be envisioned in a reconfigured layout that could incorporate an affordable housing project (a possible 0.75 acre site is outlined in yellow), it is a challenging process, particularly given several environmental constraints including location near the sewage treatment plant making the site potentially unsuitable for new housing development. In addition, other buildings currently on the site would likely need to be demolished but the functions in them could be incorporated into a housing project (e.g.,



ground floor childcare facility and/or meeting rooms). The leadership of this church may be interested in partnering with the City for housing but does not have near-term plans to undertake such an initiative.

First Church of Christ, Scientist, Mill Valley (279 Camino Alto)

This church sits atop a knoll with substantial land devoted to parking, open space, and circulation. The building itself, pictured here, is relatively small but with sweeping vistas in keeping with a spiritual center. The site could be potentially reconfigured to place a 0.75 acre housing site on it that would be located beyond the requisite wetland buffer, as shown in yellow outline here. However, this would require new access driveways and reconfigured parking lots. It is not known if the leadership of this institution would be interested in collaborating with the City of Mill Valley.



AT&T Building (300 E. Blithedale)

This site contains an historic Tudor-style 3-story commercial building on a 0.48 acre parcel, which in the past has housed both telephone operations and small commercial tenants. Its current occupancy and use are not known, although it is still owned by AT&T. The building size and condition for potential rehabilitation into affordable housing are not known. Adjacent to the building is another parcel owned by AT&T configured as a parking lot to serve the building; however most of the parking lot lies in a floodway, constraining future development. If the City wished to collaborate on the building site, it or a development partner would need to most likely purchase the site from AT&T at market rates, thereby losing the benefit of leveraging publicly-owned property as a direct subsidy to a project.

Appendix A: List of Plans and Other Resources

Marin Countywide Plan 2007 (County General Plan)
https://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan

Marin County Housing Element Information (for unincorporated areas of Marin County only)
https://www.marincounty.org/depts/cd/divisions/housing/housing-element

Mill Valley 2040 (City of Mill Valley General Plan)
https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/default.htm

City of Mill Valley Housing Element Update 2013-2023 (note: the City will soon being updating the Housing Element for the next 8-year cycle)
https://www.cityofmillvalley.org/civicax/filebank/blobdload.aspx?BlobID=24590

About FEMA Flood Zones (portal to many web pages)
https://www.fema.gov/glossary/flood-zones

FEMA Information on Changing Flood Zone Maps (relevant for 411 Miller Ave Floodway)
https://www.fema.gov/flood-maps/change-your-flood-zone

Additional Explanation of FEMA Flood Zones AE AO, and Floodways Related to Insurance
https://www.amica.com/en/products/flood-insurance/what-is-an-ae-flood-zone.html

Appendix B: Infeasible City-Owned Lots Due to Size, Environmental, or Configuration Factors

Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
30 Corte Madera City Hall Portion of Parking Lot (by Fire Dept)	028-014-06	0.14	5.3%	O-A	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Maderao City Hall Portion of Parking Lot (by MVMarket)	028-014-21	0.19	6.4%	C-D	AE	No	2-3 townhouses	Small site but could potentially be a few aff townhouse units
26 Corte Madera City Hall and Back Portion of Parking Lot	028-014-16	0.49	6.5%	O-A	AE	Yes	N/A	Floodway makes infeasible
Plaza & Parking Lot	028-013-15	0.77	1.3%	Downtown Commercial (C-D)	AE	No	N/A	Site is public plaza plus has long, narrow parking lot, which makes it challenging to design a housing project without eliminating vital downotown space.Reconfiguring developable area by adding portion of private parking lot next door on sunnyside was considered, but that parcel is in Floodway.
Parking Lot behind D'Angelos	028-061-35	0.71	8.1%	Downtown Commercial (C-D)	AE	Yes	N/A	Small street frontage, narrow lot, units would abut other buildings. Very hard to design as infill.
Portion of Com Center parking lot	030-111-09	0.50	2.0%	Community Facilities (C-F)	mixed No/AE	No	7-10 moderate income townhouses	Buildable site is smaller than parking lot due to location of Bayland Corridor boundary and required 50' setback. Site also likely has soil subsidence issues. Replacement parking may also need to be arranged. Needs further analysis.
411 Miller Miller Parking Lot	030-271-70, 030-071-28	0.54	<2.5%	Open Area (O-A) & Commercial (C-N)	AE	Yes	7-10 moderate income townhouses	Site is impacted by existing Floodway designation, but recent improvements have enable a change by FEMA. Would require hydrology studies to demonstrate and obtain change.

Notes:

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, but project could be designed to accommodate.

AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Assumes townhouse development at approximately 15-18 units per acre..

Appendix D: Other City-Owned Parcels for Potential Sale

(Includes all City-Owned Parcels > minimum single family lot size of 6,000 square feet)

Location	APN	Acres	Gross Sqare Feet	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	Allowed # of Units	Notes	# of Lots	Per Lot	Total
Camino Alto and Stanton Way . Not maintained by DPW	033-102-18	5.25	228,690	42.0	RSP-5A	No		1 DU/1.5 acres	steep slope	3	$1,000,000	$3,000,000
Vasco Court / Corner of Edna Maguire	033-240-15	0.86	37,462	16.3	RSP-2A	No		1 DU/1.5 acres	Does not meet zoning			
Vasco Court / Corner across from Edna Maguire / Creek runs through property/ Bike Path	033-240-01	0.49	21,344	20.0	RSP-2A			1 DU/1.5 acres	Does not meet zoning			
Tenderfoot Trail/Zig Zag Trail. Not maintained by DPW	046-010-25	18.59	809,780	46.2	RSP-10A	No		1 DU/1.5 acres	Trail site			
Corner of Tenderfoot trail. Land Locked/ No Access. Not maintianed DPW	046-010-34	0.41	17,644	40.2	RSP-10A			1 DU/1.5 acres	Does not meet zoning			
Marsh/Margurite ROW Creek runs through site two ways.	027-272-01	0.23	9,924	19.4	RS-43	AO		7 DU/acre	Difficult to develop			
Tenderfoot trail. Not maintained by DPW	046-030-29	9.70	422,532	42.2	RS-10A	No		1 DU/1.5 acres	Nested in trails	6	$1,000,000	$6,000,000
Fern Canyon. Not maintained by DPW	027-066-40	2.07	90,155	61.1	RS-10A			1 DU/1.5 acres	May be 1 lot. Steep slope.	1	$1,000,000	$1,000,000
Next to 226 Rose. Not maintained by DPW	027-252-43	0.49	21,300	72.8	RS-10			7 DU/acre	very steep slope; likely not marketable			
Miller Grove/AE Floodway	029-101-01	11.70	509,865	20.0	O-A	AE	Yes	N/A	Floodway. Not marketable.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-066-50	7.89	343,688	63.9	O-A			N/A	Not marketable due to zoning.			
cascade park (lovell and cascade)	027-106-09	7.40	322,344	24.2	O-A	AE		N/A	Not marketable due to zoning.			
Marsh/Ralston Drive/Blithdale Canyon. Not mainted by DPW	027-033-29	6.80	296,208	36.6	O-A	No		N/A	Not marketable due to zoning.			
Edgewood/Cypress/Rose. Not maintained by DPW	046-320-01	5.47	238,273	62.4	O-A			N/A	Not marketable due to zoning.			
Park/Warner Canyon (Buena Vista/Camelita)	029-192-16	4.99	217,165	11.0	O-A	AE		N/A	Not marketable due to zoning.			
Fern canyon (near old railroad grade). Not maintained by DPW	027-280-03	4.01	174,676	53.7	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-162-01	3.84	167,160	49.1	O-A	No		N/A	Not marketable due to zoning.			
tenderfoot trail. Not maintained by DPW	046-030-20	3.22	140,263	39.9	O-A	No		N/A	Not marketable due to zoning.			
Evelyn/Cascade Damn. Not maintained by DPW	046-010-14	3.02	131,551	49.2	O-A	No		N/A	Not marketable due to zoning.			
Golf Club House	029-084-01	2.26	98,446	33.1	O-A	No		N/A	Not marketable due to zoning.			
Old Mill Park (lower)	028-102-12	2.08	90,605	16.4	O-A	AE	Yes	N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	027-161-26	2.00	87,120	57.5	O-A			N/A	Not marketable due to zoning.			
Old Mill Park (upper near structure/bathrooms)	028-091-09	1.73	75,359	13.6	O-A	AE		N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-15	1.39	60,600	48.7	O-A	AE		N/A	Not marketable due to zoning.			
Sycamore/Corner of MVMS/MMWD Easement	030-161-12	1.33	58,000	14.8	O-A	No		N/A	Not marketable due to zoning.			
Molino /Cascade (Other side of Old Mill Park). Not maintained by DPW	028-132-09	1.04	45,344	59.4	O-A			N/A	Not marketable due to zoning.			
Cascade/Throckmorton. Not maintained by DPW	027-161-05	1.00	43,512	47.0	O-A	AE		N/A	Not marketable due to zoning.			
MonteVista/Earnscliff Park	027-235-28	0.90	39,282	30.9	O-A	No		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-02	0.65	28,509	30.9	O-A	No		N/A	Not marketable due to zoning.			
Fairway Drive (near Golf Course). Not maintained by DPW. Between RS-10 SFR. Could be split into two lots and sold?	029-161-47	0.59	25,760	34.5	O-A	No		N/A	Not marketable due to zoning.			
Narrow ROW near Azalea/Camino Alto and Pathway. Not maintained by DPW	033-112-01	0.53	23,000	29.4	O-A	No		N/A	Not marketable due to zoning.			
Library and back of/AE Floodplain. Maintained by DPW	028-091-11	0.48	20,757	23.8	O-A			N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-01	0.41	17,650	34.2	O-A			N/A	Not marketable due to zoning.			
MonteVista / Tenderfoot trail. Not maintained by DPW	046-030-23	0.39	16,944	46.5	O-A	No		N/A	Not marketable due to zoning.			
Sycamore/ROW/AE Floodplain. 18' wide.	030-101-22	0.27	11,765	10.2	O-A	AE		N/A	Not marketable due to zoning.			
Norris Memorial Park (Molino/Helens). Not Maintained by DPW	028-161-03	0.16	6,825	46.1	O-A			N/A	Not marketable due to zoning.			
Behind 700 East Blithedale/ Roque Mar /AE Floodplain. 47' wide	030-124-11	0.16	7,171	34.9	C-G	AE		29 DU/acre	Too small for cost of building in flood plain unless combined with 700 Blithedale			

Appendix D: Recent Single Family Lot Sales

	Address	Acreage	quare Feet	Sale Date	Sale Price	Price/Sq. Ft. of Land	Notes
	50 Sandy Lane	1.154	50,268	10/20/2020	$ 1,250,000	$ 24.87	1.15 acre parcel above the Mill Valley golf course. Lot features views of the San Francisco Bay and the ridges to the West. Located at the end of a quiet cul de sac with utilities to the lot line. Near trails.
	201 Marion	0.240	10,454	3/24/2019	$ 450,000	$ 43.05	Appears to have slope. Site formerly had 1962 house on it (now demolished, foundation visible). Sold previosly in 2016 for $300,000.
	390 N. Ferndale	0.130	5,662	2/24/2019	$ 559,000	$ 98.73	Description says site has "approved plans" for 1,800 sf new home. Had former (demolished) 1918 home on it. Note: site size below min lot of 6,000 sf.
	316 W. Blithedale	0.200	8,712	7/25/2018	$ 1,050,000	$ 120.52	Sold 4 months earlier for $800,000 ($91.83 per sq. ft.). Also sold for 1.05M in 2004.
	321 Loring Avenue	0.132	5,760	6/25/2018	$ 450,000	$ 78.13	Description says "approved plans, shovel ready." Note: below min lot size.

EXHIBIT N

MILL VALLEY

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT Review of Consultant Evaluation of Publicly Owned Land to Leverage Affordable Housing; Consider authorizing the issuance of a Request for Qualifications (RFQ) to solicit interest from the Affordable Housing Development community to build a Dedicated Affordable Housing Development at 1 Hamilton Drive; Consideration of Allocation of Housing Trust Funds

DATE: June 21, 2021

Approved for Forwarding:

Alan E. Piombo, Jr., City Manager

Issue: Consider next steps in building a dedicated affordable housing development at 1 Hamilton Drive based on consultant review and analysis of City-owned parcels and recommendations received at the May 25, 2021 Housing Advisory Committee.

Recommendation: Receive report, consider public comments and take the following actions: 1) authorize staff to proceed with issuing a Request for Qualifications (RFQ) to solicit interest from the Affordable Housing Development community; and 2) direct the allocation of Housing Trust Funds to conduct further site investigations, including survey work and other technical studies, as needed.

Summary. The Housing Advisory Committee, City Staff and its consultants have extensively studied opportunities on publicly owned land to leverage an affordable housing development by either selling property to finance a property or offering land at a low or nominal cost to build dedicated affordable housing units. On May 25, 2021, the Housing Advisory Committee unanimously voted to recommend that City Council issue a RFQ to the affordable housing development community to measure interest in possible partnerships to build permanent affordable housing on the City-owned parcel located at 1 Hamilton Drive, see Exhibit 2.

ITEM 3

The site and financial analysis (Attachment 2 and 3) illustrate the benefit of utilizing a City-owned site to build a dedicated affordable housing development. By offering land at a nominal cost, the City will have a small local match (approximately $200-$300K) that could be used to leverage other County, state and federal financing to sufficiently fund such a development. Without land to offer, the City does not have the financial resources to leverage an affordable housing development. The sites analysis also confirms the overall approach and selection of parcel located at 1 Hamilton Drive, and acknowledges that the challenges of this site are typical for a development of this size. The feasibility of the site would also be confirmed based on interest received from the non-profit affordable housing development community through the issuance of the RFQ.

By deciding to proceed with the recommended next steps, City Council can assess interest from housing teams willing to partner with the City and will confirm if the proposed housing concept at 1 Hamilton Drive has a high likelihood of success. Should a non-profit home builder be selected, the City and the housing team would work with the community to develop a full site and development design reflecting the realities of cost and site-specific design goals based on significant public input.

Non-Profit affordable home builders are mission driven organizations that raise capital using Federal, State, and other sources of funds to finance the construction and management of affordable housing developments. These housing teams routinely partner with local jurisdictions as part of the design and development review process. They bring expertise in the design, construction and management of these sites. Successful housing teams conduct extensive community engagement and construct attractive properties that are accepted by the communities they operate in. Successful properties also have the long-term economic structure such that affordable rent is sufficient to cover all services, maintenance, and long-term costs of maintaining the housing units by the capital provided. Given the significant effort and cost of development, these entities typically commit to the development process on properties with a higher likelihood of success proposed by cities committed to supporting affordable housing.

Background:

Housing Opportunity to Build a More Inclusive Community. The Mill Valley City Council and local community are concerned about affordable housing options available for its seniors, workforce and younger generations to come. Currently an attainable level of rent for employees such as store clerks, teachers and physical therapists is in the range of $1,700 a month while the average market-rate 2-bedroom unit in Mill Valley averages $2,700 a month to rent. This disparity in housing costs, known as the "housing affordability gap" impacts our community and those who cannot live in Mill Valley.

Table 1 below illustrates how those households making less than $48.46/hour cannot afford to rent a home in Mill Valley.

Table 1: Salaries Required to Afford Rent in Mill Valley



Note: Assumes not more than 1/3 of a household salary may go toward rent, including utilities.
Source: Marin County Affordable Housing Needs Report, California Housing Partnership, May 2021.

A low-income housing development helps to bridge the affordability gap by charging the renter only what they can afford. The City has been a proven leader in building Affordable Housing developments over the years, including those affordable housing properties pictured in Exhibit 1 below.

Exhibit 1: Existing Affordable Housing in Mill Valley



Pickleweed Apartments: Family Housing, includes 32 affordable one-, two-, and three-bedroom units managed by Bridge Housing built in 1985.



Alto Station Apartments: Family Housing, includes 17 affordable two- and three-bedroom units managed by Bridge Housing built in 1995.



Shelter Hill Apartments: Family Housing, includes 75 units managed by EAH built in 1975.

Most recently, building additional affordable housing has gained added importance because of its positive impacts on diversity, equity, and inclusion. Business owners are also finding it difficult to find, hire, and retain lower wage members of the local workforce including store clerks, dishwashers, clerical aides/assistants, gardeners, artists, and other important workers in town.

Equally important is the positive impact to the city of housing families with more diverse economic backgrounds, joining our schools and contributing to our community.

The lack of affordable housing has also affected the City of Mill Valley's staff recruitment. City Departments continue to face difficulty in filling open positions, with several top candidates declining job opportunities in Mill Valley due to the high costs of housing in Marin. COVID-19 has also brought to light various housing challenges for the Mill Valley community, including increased homelessness, increased housing prices, the relocation of friends and family to less expensive areas of the Country, and an uncertain future for students and younger generations trying to move closer to home.

Compliance with General Plan. The Housing Element is one of eight required chapters or "elements" of the City's General Plan. The Housing Element, adopted by City Council in May 2015 is a policy guidance tool containing community-based housing programs aimed at addressing the City's two overarching General Plan goals to: 1) protect and enhance the natural beauty and small-town character and 2) encourage the continued diversity of housing, income levels and lifestyles within the community. There are 38 Housing Programs in the City's adopted Housing Element, one of which is the identification of publicly owned land that could generate an affordable housing project (Housing Program #12).

Building new affordable units is an important part of the City's housing strategy because housing costs continue to outpace a local household's ability to afford housing in Mill Valley (see discussion above). While the private real estate market does generate some affordable units through policies such as Accessory Dwelling Units (ADUs) and inclusionary housing, the number of dedicated deed restricted affordable units built each year that remain in perpetuity is limited. Dedicated affordable housing properties such as the proposed housing concept at 1 Hamilton Drive provide long-term affordable housing opportunities for the Mill Valley community.

Housing Advisory Committee. For the past eighteen months, the Housing Advisory Committee has been working on its two priority housing initiatives aimed to house the Mill Valley Community ("House Mill Valley"), which include the Home Match program and sites analysis. Identification of a publicly owned parcel has been identified as a priority by the Housing Advisory Committee as part of its Work Plan that was approved by City Council approved the Housing (Nov. 18, 2019).

Discussion:

Sites Analysis. On September 30, 2020, the Housing Advisory Committee reviewed a preliminary analysis of city-owned sites conducted by City staff and Housing Advisory Committee members, Mayor McCauley and Matt Franklin ("Housing Subcommittee"). Staff presented several preliminary options to leverage affordable housing by either 1) selling land to directly fund an affordable housing property on a private or public site and/or 2) donating land for a dedicated affordable housing development.

At that meeting, several community members, particularly in the Scott Highlands area, expressed concern about selling and/or utilizing land adjacent to the golf course and Scott Highlands Park. Other community members expressed interest in continuing to explore possibilities to build affordable housing, given the need of such housing in the community.

Based on feedback received, staff then presented information to City Council at its October 5, 2020 meeting for Council's review and consideration. Council authorized staff to hire a housing consultant to review staff's preliminary analysis in terms of those city-owned parcels that could feasibly be developed and also provide more insight into the financial resources required for the City to partner with a non-profit home builders. This, in turn, would help to determine the course of action required in terms of next steps (e.g. either selection of a site and/or identifying land to sell to help leverage funds to finance an affordable housing property).

Most recently, at its May 25, 2021 meeting, the Housing Advisory Committee was briefed (**ATTACHMENT 1**) on the follow-on work conducted by The Housing Workshop Consulting Firm.

The first memo (**ATTACHMENT 2**) reviews staff's analysis of its detailed extensive review of all public-owned sites in town and provides further review of sites that would be able to house an 100% affordable housing development.

Table 2: Publicly Owned Parcels located in Mill Valley

Public Owned Parcels	150
City-Owned **17 Residential Zoned** **47 Open Area Zoned** **7 Commercial Zoned**	71
City-Owned over 1 acre	24
City-Owned over 1 acre + vacant	17
City Owned over 1 acre + vacant + 40% slope or less	4

In terms of identifying a publicly owned parcel that could accommodate an affordable housing development, the memo indicates that:

- The parcel must be at least ¾ of an acre (32,670 square feet or more);
- The property would require at least 40 units to finance an affordable housing development, including on-going tenant and housing services associated with the property.
- The 100% Affordable Housing property would qualify for modified development standards (e.g. heights, setbacks and/or parking) through State Density Bonus Law.

The memo reviews several locations beyond staff's initial list of sites, with a detailed review of the Edgewood Reservoir parcel and parking lot adjacent Public Safety Building (PSB) parcel located at 1 Hamilton Drive.

Exhibit 2: PSB Parcel at 1 Hamilton Drive
Approximate site location outlined in yellow



Upon further review of site feasibility in terms of location, size of parcel; topography/slope; ability to accommodate existing uses in the area; allowable access and financing, the memo concludes that the parcel connected with the Public Safety Building at 1 Hamilton Drive is the most viable. There are also a few other parcels that are not city-owned highlighted in the memo and are identified as secondary "long term" opportunities.

The second memo (**ATTACHMENT 3**) provides a financial analysis for the PSB parcel to determine the amount of funding that may be required by the City to partner in such a development. In order to determine financial implications and financing required, the memo assumed 40 units for the housing concept (the minimum number of units needed to fund the construction and ongoing services for an affordable housing development) utilizing the allowable multi-family density range of 29 units/acre. Based on these assumptions, and modifications to parking and height allowances under the State Density Bonus Law for affordable housing, the analysis determined that approximately .75 acre associated with the public parking lot (highlighted in yellow in Exhibit 2 above) could accommodate a 40-unit affordable housing development. As noted in the assumptions above, the memo acknowledges that the existing electric vehicle charging, public restrooms and public parking spaces would be relocated within the surrounding area. The exact relocation of these amenities would be determined as part of future site planning and design work.



Exhibit 3: Multi-Family Zoned Properties off Hamilton Drive



The memo also determines that the land donation, particularly that of the PSB parcel located in close proximity to schools, recreational facilities and transit, would result in a very competitive Low-Income Housing Tax Credit application (which generates subsidy for the property), resulting in a reduced need for other funding from the City to achieve feasibility. The Redwood Reservoir site, on the other hand, is less competitive from the perspective of securing Low Income Housing Tax Credits. As such, the memo concludes that City should prioritize building an affordable housing property on the PSB parcel.

Public Comment and Outreach. The sites analysis work was initially presented to the Housing Advisory Committee at its September 30, 2020 meeting, followed by City Council direction at its October 5, 2020 meeting to hire a housing consultant to review staff's analysis and provide further guidance on feasible options to create new affordable housing in Mill Valley. The site and feasibility analysis were then discussed at the May 25, 2021 Housing Advisory Committee meeting.

Staff notified residents within 500' of 1 Hamilton Drive prior to the May 25, 2021 Housing Committee meeting and all forty neighborhood associations within the City were notified by e-mail. Several electronic news items were also e-mailed out, including Mill Valley Connect (14,000 subscribers). The Housing Advisory Committee reviewed the above-referenced material at its May 25, 2021 meeting, which was well attended with approximately 200 individuals registered to attend. The Committee listened to 30 oral comments and received over 115 written comments.

Based on feedback received, the mail notification was increased to 1,000' of 1 Hamilton Drive for the City Council meeting. All Housing Advisory Committee zoom registrants (over 200) and neighborhood associations in the City were notified by e-mail, and several e-mail notifications were sent out prior to City Council meeting including Mill Valley Connect (14,000 subscribers). In addition, Council consideration was moved from June 7 to June 21 to allow the public more time to digest the proposal.

See **ATTACHMENT 4** for written comments received to date.

There was general support for creating more affordable housing opportunities in Mill Valley.

The majority of community concerns stem around scale, massing, neighborhood context and environmental concerns, all of which are items that will be reviewed as part of the detailed site planning and building design that occurs after a housing non-profit development partner is selected (see next steps for details).

The site analysis assumed a four-story building with approximately 40 units on site. Note that staff and the Housing Committee are requesting that City Council consider next steps in order to further understand the size, scale and design of a property at 1 Hamilton Drive. Should Council consider moving forward and selecting a non-profit housing team, complete analysis and design work would be conducted with the community to determine the actual layout, design and location of the housing development. It could be that the proposed .75 acres identified in Exhibit 2 is expanded in order to address financial feasibility and various site planning considerations, such as parking and circulation.

Parking, circulation and traffic are very important issues for the neighborhood and surrounding community. In order to address and work through the community's concerns, site planning and a preliminary design concept must be developed with a development partner. Site planning and design would include community workshops to identify concerns and interests such as those related to pedestrian, bicycle and vehicular safety and access for the recreational area as well as developing a well-designed entrance and egress for the site. Site planning work will provide the opportunity to address circulation concerns. Additional analysis of trips generated by an affordable housing property will also be part of next steps, however, the intent is that providing affordable housing opportunities within the City can help reduce the number of car trips in and out of town by allowing those that work in Mill Valley to live in Mill Valley. Sea level rise, fire risk, drought, slope stability and archeology will also be evaluated as part of any required design and environmental review of the development.

There was also some concern raised by community members about the selection of the 1 Hamilton Site as opposed to the Golf Course or tennis course area. As noted in the consultant reports, based on all selection and evaluation criteria the parcel at 1 Hamilton Drive provides the best opportunity for development. The actual specific property design will emerge and evolve by partnering with a non-profit housing team in order to better understand site planning and potential design options for the site.

Next Steps: Staff requests City Council to:

- Consider the information contained in this staff report, including all attachments and public comment received (Attachments 4); and

- Direct staff to initiate Phase 1 of the proposed next steps to acknowledge the City's commitment to construction of an affordable housing development at 1 Hamilton subject to interest from non-profit housing teams based on those assumptions provided in this report by: 1) issuing a RFQ and 2) allocating Housing Trust Funds to conduct further due diligence on site feasibility such as additional survey work and other technical studies, as needed. Staff has provided a draft of the Request for Qualifications (RFQ) in **ATTACHMENT 5**. Please note this is a working draft and is intended to serve as an example.

Exhibit 4: Consideration of Next Steps



Attachments:

1. Staff Report to Housing Committee
2. Sites Review and Analysis conducted by The Housing Workshop Consulting Firm
3. Financial Feasibility Analysis by The Housing Workshop Consulting Firm
4. Public Comments received to date
5. Preliminary Draft Request for Qualifications (RFQ)

Video of Housing Advisory Committee Meeting:
https://us02web.zoom.us/rec/share/Id1GfmojGRbYDcLGBkpl3ckTZU669QxZje28rwo2oqvzQP2t1BrZdtVaWkMfwp.MsqykonVpxOjAlXH?startTime=1621987259000

MILL VALLEY

MEMORANDUM

TO: Housing Advisory Committee

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT: Identification of City-Owned Site to Leverage 100% Affordable Housing Project

DATE: May 25, 2021

This memo provides a summary of the detailed analysis conducted by The Housing Workshop based on City Council direction received October 5, 2020 to:

- Review and further evaluate public-owned sites based on staff's analysis (as presented to the Housing Committee at its September 30, 2020 meeting);
- Conduct a financial analysis to determine the resources required to fund a 100% affordable housing project;
- Confirm the affordable housing development assumptions, such as number of units required for an affordable housing project to "pencil out";
- Explore interest and feedback from the non-profit affordable housing community about the City's interest in partnering with a non-profit affordable housing developer; and
- Provide recommendations on next steps as part of the site selection.

Details of the analysis are contained in **ATTACHMENTS 1 and 2**. Previous staff reports to the Housing Committee and City Council are provided under "online resources."

Background:

Identifying publicly-owned land that can be utilized to generate an affordable housing project is included in the City's adopted Housing Element (Housing Program #12) and builds upon the City's General Plan goal, established in 1989, to encourage the continued diversity of housing, income levels and lifestyles within the community (Goal #2). This work has also been identified as a priority by the Housing Advisory Committee as part of its Work Plan that was approved by City Council (Nov. 18, 2019).

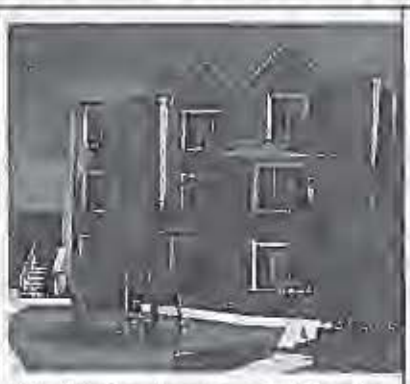
ATTACHMENT 1

The discussion below is based on an analysis of publicly-owned property and the financial feasibility of the City partnering with a non-profit housing developer. However, it is important to recognize the overall intent and context, which is: the Mill Valley community is concerned about affordable housing options available for its seniors, workforce and younger generations to come. For instance: an attainable level of rent for store clerks, teachers and physical therapists is in the range of $1,700 a month while the average market-rate 2-bedroom unit averages $2,700 a month to rent. This disparity in housing costs, known as the "housing affordability gap" impacts our community and those that can afford to live in Mill Valley. A low-income housing project helps to bridge the affordability gap by charging the renter only what they can afford.

Existing Affordable Housing in Mill Valley



Pickleweed Apartments: Family Housing, includes 32 affordable one-, two-, and three-bedroom units managed by Bridge Housing built in 1985.



Alto Station Apartments: Family Housing, includes 17 affordable two- and three-bedroom units managed by Bridge Housing built in 1995.



Shelter Hill Apartments: Family Housing, includes 75 units managed by EAH built in 1975.

Most recently, building additional affordable housing has gained added importance because of its positive impacts on diversity, equity and inclusion. Business owner's are also finding it difficult to find, hire and retain lower wage members of the local workforce including: store clerks, dishwashers, clerical aides/assistants, gardeners, artists and other important workers in town.

Equally important is the positive impact to the city of housing families with more diverse economic backgrounds, joining our schools and contributing to our community.

The lack of affordable housing has also affected the City of Mill Valley's staff recruitment. City Departments continue to face difficulty in filling open positions, with several top candidates declining job opportunities in Mill Valley due to the high costs of housing in Marin.

COVID-19 has also brought to light various housing challenges for the Mill Valley community, including: increased homelessness, increased housing prices, the relocation of friends and family to less expensive areas of the Country, and an uncertain future for students and younger generations trying to move closer to home.

Despite these challenges, the Mill Valley community has a proven track record in addressing affordable housing through its various housing policies. Illustrated below are a few examples of affordable housing projects that have been built in our community.

Initial Staff Analysis (October 2020):

On September 30, 2020, the Housing Advisory Committee reviewed a preliminary analysis of city-owned sites conducted by City staff and Housing Advisory Committee members, Mayor McCauley and Matt Franklin ("Housing Subcommittee"). Staff presented several preliminary options to leverage affordable housing by either 1) selling land to directly fund an affordable housing project and/or 2) donating land for a dedicated affordable housing project.

Summary of Publicly Owned Parcels located within the City of Mill Valley	
Public Owned Parcels	150
City-Owned *17 Residential Zoned* *47 Open Area Zoned* *7 Commercial Zoned*	71
City-Owned over 1 acre	24
City-Owned over 1 acre + vacant	17
City-Owned over 1 acre + vacant + less than 40% slope	4

At that meeting, several community members, particularly in the Scott Highlands area, expressed concern about selling and/or utilizing land adjacent to the golf course and Scott Highlands Park. Other community members expressed interest in continuing to explore possibilities to build affordable housing, given the need of such housing in the community.

Based on feedback received, staff then presented information to City Council at its October 5, 2020 meeting for Council's review and consideration. Council authorized staff to hire a housing consultant to review staff's preliminary analysis in terms of those city-owned parcels that could feasibly be developed and also provide more insight into the financial resources required for the City to partner with a non-profit affordable housing developer. This, in turn, would help to determine the course of action required in terms of next steps (e.g. either selection of a site and/or identifying land to sell to help leverage funds to finance an affordable housing project).

Follow-On Consultant Work (April 2021):

Attached are two detailed memos outlining research conducted by The Housing Workshop Consulting Firm. The first memo (**ATTACHMENT 1**) reviews staff's analysis in terms of public-owned sites and provides further review of sites that would be able to house an 100% affordable housing project.

In terms of identifying a public-owned parcel that could accommodate an affordable housing project, the memo indicates that:

- The parcel must be at least ¾ of an acre (32,670 square feet or more);
- The project would require at least 40 units to finance an affordable housing project, including on-going tenant and housing services associated with the project.

- The 100% Affordable Housing project would qualify for modified development standards (e.g. heights, setbacks and/or parking) through State Density Bonus Law.

The memo reviews several locations beyond staff's initial list of sites, with a detailed review of the Edgewood Reservoir parcel and Hauke Park Parking Lot/Public Safety Building (PSB) parcel.

Upon further review of site feasibility in terms of location, size of parcel; topography/slope; ability to accommodate existing uses in the area; allowable access and financing, the memo concludes that the parcel connected with the Public Safety Building is the most viable. There are also a few other parcels that are not city-owned highlighted in the memo and are identified as secondary "long term" opportunities.



PSB Parcel at 1 Hamilton Drive:
Site location outlined in yellow

The second memo (**ATTACHMENT 2**) provides a financial analysis based on the Public Safety Building parcel to determine the amount of funding that may be required by the City to partner in such a project. In order to determine financial implications of the project, the memo first determined the number of units that could be yielded on the property based on the City's other adjacent multi-family land use (e.g. Eucalyptus Knolls and Shelter Bay), which allow up to 29 units/acre. The analysis determined that utilizing .75 acre associated with the Hauke Park parking lot (highlighted in yellow) could accommodate a 40-unit affordable housing project, while also accommodating or improving the existing uses in the area, including the electric vehicle charging, public restrooms and 38 public parking spaces. To do so, the analysis assumes several allowances under State Density Bonus Law, including reduced parking and increased height.



Multi-Family Zoned Properties off Hamilton Drive



The memo also determines that the land donation, particularly that of the PSB parcel located in close proximity to schools, recreational facilities and transit, would result in a very competitive Low-Income Housing Tax Credit application (which generates subsidy for the project), resulting in a reduced need for other funding from the City to achieve feasibility. The Redwood Reservoir site, on the other hand, is less competitive from the perspective of securing Low Income Housing Tax Credits. As such, the memo concludes that City could pursue building an affordable housing project at on PSB parcel without further discussion of selling other pieces of city-owned land to finance the transaction

Recommendations:

Based on consultant and subcommittee work, staff has outlined a series of next steps, summarized in the graphic below, to successfully partner with a non-profit affordable housing developer to build a 100% affordable housing project on city-owned land adjacent to the Public Safety Building at 1 Hamilton Drive.



Staff requests that the Housing Advisory Committee discuss the work conducted to date and conclude that the analysis, site location and overall affordable housing concept is ready to be brought forward to City Council. Upon its review, City Council will then consider taking further steps (outlined below) to initiate an affordable housing project at the PSB site.

Phase 1: Identify Site(s) and Seek Interest from Non-Profit Housing Developers

1. Acknowledge sites and financial feasibility analysis memos and work conducted to date.
2. Confirm site location and overall affordable housing concept.
3. Release a Request for Qualifications (RFQ) to determine interest from non-profit affordable housing developers in partnering with the City of Mill Valley. The Housing Subcommittee will provide a report to the City Council summarizing the submissions received and identifying those non-profit partners qualified to partner with the City.

4. Authorize the use of Affordable Housing Trust Funds for specialized non-profit housing services aimed at managing the overall process and/or conducting preliminary studies for the evaluation of:
   - Biology/hydrology and geology
   - Archeology
   - Circulation/parking
   - Emergency access
   - Other studies, as needed

Phase 2: Develop a Design Concept with the Community, in Partnership with a Non-Profit Developer

5. Consider and select a non-profit affordable housing developer. Development agreement or transaction related to the property will be compliant with the Surplus Land Act.

6. Upon selection of a non-profit affordable housing developer, conduct additional analysis and gather input as part of preliminary design and rezoning work, including:

   A. Input from the local community, including the local neighborhood/residents, recreational users and other interested groups to identify interests, concerns and possible improvements for the area that could be incorporated into the preliminary conceptual design.

      General assumptions and expectations associated with the project design based on input, including but not limited to:
      - Replacement of Hauke Park public parking spaces, with the intent of increasing public parking from 38 total spaces to 50 or more total spaces.
      - Replacement of public restrooms.
      - Replacement of public electric vehicle charging station.
      - Opportunities to improve vehicular circulation and pedestrian access, including sidewalk connection, crosswalk connections, and possible curbside drop off at the adjacent recreational field area.

   B. Preliminary design concept plans, including Density Bonus concessions required for the project. Based on the consultant analysis, staff anticipates requests for modified height and parking requirements for the project.

Phase 3: Zoning/Land Use Amendments, Environmental Review and Design Review

7. Conduct initial study and initiate land use entitlements for the conceptual project, including a lot split, rezoning of the newly created parcel to accommodate the affordable housing project and General Plan Land Use amendment.

8. Design Review and Approval of Project.

Next Steps: Staff intends to host a Study Session at the June 7, 2021 City Council to inform Council on work conducted to date, and will include Committee recommendations and public comments received. Staff would like City council to consider approving the overall affordable housing concept and initiate phase one of the project at the subsequent meeting on June 21, 2021. Staff anticipates further refinements to phases 2 and 3 as work progresses.

Attachments:

1. Consultant Memo #1: Tax-Exempt Sites for Affordable Housing Development
2. Consultant Memo #2: Financial Analysis of Example Affordable Housing Projects

Online Resources:

September 30, 2020 Housing Advisory Committee meeting materials (agenda, staff report, public comments):
https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/housing_/housing_advisory_committee/default.htm

October 5, 2020 City Council meeting materials (agenda, staff report, public comments):
http://cityofmillvalley.granicus.com/GeneratedAgendaViewer.php?view_id=2&clip_id=1532

THEHOUSINGWORKSHOP

To:	Danielle Straude, Senior Planner, City of Mill Valley
From:	Janet Smith-Heimer, The Housing Workshop
Re:	Analysis of Tax-Exempt Sites for Affordable Housing Development
Date:	2-10-21

Introduction and Summary of Findings

This memo summarizes an initial analysis of a list of approximately 75 parcels of land owned by the City of Mill Valley, for the purposes of identifying a short list of parcels suitable for potential affordable housing development. In addition, the analysis for this memo included a review of all other identifiable property tax-exempt parcels located within City limits (e.g., owned by Marin Open Space, Marin Municipal Water District, several religious organizations, etc.). The source for identifying tax-exempt parcels, the County Assessor's database, lists all land parcels in Mill Valley by identifying number, size, owner, and tax-exempt or taxable status.

The analysis of publicly-owned/tax-exempt land parcels was commissioned by the City of Mill Valley, and prepared under the guidance of City staff and the Housing Advisory Committee. Following discussion of this initial analysis, The Housing Workshop will conduct an in-depth financial analysis of potential housing projects on two of the best-suited sites to demonstrate feasibility and facilitate potential next steps by the City.

Purpose of the Analysis

This initial study phase was conducted with two objectives: to identify City-owned or other tax-exempt parcels that could be developed into affordable housing, and to identify any parcels that could potentially be monetized (e.g., sold or leased) by the City to private parties to raise local funds that could help subsidize affordable housing projects. The review of City-owned properties aligns well with policy initiatives promoted by housing policy experts as well as the State of California, to leverage publicly-owned land assets to address the current housing crisis. This memorandum does not outline or analyze housing affordability issues in Mill Valley; several key resources to further explore those issues are referenced in Appendix A of this memorandum.

Leveraging publicly-owned land assets by making them available, typically at reduced or no cost to a non-profit affordable housing developer, is a direct method of subsidizing and creating this type of development, which otherwise faces major challenges in acquiring developable land and

ATTACHMENT 2

raising sufficient funding to build new units. In other words, eliminating the time and cost of acquiring land (because it is contributed by a city or public agency to a project), immediately reduces the need for funding by 20 to 40% of total project cost, depending on the cost of that land. This concept, sometimes called "land write-down," was used very successfully throughout California for decades through local redevelopment agencies tasked with funding new affordable housing projects. Nearby examples of this concept can be found in San Rafael and other Marin locations.

Summary of Findings

As detailed in the following memorandum, the initial analysis concluded the following:

- Among the numerous City-owned parcels, just 4 sites were identified for further analysis, including:
    1. Public Safety Building/Hauke Field Parking Lot
    2. Boyle Park Tennis Courts
    3. Portion of Edgewood (aka Mill Valley Reservoir)
    4. Portion of Mill Valley Golf Course along Linda Vista Drive
- The factors affecting this conclusion – parcel size, degree of slope, recreation/open space designations, and environmental constraints – render many of the subject parcels infeasible for multifamily affordable housing development.
- A review of other non-City owned, tax-exempt parcels indicates that there are likely no short-term opportunities to partner with property owners.
- There are limited opportunities to monetize City-owned parcels, due to likely infeasibility of creating retail single family lots matching zoning requirements for parcel size. Three parcels that may yield up to 10 lots in total were identified as potentially saleable, but require further analysis to determine their marketability and value. It should also be noted that raising funds for potential use as subsidy in future projects does not directly resolve the lack of available project development sites.

Next steps in the study process will include preparing a financial analysis for 2 of the 4 sites identified as having near-term development potential for affordable housing. If these sites "pencil," The Housing Workshop will recommend a series of future actions to undertake City-sponsored affordable housing development on those sites.

Affordable Housing Development Challenges in Mill Valley

There are several key development constraints facing Mill Valley's publicly-owned parcels, all of which were converted into criteria to apply to the list of parcels for the analysis. These are summarized below.

Current Zoning Designations

Mill Valley owns numerous tracts of land used for active recreation (e.g., ballfields, tennis courts) along with extensive networks of trails, gardens, public parks, and designated open space areas with heritage trees. These recreation/open space lands are treasured by residents, and are considered important parts of Mill Valley's quality of life.

The community valuing of recreation/open space, and the balancing of potential development versus conservation for recreation/open space, have long been codified in the City's General Plan land use and zoning designations. The balancing of competing goals, such as development versus recreation/open space, is a tension that occurs in every city in the Bay Area. This current analysis does not seek to alter these land use designations; the work conducted every 8 years to prepare the City's Housing Element Update is meant to address those larger policy questions.

Criteria Used in Analysis. With a few exceptions as described later in this memorandum, the City-owned sites analysis considered a current zoning designation of Open Space as a given, thereby not permitting any new multifamily housing development. The few exceptions described later in this memorandum represent potential building sites located within larger open space areas, sited to be on frontage roads so as to not disturb recreation/open space enjoyment.

Parcel Size and Development Density

In Mill Valley, even though the City owns parcels of various sizes throughout the city, these assets are not easily identifiable on the ground. Mill Valley, with its desirable location, climate, and lifestyle, has long been "built-out," meaning no obvious tracts of undeveloped land await development. The downtown layout, primarily in a historic village pattern, further limits development opportunities on publicly-owned parcels.[1]

A review of Mill Valley's zoning designations indicates that the City's most dense category of residential development caps out at 29 dwelling units per acre, with these opportunities generally located in the downtown center. This density typically translates into a 3-story multifamily building with surface parking.

For 100% affordable housing projects (including housing for very low, low, and moderate income households), the California Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with a substantial "density bonus" of an 80% increase in density. For Mill Valley's current most dense residential zone category, this would yield projects with a density of 52 units per acre (1.8 X 29).

Almost all affordable rental housing developers seek yield and scale in their projects (in terms of number of units), due to the complexities and cost involved in creating these projects. In Mill Valley, this combination of relatively low maximum allowable density and typical parcel size mean that even with a density bonus, almost all professional organizations will not be able to expend the time and resources necessary to develop on very small parcels.[2] In addition, even post-development, most affordable housing projects require an on-site property manager living in one of the units, which is generally not sustainable in terms of operating costs in projects with less than 40 units, although exceptions to this rule of thumb can be found for slightly smaller projects if management is shared by the same owner with another small project nearby. The result of these scale and yield considerations means that parcels likely to attract a qualified affordable rental housing developer would need to be at least 0.75 acres (which would yield 39

[1] It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g., aging one-story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be reconsidered as potential housing or mixed-use sites during the City's upcoming Housing Element update process, because downtown infill locations typically create very desirable locations with services for multifamily projects. These kinds of projects also serve to activate streets, bring new shoppers, and contribute to a vibrant village center.

[2] Some for-profit developers of market-rate housing are able to develop on small parcels, due to the typical high profit margins available in a higher-value area such as Mill Valley. Yield and scale affect these two housing segments differently.

units per acre if zoned for 29 units and the maximum density bonus were applied).

Criteria Used in Analysis: Due to the resulting infeasibility of affordable housing development on small parcels, City-owned parcels less than 0.75 acres are considered not developable for this purpose. However, separately, some of these smaller sites may have monetary value to raise funds for a project located elsewhere, and are assessed in this memorandum for that purpose.

Degree of Slope

Due to topography, location near sensitive wetlands, areas which experience flooding, and other environmental factors, Mill Valley sites require a fine-grained assessment to determine physical development feasibility. This analysis focuses on two key physical factors: slope and floodplain/floodway status.

Steep slopes adversely affect affordable multifamily development in several ways, all of which combine to increase project costs without an ability to obtain compensation through commonly-used funding sources. Costs rise in steep slope situations because of extra site grading, design challenges, accessibility challenges for people with disabilities, and seismic safety structural mitigations. In addition, often steep slopes face erosion and other constraining soil conditions, all of which also add to project costs. Most affordable housing developers will seek other opportunities elsewhere that do not pose these increased cost risks.[3]

Criteria Used in Analysis: Sites with an average slope greater than 10% were considered infeasible for affordable housing project development. However, there are a few exceptions noted later in this memorandum, where site visits indicated that flatter building pads may exist among large parcels with otherwise average steeper slopes.

[3] It should be noted that these slope-related factors do not necessarily constrain high value new construction townhouse or single-family homes in the same way; these types of buildings can often maximize views and/or incorporate other creative design features on steeply-sloped lots, adding value to offset increased costs.

Floodplain/Floodway Status

Some portions of Mill Valley's flatter, more developed sections are affected by several waterways which can reach impactful flood stages currently defined by the Federal Emergency Management Agency (FEMA) as having a 1% chance of flooding each year (formerly called "100 year floodplain"). In simple terms, these areas require annual flood insurance premiums, which add to the operating costs in affordable projects. In some subzones of these areas, FEMA recommends architectural and engineering methods to reduce flood damage; while these may add to construction costs, they can sometimes be incorporated without creating project infeasibility (such as raising the dwelling areas above flood levels with parking on the ground floor).

In other floodplain areas, based on waterway hydrology and topography analyses, FEMA designates certain portions as Floodways, which means any building placed on the site needs to be designed so that its structure does not demonstrably impede receding water flow in the event of a flood. In simple terms, this requirement is in place to ensure that floodwaters can flow, unimpeded by structure, causing more damage elsewhere. Building housing structures is floodways is therefore quite difficult to infeasible, and sites in FEMA-designated floodways are not recommended for further consideration by the City of Mill Valley.

Criteria Used in Analysis: Parcels with a FEMA floodplain designation of "AE" or "AO" are considered as possible for development (albeit not ideal), while parcels designated as Floodway are considered not feasible for affordable housing development.

The results of applying the above criteria to the City-owned and other tax-exempt parcels are described in the following section with supporting tables included as Appendices B through D.

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Potential City-Owned Affordable Housing Development Sites

The approximately 75 City-owned parcels were evaluated based on criteria outlined above, including a minimum size of at least 0.75 acres and an average slope of 10% or less.

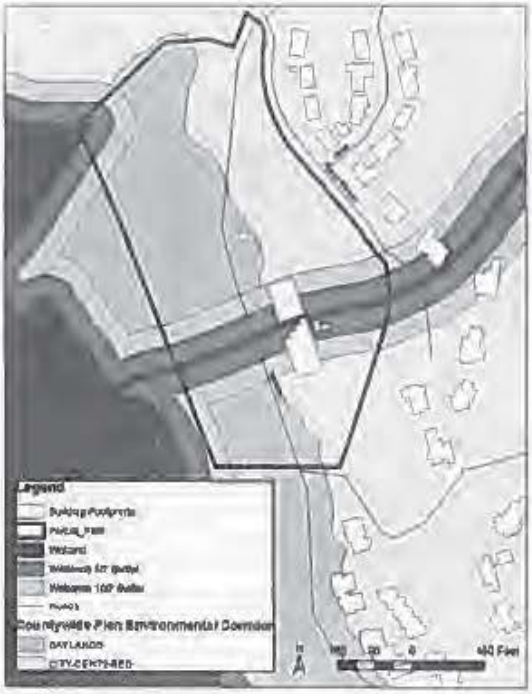
A summary of the resulting "short list" of potentially developable affordable housing sites is shown below. Each of these sites was also visited in-person by The Housing Workshop and evaluated further per other potential site or regulatory constraints, as described below.

Table 1: City-Owned Sites with Potential Feasibility for Multifamily Affordable Rental Housing

Site #	Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
1	1 Ramon Public Safety Building parking lot serving Hauke Field	030-250-01	0.75	10.0%	Open Area (O-A)	No	No	22-38 units	Site size estimated (part of larger parcel). Needs design study to confirm suitable building pad with sufficient distance from Bayland Corridor boundary. Parcel would require subdivision and rezoning.
2	Portion of Boyle Park Tennis courts and part of field behind it	029-212-24, possibly part of another parcel	6.80	< 10%	Open Area (O-A)	No	No	23-41 units	Site size estimated (portion of Boyle park inc. 5 tennis courts and field/parking lot at end of East Drive)
3	Edgewood (MV Reservoir)	044-070-02, 045-051-52	4.32	24.6%	Open Area (O-A)/Single Family (RS)	No	No	39-52 units	Site size and location estimated (part of larger parcel). Review of 1967 grant deed shows convenant to keep as a park. This parcel is relatively large and has some slope areas, so a portion could be removed from covenant w/MMWD agreement. Yield estimate assumes 1 buildable acre within larger sloped site.
4	Portion of Mill Valley Golf Course along Vista Linda Drive	028-131-07	45.68	18.5%	Open Area (O-A)	AO	No	32-39 units	Site would be portion along Vista Linda Drive/ edge of golf course. Yield assumes a .75 acre parcel could be identified. May require relocation/redesign of nearby golf hole. Yield may be reduced depending on parcel shape and golf course safety requirements

Notes:
a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, must (project) could be designed to accommodate. AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.
b) Low end of range assumes zoning for 29 units/acre. High end assumes application of state density bonus law (50% bonus for 100% affordable projects), which would yield 53 units/ac

Site 1: Public Safety Building/Hauke Field Parking Lot

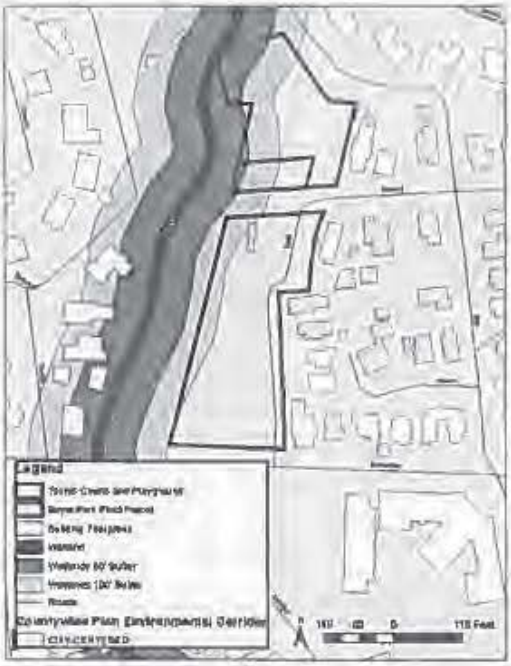




Potential 0.75 acre Housing Site

This potential housing site lies adjacent to the City's Public Safety Building complex, on its northern side. This area currently provides parking and restrooms for recreation fields located nearby. The potential housing site is impacted by its location rear the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands, and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary. Until further biological and survey studies can be conducted, it is assumed the identified housing site could provide 0.75 acres for development, creating sufficient scale to develop a physically feasible project. Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site.

Site 2: Portion of Boyle Park





Potential 0.75 acre Housing Site

This site would be subdivided and developed in the portion of Boyle Park containing 5 tennis courts, along E. Blithedale Avenue. While reducing recreational facilities for Mill Valley's residents is less than ideal, this site is included in this memorandum because it would create a sufficiently-sized and shaped parcel in a pleasant residential neighborhood without prohibitive environmental constraints (e.g., floodplain, sensitive habitat, etc.). From an objective affordable housing development point of view, this is the best of the 4 identified sites. As described in this memorandum, identifying sites with sufficient size and yield, that also do not create extraordinary cost challenges, means that other tradeoffs would need to be made to leverage public lands.

As shown in the map on the left, although not in a floodplain or floodway, the tennis courts are located near sensitive wetlands, and would need to be designed carefully to allow for the medium blue 50 foot buffer. The lost tennis courts could potentially be relocated elsewhere in this part of Mill Valley or designed to be placed on the roof of the new housing project with separate public access provided.

Site 3: Edgewood (aka Mill Valley Reservoir)



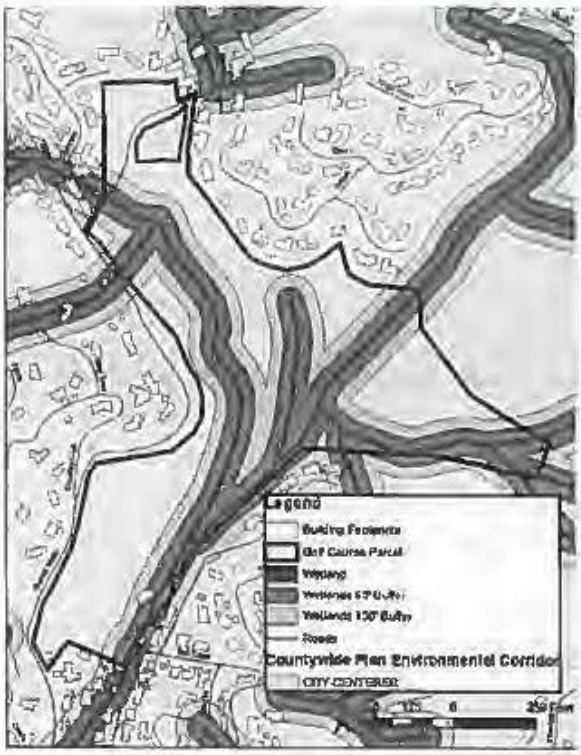


Potential 1 acre Housing Site

The Edgewood parcel contains over 4 acres, with portions containing steep slopes. The site is used as an informal open space area but has not been improved as a public park. Based on topographic map review, it is estimated that a 1-acre or more buildable portion with a feasible slope could be identified. Another development constraint is that this site was deeded by the Marin Municipal Water District to the City in 1967, with a covenant in the recorded deed that the site be maintained by the City and used as a park. However, since this site has not been improved as a park and given the age (50+ years) and nature of the grand deed, it may be possible to amend the deed to remove this covenant for a portion of the site through agreement with the MMWD.

The strategy outlined above has the additional benefit of creating a buildable parcel of 1 acre or more, allowing for a higher unit yield than the other tightly-fitted 0.75 acre sites which limit unit yield with no room to spare. In addition, it may be possible to improve other portions of this site as a park, providing new benefits to the surrounding community in exchange for supporting the 1 acre portion for use as affordable housing.

Site 4: Portion of Mill Valley Municipal Golf Course





Potential 0.75 acre Housing Site

The Mill Valley Municipal Golf Course was purchased by the City from a private owner in the 1930s and has been operated by the City since that time. It has reportedly suffered operating losses in recent years. However, any change in use status of the golf course as a whole will require a more lengthy discussion than the scope of this memorandum, and cannot be addressed here. Thus, as the City considers the future of the 45 acre, 9-hole course, for this memorandum a portion of its greenway buffering along Linda Vista was identified that may be suitable for multifamily affordable housing development in the near term.

It should be noted that the potential housing development site shown above, is across the street along Linda Vista Drive from a recently-proposed public parcel currently uses as a playing field, which engendered substantial community resistance to any development. In addition, further design of a potential building site as shown above may impact the adjacent golf hole; research indicated that 9-hole courses typically require 20 to 48 acres of land, so at 45 acres, the Mill Valley course may well reconfigurable in this section to accommodate the housing site.

City-Owned Sites Considered as Infeasible For Development

Appendix B provides a summary of six additional City-owned sites which were of sufficient size to consider, but have other constraints making them infeasible for near-term multifamily rental housing at affordable levels. These constraints are outlined below.

City Hall/Fire House Parking Lots. The first set of 3 lots are the parking lots and open space surrounding City Hall, including the entry parking area between City Hall and the Mill Valley Market, the back parking lot behind City Hall, and the open space on the far side of the historic fire house adjacent to City Hall. As noted in Appendix B, these parcels are either too small and/or in the case of the back parking lot, designated a Floodway. The table notes that either of the "side" parcels could be developed as a small number (2 to 3) moderate income ownership townhouses, with the most practical site on the open space adjacent to the fire house. This product type does not require an on-site property manager and thus can be developed at a smaller unit yield. These are often more challenging to finance, since many of the commonly-used funding sources such as Low Income Housing Tax Credits do not apply; however, with City-contributed land, there are ways to arrange for this type of housing. In the even the fire house itself were no longer needed, that historic structure could also likely be rehabilitated and converted to possibly 2 more townhouses.

Historic Depot Plaza. This 0.77 acre site is the paved, improved Plaza along with a long, linear parking lot bordering the Plaza area adjacent to and behind the historic Depot in downtown Mill Valley. Although the site is large enough to yield a feasible affordable housing project, it functions as a vital public gathering place, along with much-needed parking for downtown merchants. As such, it would require extensive further study such as a downtown parking study, and likely an urban redesign plan, to replace any public gathering plaza lost to development.

Public Parking Lot Behind D'Angelos. The parking lot behind D'Angelos, accessed from Throckmorton in downtown Mill Valley, has an infeasible configuration due to its linear alley-style parking abutting other buildings. This shape renders the site infeasible for housing of any type.

Community Center Parking Lot. The parking lot adjacent to the Mill Valley Community Center, a portion of which currently contains solar panels, is located partially within or near the Baylands Corridor boundary, meaning that only approximately a 0.5 acre potential development site could be identified. This site size is infeasible for affordable rental housing, as described previously. In addition, the soils on this property are reportedly experiencing substantial subsidence; thus, further soil and biological assessments would need to be conduced to determine if any portion

could be suitable for development. It is likely that a best-case scenario would yield a small developable parcel, which could be used to construct moderate income ownership townhouses.

Public Parking Lot at 411 Miller Avenue. The City-owned parking lot at 411 Miller Avenue offers a good rectangular set of parcels, albeit at an insufficient size for affordable multifamily residential development (smaller than the 0.75 acre threshold). In addition, a substantial portion of the site is located in a FEMA-designated Floodway, rendering new development infeasible. However, due to recent flood improvements in the area, there may be the possibility of requesting a change to the FEMA designation (which may also benefit other parcels that are privately-owned along Miller and adjacent locations such as Sloat Nursery. This would require relatively expensive hydrology studies to demonstrate to FEMA that the current situation has been improved and the Floodway finding in the area no longer applies. This process, including the necessary studies, may be fundable by state or local grants. The City should consult with the Flood Control District to ascertain next steps. If the Floodway designation could be removed, the City-owned portion, with approximately 0.54 acres, would become suitable for moderate income ownership townhouses, which do not require an on-site property manager.

Other City-Owned Parcels

Appendix C shows a summary of dozens of other city-owned parcels deemed infeasible for near-term affordable housing development for one or more of the following reasons:

- Average slopes greater than 10%, with site visits confirming steep slopes throughout parcel
- Small site size below 0.75 acres, limiting yield
- Other prohibitive environmental conditions (see Appendix C)

Potential to Monetize City-Owned Parcels

Among these infeasible-for-development parcels, there were several that may have potential value if offered for sale as a single family lot, as noted in Appendix C. The criteria used to identify salable lots were size and zoning; the parcel must be at least 6,000 square feet (the minimum single family lot size for new construction in Mill Valley) and zoned as some form of residential use. The zoning factor was applied because it is unlikely for retail lot purchasers to undertake a zoning change, especially when most of these parcels are zoned as highly-treasured Open Space.

The value of parcels potentially marketable for single family use involved analyzing sales of single family retail lots in Mill Valley that have occurred over the past 3 years (see Appendix D). As shown, the sales ranged widely, depending on slope (and cost of grading), location, size, and marketing assertions about "approved plans." [4] Because the 3 City-owned parcels identified as sufficient in size and zoning to create marketable lots shown in Appendix C are all zoned to require a minimum lot size of 1.5 acres per unit, a total of 10 potential retail lots could be identified on these 3 parcels, with a maximum retail lot value after broker commission and other selling costs was conservatively estimated at up to $1,000,000 per lot.

This analysis yields a potential total value of up to $10,000,000, but will very likely decline when more detailed site assessments are conducted to ascertain availability of utilities, identification of building sites amongst the very steep slopes, and other factors impacting marketability and value.

[4] "Approved plans" described in listing descriptions were not confirmed with the City, and are assumed to contribute only minor additions to value.

Other Tax-Exempt Parcels with Affordable Housing Development Potential

In addition to the direct potential to develop affordable housing on City-Owned parcels, Mill Valley contains numerous parcels owned by other tax-exempt agencies, non-profits, and religious organizations. These parcels were reviewed for size and slope, along with known likelihood of interest in providing land for development.

The following criteria were used to exclude tax-exempt parcels from further consideration:

- Parcels owned by Marin Open Space
- Parcels owned by Marin Municipal Water District
- Parcels owned by public school districts (which may have potential development sites, but should be considered first by the school district)

Remaining non-City owned tax-exempt parcels, described below, are owned by utilities (AT&T) and religious organizations. These parcels may have some longer-term potential for collaboration with the City of Mill Valley for affordable housing development.

Mt. Tamalpais United Methodist Church (410 Sycamore Avenue)

The church provides worship services along with childcare and other community services in a complex of buildings on a relatively large site. While the complex could possibly be envisioned in a reconfigured layout that could incorporate an affordable housing project (a possible 0.75 acre site is outlined in yellow), it is a challenging process, particularly given several environmental constraints including location near the sewage treatment plant making the site potentially unsuitable for new housing development. In addition, other buildings currently on the site would likely need to be demolished but the functions in them could be incorporated into a housing project (e.g.,



ground floor childcare facility and/or meeting rooms). The leadership of this church may be interested in partnering with the City for housing but does not have near-term plans to undertake such an initiative.

First Church of Christ, Scientist, Mill Valley (279 Camino Alto)

This church sits atop a knoll with substantial land devoted to parking, open space, and circulation. The building itself, pictured here, is relatively small but with sweeping vistas in keeping with a spiritual center. The site could be potentially reconfigured to place a 0.75 acre housing site on it that would be located beyond the requisite wetland buffer, as shown in yellow outline here. However, this would require new access driveways and reconfigured parking lots. It is not known if the leadership of this institution would be interested in collaborating with the City of Mill Valley.



AT&T Building (300 E. Blithedale)

This site contains an historic Tudor-style 3-story commercial building on a 0.48 acre parcel, which in the past has housed both telephone operations and small commercial tenants. Its current occupancy and use are not known, although it is still owned by AT&T. The building size and condition for potential rehabilitation into affordable housing are not known. Adjacent to the building is another parcel owned by AT&T configured as a parking lot to serve the building; however most of the parking lot lies in a floodway, constraining future development. If the City wished to collaborate on the building site, it or a development partner would need to most likely purchase the site from AT&T at market rates, thereby losing the benefit of leveraging publicly-owned property as a direct subsidy to a project.

Appendix A: List of Plans and Other Resources

Marin Countywide Plan 2007 (County General Plan)
https://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan

Marin County Housing Element Information (for unincorporated areas of Marin County only)
https://www.marincounty.org/depts/cd/divisions/housing/housing-element

Mill Valley 2040 (City of Mill Valley General Plan)
https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/default.htm

City of Mill Valley Housing Element Update 2013-2023 (note: the City will soon being updating the Housing Element for the next 8-year cycle)
https://www.cityofmillvalley.org/civicax/filebank/blobdload.aspx?BlobID=24590

About FEMA Flood Zones (portal to many web pages)
https://www.fema.gov/glossary/flood-zones

FEMA Information on Changing Flood Zone Maps (relevant for 411 Miller Ave Floodway)
https://www.fema.gov/flood-maps/change-your-flood-zone

Additional Explanation of FEMA Flood Zones AE AO, and Floodways Related to Insurance
https://www.amica.com/en/products/flood-insurance/what-is-an-ae-flood-zone.html

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Appendix B: Infeasible City-Owned Lots Due to Size, Environmental, or Configuration Factors

Site Location	APN	Acres	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	# of Units (b)	Notes
30 Corte Madera City Hall Portion of Parking Lot (by Fire Dept)	028-014-09	0.14	5.3%	C-A	AE	No	2-3 townhouses	Small site but could potentially be a few all townhouse units
25 Corte Madera City Hall Portion of Parking Lot (by MVMarket)	028-014-21	0.19	8.4%	C-O	AE	No	2-3 townhouses	Small site but could potentially be a few all townhouse units
28 Corte Madera City Hall and Back Portion of Parking Lot	028-014-16	0.46	8.5%	C-A	AE	Yes	N/A	Floodway makes infeasible
Plaza & Parking Lot	028-013-15	0.77	1.3%	Downtown Commercial (C-D)	AE	No	N/A	Site is public plaza plus has long, narrow parking lot, which makes it challenging to design a housing project without eliminating vital downtown space. Reconfiguring developable area by adding portion of private parking lot next door on sunnyside was considered, but that parcel is in Floodway.
Parking Lot behind D'Angelos	028-061-35	0.71	6.1%	Downtown Commercial (C-D)	AE	Yes	N/A	Small street frontage, narrow lot, units would shut other buildings. Very hard to design as infill.
Portion of Corn Center parking lot	030-111-09	0.60	2.0%	Community Facilities (C-F)	mixed AE/AE	No	7-10 moderate income townhouses	Buildable site is smaller than parking lot due to location of Bayland Corridor boundary and required 50' setback. Site also likely has soil subsidence issues. Replacement parking may also need to be arranged. Needs further analysis
411 Miller Miller Parking Lot	030-271-10, 030-271-09	0.54	<2.5%	Open Area (O-A) & Commercial (C-R)	AE	Yes	7-10 moderate income townhouses	Site is impacted by existing Floodway designation but recent improvements have enable a change by FEMA. Would require hydrology studies to demonstrate and obtain change.

Notes

a) AE and AO indicate location in FEMA floodplain. AE indicates FEMA has established baseline flood elevation, but project could be designed to accommodate. AO indicates shallow sheet flooding without known baseline, but could be established and designed for. Both types would also require flood insurance.

b) Assumes townhouse development at approximately 15-16 units per acre.

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Appendix D: Other City-Owned Parcels for Potential Sale

(Includes all City-Owned Parcels > minimum single family lot size of 6,000 square feet)

Location	APN	Acres	Gross Square Feet	Avg Slope (%)	Zoning	Flood-plain (a)	Flood-way	Allowed # of Units	Notes	# of Lots	Per Lot	Total
Caminito Alto and Stanton Way. Not maintained by DPW	003-102-16	3.29	328,690	42.0	RSP-3A	No		1 DU/1.0 acres	Steep slope	3	$4,000,000	$12,000,000
Vasco Court / Owner of Echo Heights	003-240-38	0.69	30,462	15.0	RSP-3A	No		1 DU/1.5 acres	Does not meet zoning			
Vasco Court / Corner across from Echo Heights / Creek runs through property/ Bike Path	003-240-01	0.49	21,344	20.0	RSP-3A			1 DU/1.5 acres	Does not meet zoning			
Tenderfoot Trail/Zig Zag Trail. Not maintained by DPW	046-010-25	14.59	669,750	40.2	RSP-10A	No		1 DU/1.0 acres	Trail site			
Dipper of Tenderfoot trail, Land Locked/ No Access. Not maintained DPW	046-010-34	0.31	17,844	40.2	RSP-10A			1 DU/1.0 acres	Does not meet zoning			
North/Magnolia ROW/Creek runs through/adjacent prop.	027-272-01	0.23	6,863	19.4	RS-4B	AE		7 DU/acre	Difficult to develop			
Tenderfoot trail. Not maintained by DPW?	046-150-28	9.70	422,532	42.2	RS-10A	No		1 DU/3.0 acres	Heading in (rail)	6	$1,000,000	$6,000,000
Fern Canyon. Not maintained by DPW	(027-065-xx)	2.07	90,168	61.1	RS-10A			1 DU/1.0 acres	Way too steep slope	1	$1,000,000	$1,000,000
West to Cali Rose. Not maintained by DPW	027-252-43	0.46	21,300	22.8	RS-10			7 DU/acre	Very steep slope. Likely not marketable			
Miller Creek/A.E. Floodway	028-101-01	61.70	2,688,865	20.0	O-A	AE	Yes	N/A	Floodway. Not marketable			
Fern canyon (new unconfirmed parcel). Not maintained by DPW	027-008-50	7.89	343,688	33.9	O-A			N/A	Not marketable due to zoning			
Cascade park (open) and canopy	027-008-09	7.40	322,344	24.2	O-A	AE		N/A	Not marketable due to zoning			
Marshall/Bolton Drive/Waldon Canyon. Not maintained by DPW	027-055-39	5.40	235,206	38.6	R-A	No		N/A	Not marketable due to zoning			
Eagle Peak/Cypress Point. Not maintained by DPW	046-320-01	5.47	238,273	53.4	O-A			N/A	Not marketable due to zoning			
Fern/Wrenn Canyon (Buena Vista/Genesta)	026-180-15	4.96	217,165	11.0	O-A	AE		N/A	Not marketable due to zoning			
Fern canyon (near old Rose School). Not maintained by DPW	027-220-03	4.01	174,676	51.7	O-A			N/A	Not marketable due to zoning			
Hoyt/Vista / Tenderfoot trail. Not maintained by DPW	027-153-01	3.44	149,780	48.1	O-A	No		N/A	Not marketable due to zoning			
Hoyt/Vista trail. Not maintained by DPW	046-010-01	3.23	140,663	28.9	O-A	No		N/A	Not marketable due to zoning			
Evelyn/Cascade Drain. Not maintained by DPW	046-010-14	3.02	131,551	45.2	O-A	No		N/A	Not marketable due to zoning			
Golf Club house	029-054-01	2.28	99,448	33.1	O-A	No		N/A	Not marketable due to zoning			
Old Mill Park Tower	028-102-13	2.08	90,605	19.4	O-A	AE	Yes	N/A	Not marketable due to zoning			
Mimi/Vista / Tenderfoot trail. Not maintained by DPW	027-161-28	2.80	87,120	67.8	O-A			N/A	Not marketable due to zoning			
Old Mill Park (cabin/ river structure/bathrooms)	028-041-08	1.72	75,359	13.0	O-A	AE		N/A	Not marketable due to zoning			
Cascade/Throckmorton. Not maintained by DPW	027-161-16	1.36	62,660	48.7	O-A	AE		N/A	Not marketable due to zoning			
Sycamore/Corte Madera/Mesa/Cascade Easements	026-161-42	1.33	58,000	19.8	O-A	No		N/A	Not marketable due to zoning			
Nelson /Cascade (Other side of Old Mill Park). Not maintained by DPW	028-132-09	1.04	45,344	16.4	O-A			N/A	Not marketable due to zoning			
Cascade/Throckmorton. Not maintained by DPW	027-161-03	1.00	43,512	47.0	O-A	AE		N/A	Not marketable due to zoning			
Sayre/Vista/Sawmill Park	027-232-28	0.90	39,252	30.9	O-A	No		N/A	Not marketable due to zoning			
Harris Memorial Park (Nicholas/Helena). Not Maintained by DPW	026-161-02	0.85	36,904	30.9	O-A	No		N/A	Not marketable due to zoning			
Fairway Drive (near Golf Course). Not maintained by DPW. Between RS-10 EFH. Could be split into two lots and sold?	029-161-47	0.80	35,750	34.8	O-A	No		N/A	Not marketable due to zoning			
Narrow ROW near Access/Camino Alto and Fairway. Not maintained by DPW	003-112-01	0.67	29,009	28.4	O-A	No		N/A	Not marketable due to zoning			
Liberty and back. FEMA Floodplain. Maintained by DPW	026-091-11	0.48	20,787	23.8	O-A			N/A	Not marketable due to zoning			
Harris Memorial Park (Nicholas/Helena). Not Maintained by DPW	026-161-01	0.41	17,930	54.2	O-A			N/A	Not marketable due to zoning			
Hoyt/Vista / Tenderfoot trail. Not maintained by DPW	046-010-35	0.09	18,944	45.5	O-A	No		N/A	Not marketable due to zoning			
Stranded/ROW/AE Floodplain. 181 Units	030-101-23	0.27	11,765	18.2	O-A	AE		N/A	Not marketable due to zoning			
Hoyt, Mamodei Park (Nicholas/Helena). Not Maintained by DPW	026-161-03	0.16	6,825	48.1	O-A			N/A	Not marketable due to zoning			
Owner. Old East Limestone House over AE Floodplain. 41' wide	030-124-11	0.16	7,171	34.9	C-G	AE		29 DU/acre	Too small for cost of building in flood plain unless combined with Tax Shelter			

Appendix D: Recent Single Family Lot Sales

	Address	Acreage	Square Feet	Sale Date	Sale Price	Price/Sq. Ft. of Land	Notes
	50 Sandy Lane	1.154	50,268	10/20/2020	$ 1,250,000	$ 24.87	1.15 acre parcel above the Mill Valley golf course. Lot features views of the San Francisco Bay and the ridges to the West. Located at the end of a quiet cul de sac with utilities to the lot line. Near trails
	201 Marion	0.240	10,454	3/24/2019	$ 450,000	$ 43.05	Appears to have slope. Site formerly had 1962 house on it (now demolished, foundation visible). Sold previously in 2016 for $300,000
	390 N. Ferndale	0.130	5,662	2/24/2019	$ 559,000	$ 98.73	Description says site has "approved plans" for 1,800 sf new home. Had former (demolished) 1918 home on it. Note: site size below min lot of 6,000 s.f.
	316 W. Blithedale	0.200	8,712	7/25/2018	$ 1,050,000	$ 120.52	Sold 4 months earlier for $800,000 ($91.83 per sq. ft.) Also sold for 1.05M in 2004
	321 Loring Avenue	0.132	5,760	6/25/2018	$ 460,000	$ 76.13	Description says "approved plans, shovel ready." Note: below min lot size.

THEHOUSINGWORKSHOP
Janet Smith-Heimer, MBA
Housing Consultant - 707.847.3098

To: Danielle Straude, Senior Planner, City of Mill Valley
From: Janet Smith-Heimer, The Housing Workshop
Re: Financial Analysis of Example Affordable Housing Projects
Date: 3-12-21

Introduction and Summary of Findings

This memo summarizes a second phase of analysis of potential development of affordable housing projects on City-owned sites. The first phase memo evaluated over 100 parcels owned by the City of Mill Valley or other tax-exempt entities, to identify both sites developable for 100% affordable housing projects, and sites that could be sold for market-rate use to raise funds to be applied to affordable housing built elsewhere.

The primary focus of this memo is on the Public Safety Building (PSB) Hauke Field Parking Area, a 0.75 acre site currently improved with restrooms and parking to serve field visitors. This was the only City-owned site determined to be of sufficient size, likely environmental clearance, and with only limited reduction in recreational opportunities. The current uses would need to be relocated, most likely on the other site of the street adjacent to the fields. The purpose of the financial analysis conducted herein is test feasibility and / or to estimate the need for public subsidies in addition to City of Mill Valley land contribution at no cost, to implement a 100% affordable project on the PSB site.

Summary of Findings for PSB Site

The financial analysis provided herein for the PSB site indicates that if several current development regulations were relaxed (e.g, height limit to accommodate the assumed density bonus, and parking ratios so that surface parking could be provided instead of a more expensive garage), and the City contributed the site at zero cost to a non-profit affordable housing developer, the following findings and next steps are recommended.

- Development at this site would likely be feasible using Low Income Housing Tax Credits as its primary subsidy source. Only a limited additional amount of subsidy would be necessary (less than $200,000), which may be obtainable from the City's impact fee fund and/or other local or state sources.

ATTACHMENT 3

Given the strong financial outlook and relatively small amounts of gap funding needed for this site, it is recommended that the City take the following "next steps".

- Review wetlands, habitat/biologic, geotechnical, soil conditions, and related environmental constraints with Marin County staff
- Commission a preliminary study of conditions needed to ascertain development feasibility and environmental constraints. Complete all further recommended biologic/geologic studies recommended.
- Initiate a public input process, leading to requisite rezoning (however City typically would conduct). The City may also want to adopt specific Density Bonus concessions/waivers that would accommodate this site and other privately-owned sites in advance of the up to 4 concessions/waivers that recent state law allows developers to request. Examples would be height limit relaxation (will be needed even for 100% affordable projects on privately-owned land), and parking ratio reductions.
- Survey the potential parcel to prepare for an administrative parcel subdivision.
- Prepare an RFP for the site and distribute to potential eligible developers..
- Review and select a development partner.
- Negotiate appropriate property agreements, subdivide parcel if appropriate, provide site control (needed for Low Income Housing Tax Credit application), and oversee development on behalf of the City.

Additional Analysis of Repurposed Portion of an Existing Recreational Site

In addition to the PSB, which was the only nearly vacant City-owned site with sufficient size and likely adequate environmental clearance potential identified in the prior memo, the City owns several other active and passive recreational lands which contain smaller portions that would make strong affordable housing sites if there was community interest in accepting a reduction in recreational uses. Sites like this, identified in the prior memo, include the tennis courts at Boyle Park (which could be replaced by new public courts on the roof of a residential building), various 0.75 acre or larger portions of the Mill Valley Municipal Golf Course that currently buffer along the street edge, and a portion of Edgewood Park.

To illustrate this type of site development, the Edgewood site (aka Mill Valley Reservoir) serves as one example. This site is currently used informally as a park. It is a 4+ acre site along Edgewood Drive, with sweeping views of Richardson's Bay and Mill Valley. The concept would

be to select a 1-acre portion of this site for affordable housing development, leaving a 3+ acre site still used for public recreation. It should be noted that this site is not legally feasible to develop unless the MMWD amends the recorded deed covenant, as described previously. This would require City Council and MMWD Board agreement/approval. A survey and legal description of the requested subject area would also be needed.

Financial feasibility was analyzed similarly to the PSB project, for a 1-acre portion of Edgewood Park assumed to be located at the highest point along Edgewood Drive (at the level gravel parking lot), extending southward along the downslope below as needed to accommodate 52 units. The analysis (see Appendix D), due to increased site studies costs, increased hard construction costs, and results in a funding gap of approximately $0.5M+, indicating the need for outside additional subsidies.

One key to understanding these findings is that seeking subsidy from available state and regional sources is common to affordable housing projects, and lack of available local subsidy dollars does not constrain project implementation. Because Mill Valley has not experienced new affordable housing development in the past 10 years of this type, a goal of this memo is to broaden the understanding that there are numerous non-local subsidy funding sources.

Financial Analysis of PSB Site

Overview of Methodology

The methodology used to analyze financial feasibility for an affordable project on the PSB site relies on a simple model known as a "static pro forma." This model estimates the size, square footage, unit mix, construction costs, soft costs, and related assumptions for a project on a particular site, based on zoning and parking regulations and associated land use guidance. These assumptions are combined into an estimate of land acquisition (in this case assumed as zero), total site work, hard construction costs, parking and landscaping costs, construction period financing charges, etc. Next, because this is an affordable project, rather than estimating revenues, capitalized value, and return on investment (profit) on the development, the project's net operating income is estimated and converted to a supportable conventional permanent mortgage loan amount. In addition, Low Income Housing Tax Credits (LIHTC) are assumed, which are a common subsidy source of equity dollars for these types of affordable projects.[1]

The static pro forma shown for this project ends with an estimate of the gap in financing, after the supportable debt and LIHTC equity funding. Because the project is constructed in this case as inexpensively as possible (e.g., zero cost land, surface parking), and because Marin County's affordable housing income thresholds and corresponding rents are relatively high compared to other Bay Area counties, the project atypically almost "pencils." Very little additional subsidy will likely be needed. In the event subsidy is needed, this memo includes a brief overview of several larger multifamily affordable housing funding sources to describe how the gap could be filled.

The model assumptions and static pro forma for the PSB project are shown on the following pages, following a page illustrating what the project could look like (based on Mill Lot 7, an affordable project under development in Healdsburg). The underlying cost data informing model cost assumptions is included in the Appendix (based on several other LIHTC recent projects in Sonoma County). The Appendices also include detailed rental rates per income category as regulated, adjusted for a utility allowance deduction from those gross rent numbers.

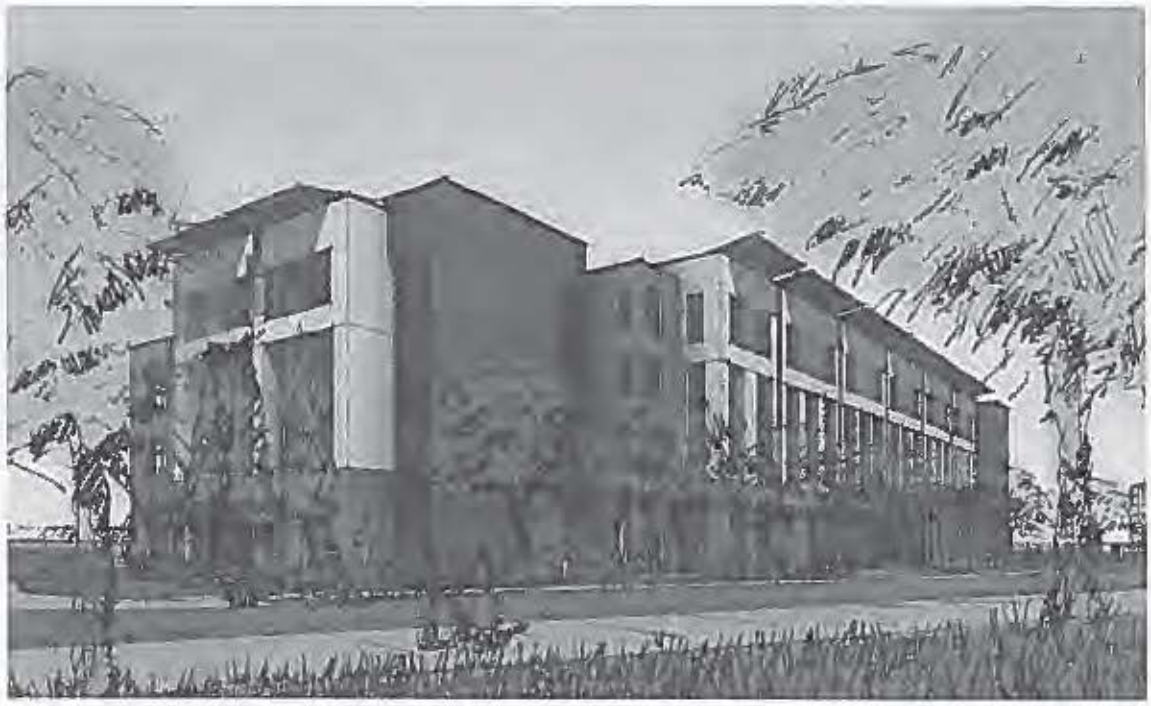
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[1] Low Income Housing Tax Credits (LIHTCs) are a key, well-established affordable housing financing mechanism. These are obtained based on a US Treasury program initiated in 1986, and ongoing. It allocates "tax credits" that can be sold to investors, raising equity funds for a project in exchange for dollar-for-dollar credits to the buyer against federal tax obligations, meaning that buyers of the credits are typically corporations with substantial taxable income. In most states, including California, there is a companion, smaller state tax credit in addition (not calculated herein). LIHTC involves complex rules, not fully described here, but available to developers of affordable housing targeting up to an average of 60% of Area Median Income (AMI). LIHTC awards to a project are highly competitive and require careful project structuring to successfully win the award each round. Demand (applications) for the credits far exceed supply, which is controlled by a per-capita federal "allocation."

Illustrative Example of 100% Affordable Project: Mill Lot 7, Healdsburg, CA

This project, currently in pre-development, will contain 40 affordable units and one manager's unit on a 1.1 acre site. Parking will be provided in a surface lot, with one space per unit. Half of this parking is open surface parking, with the other half provided as ground level tuck under parking under a portion of the building (not shown in rendering).

The unit mix and configuration of this project is similar to that assumed for the PSB site.



Summary of Assumptions for PSB Financial Analysis

Picturing a project similar to Mill Lot 7 in Healdsburg, but tailored to the PSB site, the following describes key assumptions. The pro forma itself is shown on the following page.

- **Project Size, Density, and Parking.** The pro forma assumes a 0.75 acre (gross) development site. Further, it assumes that this site could be rezoned to the City's highest multifamily density level (e.g., 29 units/acre), and that California's density bonus law (80% density bonus for affordable projects) would be applied. This results in a density of just over 52 units per acre. Mill Valley requires 2 parking spaces per unit, plus a 0.25 space for guest parking, it its multifamily zones. The pro forma assumes a waiver of this regulation, to reduce parking to 1.5 spaces per unit, which is a common action for cities to take to reduce the costs of affordable projects.
- **Project Bio/Geo Studies.** As outlined in the first memo and summarized in the site description in Appendix A, this site will require specialized habitat and related studies to determine impacts on wetlands areas conserved by the Baylands Corridor designation in the County's General Plan. The analysis assumes that the studies will be able to identify a developable area without impacts.
- **Unit Mix and Target AMI Thresholds.** For the pro forma, the target income threshold is shown at 50% of Area Median Income (AMI). This target is slightly lower than the maximum for some projects, but was selected to render the project more competitive in the Low Income Housing Tax Credit allocation process.
- **Construction Costs.** Dramatically rising construction costs have been a major obstacle to building affordable housing during the past decade. Contractors have faced the twin challenges of strong demand for their services (as market rate construction rose after the Great Recession) and dwindling available labor in the region (as employment boomed and other sectors offered higher salaries). Currently, materials costs have also risen dramatically (especially lumber) as Covid has impacted global supply chains. To estimate construction costs, data for several nearby current projects was collected, as shown in the appendices.

Summary of Project Funding Gap

As indicated, the gap after supportable debt and LIHTC proceeds is likely to be relatively low, at less than $100,000. This gap could be filled locally, or from among several other funding sources (see next section).

Table 1: Pro Forma Analysis of Affordable Housing Project on PSB Site

Key Development Assumptions		Public Safety Building: All Affordable Rental @ 50% AMI
Development Program:		
Density (DU/Acre) (inc. 60% density bonus)		52.2
Site Gross Acreage		0.75
Gorss Site Size (sf)		32,670
Number of Affordable Units		39
Manager's Unit		1
Total Number of Units		40
Affordable Rental Unit Mix		
Studios	0%	-
1 Bedroom units	40%	16
2 Bedroom Units	30%	12
3 Bedroom Units	30%	12
Total Units		39
Parking and Development Footprint		
Flats - Average Unit Size		900
Flats Common Area	20%	180
Total Flats Residential Sq. Ft.		43,200
Number of Stories		4
Footprint of Residential Building		10,800
Parking Ratio		1.5
Total Number of Parking Spaces (Surface)		60
Land Area for Parking	350	21,000
Remaine Landscaped Open Space (sf)		11,670
Affordable Rents - Flats (inc. utility allowance)		
Studios		$ 1,467
1 Bedroom units		$ 1,585
2 Bedroom Units		$ 1,887
3 Bedroom Units		$ 2,148
Development Costs		
Site Work Per Sq.Ft. of Land- Estimated (a)		$ 15
Hard Costs - Flats Building Per Sq. Ft.		$ 350
Surface Parking + Landscaping (per space)		$ 4,000
MMWD Connection Fee per unit (b)		$ 36,290
Bio/Geo Studies - Estimated (c)		$ 350,000
Other Soft Costs (as % of Hard Costs) (d)		25%
Dev Fee		$ 2,200,000
Construction Financing Costs		
Loan to Cost Ratio		100.0%
Interest Rate		5.0%
Loan Fees		1.0%
Construction Period (months)		24
Avg. Outstanding Bal During Construction		60.0%
OPEX per Unit + Reserves		$ 8,000
Debt Coverage Ratio		1.15
Permanent Financing Costs		
Term		30
Interest Rate		5.0%

Development Costs		Public Safety Building: All Affordable Rental @ 50% AMI
Land Acquisition	$	-
Construction Costs		
Site Work	$	490,050
Hard Building Costs	$	15,120,000
Parking and Landscaping Costs	$	240,000
Subtotal Hard Costs	$	15,850,050
MMWD Connection Fees	$	1,451,840
Bio/Geo Studies	$	350,000
Other Soft Costs	$	3,962,513
Dev Fee	$	2,200,000
Total Development Cost Before Financing	$	23,814,403
Construction Period Financing Costs		
Points	$	238,144
Construction Period Interest	$	1,428,864
Total Financing Cost	$	1,667,008
Total Development Costs Including Financing	$	25,481,411
Total Development Cost per Unit exc. Land	$	637,035
Permanent Financing and Gap Analysis		
Rental Operations		
Gross Revenue	$	856,674
Less: Vacancy Rate @ 5%	$	(42,834)
Less OPEX	$	(320,000)
Net Operating Income (NOI)	$	493,840
Capital Stack		
Supportable Perm Loan	$	6,601,336
LIHTC Proceeds (E)	$	18,782,348
Total Before Other Subsidies	$	25,383,683
Less: Dev Costs	$	(25,481,411)
Gap to be Funded by Other Sources	$	(97,727)

Notes:

a) Includes grading, rebidemo of existing improvements. Does not cover any new improvement costs for relocated restrooms/parking for Hanke Field.

b) Marin Water connection fee

c) Estimated biotgeo studies needed to determine site development feasibility per Marin County Baylands conservation regulations and related geotech issues

d) Other soft costs include survey, architectural, engineering, plan check, etc. This category would also cover small roadway fund and school impact fees

e) Annual applicable for 9% LIHTC		9.00%
% of total dev costs assumed as eligible basis		90.0%
Credit price	$	0.81

Source: The Housing Workshop, 2021

About Potential Funding Sources for Affordable Housing

Although the above analysis of the PSB site indicates that a new affordable housing project at that location may not require outside subsidies, as Mill Valley advances its Housing Element Update and other affordable housing initiatives, it is important to understand that a myriad of affordable housing funding sources are available in addition to Low Income Housing Tax Credits. Each funding source comes with complexities of eligibility, timing, target population, and other constraints. The following highlights two of the larger, more common sources. Additional resources describing available programs are available at: https://www.hcd.ca.gov/grants-funding/index.shtml

State of California: Multifamily Housing Program (MHP)

This program assists new construction, rehabilitation and preservation of permanent and transitional rental housing for lower income households. MHP offers deferred payment loans with a 55-year term; with a 3 percent simple interest on unpaid principal balance, except under certain conditions. Eligible activities include new construction, rehabilitation, or acquisition and rehabilitation of permanent or transitional rental housing, and the conversion of nonresidential structures to rental housing. Projects are not eligible if construction has commenced as of the application date, or if they are receiving 9 percent federal low-income housing tax credits (but 4% credits are eligible). MHP funds will be provided for post-construction permanent financing only. Eligible costs include the cost of child care, after-school care, and social service facilities integrally linked to the assisted housing units; real property acquisition; refinancing to retain affordable rents; necessary on-site and off-site improvements; reasonable fees and consulting costs; and capitalized reserves.

Eligible applicants include local public entities, for-profit and nonprofit corporations, limited equity housing cooperatives, individuals, Indian reservations and Rancherias, and limited partnerships in which an eligible applicant or an affiliate of an applicant is a general partner. Applicants or their principals must have successfully developed at least one affordable housing project.

State of California: Permanent Local Housing Allocation (PLHA)

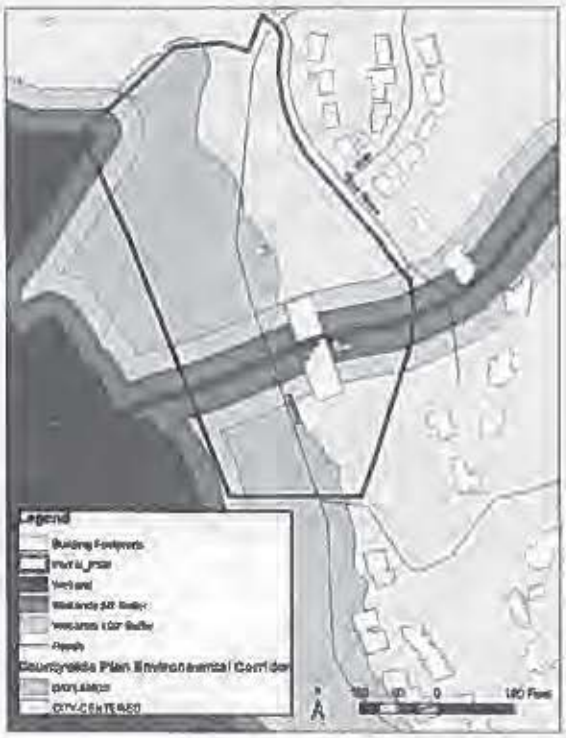
In 2017, Governor Brown signed a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it included the Building Homes and Jobs Act (SB 2, 2017), which established a $75 recording fee on real estate documents to increase the supply of affordable homes in California. Because the number of real estate transactions recorded in each county will vary from year to year, the revenues collected will fluctuate. The chart

below shows how revenues will be allocated.

This program provide a permanent source of funding to all local governments in California to help cities and counties implement plans to increase the affordable housing stock. There are two types of assistance under PLHA:

- Formula grants to entitlement and non-entitlement jurisdictions based on the formula prescribed under federal law for the Community Development Block Grant.
- Competitive grants to non-entitlement jurisdictions. Funding amounts will vary based on annual revenues to the Building Homes and Jobs Trust Fund.

Appendix A: Overview of Public Safety Building/Hauke Field Parking Lot





Potential 0.75 acre Housing Site

This potential housing site lies adjacent to the City's Public Safety Building complex, on its northern side. This area currently provides parking and restrooms for recreation fields located nearby. The potential housing site is impacted by its location near the boundaries of the Marin County Baylands Corridor, as described in the County General Plan. This designation identifies uplands adjacent to sensitive wetlands and requires special biological assessment studies to protect habitat for plants and animals. According to the Marin County General Plan, development sites of between 0.5 and 1 acre require a 30-foot setback from the Baylands boundary. Until further biological and survey studies can be conducted, it is assumed the identified housing site could provide 0.75 acres for development, creating sufficient scale to develop a physically feasible project. Current restrooms and parking area for Hauke Field will need to be relocated elsewhere on the PSB site.

Appendix B: Household Income Limits and Rent Limits for Marin County, 2020

2020 Household Income Limits

	1-Person HH	2-Person HH	3- Person HH	4-Person Household	5-Person Household
30% AMI	$ 38,550	$ 41,800	$ 47,000	$ 52,200	$ 56,400
50% AMI	$ 59,900	$ 69,500	$ 75,300	$ 87,000	$ 94,000
80% AMI	$ 97,600	$ 111,550	$ 125,500	$ 139,400	$ 150,600

Source: California HCD 2020 Income Limits

California Low Incoem Housing Tax Credit Maximum Rents, 2020
California Tax Credit Allocation Committee, 2020, for buildings placed in service after 4-1-20

	Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
30% AMI	$ 913	$ 978	$ 1,174	$ 1,357	$ 1,514
50% AMI	$ 1,522	$ 1,631	$ 1,957	$ 2,262	$ 2,523
60% AMI	$ 1,827	$ 1,957	$ 2,349	$ 2,715	$ 3,028
80% AMI	$ 2,346	$ 2,610	$ 3,132	$ 3,620	$ 4,036
Less: Utility Allowance Adjustment (a)					
Utility Allowance	$55	$68	$90	$114	
Net Rent at 50% AMI	$1,467	$1,565	$1,867	$2,148	

a) Utility Allowance is sum of (all electric) allowances for heating, cooking, lights, air conditioning, and hot water heating.

Sources: California Tax Credit Allocation Committee Gross Rent Limits, 2020;
Marin County Housing Authority Utility Allowance for MFR, 2020.
The Housing Workshop, 2021.

Appendix C: Costs for Affordable Projects in Sonoma County, 2020

Project Name	Mill District Lot 7	Cotati Station Apartments	SHDC Comstock	Woodmark Apartments	Woodmark Apartments	Tower City Senior	Average
Year Applied for Tax Credits	2020 (9%)	2020 (9%)	2020 (9%)	2020 (9%)	2020 (9%)	2020 (4%)	
Developer	Eden Housing	BRIDGE Housing	Burbank Housing	Pacific West	Pacific West	FEP Housing	
Target Group	Large Family	Large Family	Large Family	Large Family	Large Family	Senior	
Location	Healdsburg	Cotati	Healdsburg	Sebastopol	Sebastopol	Petaluma	
Site Area (SF)	37,897	104,653	125,888	158,074	101,059	97,084	
Housing Type	4-story	3-story	3-story	3-story	3-story	3-story	
Building Area (GSF)	44,841	100,338	61,072	74,921	45,941	45,940	
Number of Units	41	74	36	64	48	58	
SF/Unit	1,094	1,356	1,696	892	957	845	
Unit Mix (Percent Studio/1BR/2BR/3BR)	0/10/11/11	0/8/41/27	0/13/14/9	0/12/36/16	0/0/24/24	0/53/1/0	
Development Costs							
Acquisition Cost	$ 5,850,000	$ 6,280,000	$ 2,500,000	$ 3,875,000	$ 2,500,449	$ 1,300,000	
Hard Cost	$ 18,606,026	$ 27,832,447	$ 11,870,227	$ 26,447,862	$ 17,025,813	$20,178,892	
Soft Cost (excludes reserves)	$ 4,997,976	$ 7,348,774	$ 3,961,092	$ 4,838,714	$ 3,924,990	$ 4,548,261	
Developer Fee	$ 2,000,000	$ 2,200,000	$ 2,200,000	$ 2,200,000	$ 2,200,000	$ 2,948,849	
Total Development Cost	$ 29,587,002	$ 43,471,221	$ 20,531,319	$ 37,461,396	$ 25,341,252	$29,078,952	$
Acquisition Cost per Site SF	$ 154	$ 60	$ 20	$ 25	$ 25	$ 33	$ 60
Acquisition Cost per Building SF	$ 134	$ 61	$ 59	$ 52	$ 58	$ 28	$ 65
Development Costs per Building Area SF							
Hard Cost	$ 370	$ 267	$ 286	$ 350	$ 371	$ 442	$ 348
Soft Cost (excludes reserves)	$ 111	$ 71	$ 95	$ 65	$ 77	$ 100	$ 86
Developer Fee	$ 45	$ 21	$ 53	$ 29	$ 48	$ 67	$ 44
Total Development Cost (excluding land)	$ 526	$ 360	$ 433	$ 447	$ 495	$ 608	$ 478
Total Development Cost (including land)	$ 660	$ 434	$ 493	$ 500	$ 552	$ 637	$ 546
Total Acquisition Cost per Unit	$ 148,098	$ 85,000	$ 69,444	$ 47,321	$ 53,968	$ 24,074	$ 70,984
Total Hard Cost per Unit	$ 465,099	$ 373,411	$ 329,729	$ 314,853	$ 354,787	$ 373,720	$ 368,600
Total Soft Cost per Unit	$ 121,858	$ 99,308	$ 110,030	$ 97,804	$ 73,435	$ 84,226	$ 91,945
Total Development Cost per Unit (exc. land)	$ 575,537	$ 582,449	$ 509,870	$ 399,848	$ 473,078	$ 514,366	$ 484,311
Total Development Cost (including land)	$ 721,834	$ 587,449	$ 570,314	$ 445,969	$ 527,943	$ 538,482	$ 565,295
Total Operating Expenses per Unit (o/f Reserves)	$8,843	$7,275	$5,980	$4,751	$4,729	$6,275	$5,974
Share of Tax Credit Equity as % of Total Sources	55%	70%	75%	70%	81%	50%	
Notes	1 residential building	2 res bldgs., 3,800 sf retail	1 residential building	5 residential buildings	Farmworker housing; 4 residential buildings	19 homeless units, 3 residential buildings	
Farm Funding Sources							
Tax Credit Equity	$ 16,400,614	$ 34,306,145	$ 15,398,319	$ 26,181,396	$ 15,541,252	$14,594,660	
Farm Loan	$ 3,447,000	$ 7,389,000	$ 2,899,000	$ 11,000,000	$ 2,800,000	$ 2,841,000	
City Funds		$ 750,000				$ 1,666,000	
County Funds	$ 9,500,000	$ 605,000				$ 1,575,000	
State Funds						$ 5,922,884	
Federal Funds (USDA)					$ 1,000,000		
Deferred Developer Fee	$ 477,923	$ 200,000			$ 1,000,000	$ 946,302	
Land Donation	$ 5,990,000		$ 2,500,000			$ 1,300,000	
Other (GP Capital/Deferred Interest)	$ 1,770,565	$ 41,076				$ 250,100	
	$ 29,587,002	$ 43,471,221	$ 20,531,319	$ 37,461,396	$ 25,341,252	$29,078,952	

Sources: California Tax Credit Allocation Committee, 2020 Second Funding Round for 9% Tax Credits, 2020 Second Cycle Funding for 4% Tax Credits

Appendix D: Pro Forma for Edgewood Park Parcel

Key Development Assumptions		Edgewood Park: All Affordable Rental @ 50% AMI
Development Program:		
Density (DU/Acre) (inc. 80% density bonus)		62.2
Site Gross Acreage		1.00
Gross Site Size (sf)		43,560
Number of Affordable Units		51
Manager's Unit		1
Total Number of Units		52
Affordable Rental Unit Mix		
Studios	0%	-
1 Bedroom units	40%	20
2 Bedroom Units	30%	15
3 Bedroom Units	30%	15
Total Units		51
Parking and Development Footprint		-
Flats - Average Unit Size		900
Flats Common Area	20%	180
Total Flats Residential Sq. Ft.		60,180
Number of Stories		4
Footprint of Residential Building		14,040
Parking Ratio		1.5
Total Number of Parking Spaces (Surface)		78
Land Area for Parking	650	27,300
Remaining Landscaped Open Space (sf)		16,260
Affordable Rents - Flats (inc. utility allowance)		-
Studios	$	1,467
1 Bedroom units	$	1,565
2 Bedroom Units	$	1,887
3 Bedroom Units	$	2,148
Development Costs		0
Site Work Per Sq.Ft. of Land- Estimated (a)	$	25
Hard Costs - Flats Building Per Sq. Ft.	$	385
Surface Parking + Landscaping (per space)	$	4,000
MMWD Connection Fee per unit (b)	$	38,296
Bio/Geo Studies - Estimated (c)	$	500,000
Other Soft Costs (as % of Hard Costs) (d)		25%
Dev Fee	$	2,200,000
Construction Financing Costs		
Loan to Cost Ratio		100.0%
Interest Rate		5.0%
Loan Fees		1.0%
Construction Period (months)		24
Avg. Outstanding Bal During Construction		80.0%
OPEX per Unit + Reserves	$	8,000
Debt Coverage Ratio		1.15
Permanent Financing Costs		
Term		30
Interest Rate		5.0%

Development Costs		Edgewood Park: All Affordable Rental @ 50% AMI
Land Acquisition		$ -
Construction Costs		
Site Work		$ 1,324,800
Hard Building Costs		$ 20,486,400
Parking and Landscaping Costs		$ 312,000
Subtotal Hard Costs		$ 22,335,000
MMWD Connection Fees		$ 1,987,392
Bio/Geo Studies		$ 500,000
Other Soft Costs		$ 5,583,750
Dev Fee		$ 2,200,000
Total Development Cost Before Financing		$ 32,606,142
Construction Period Financing Costs		
Points		$ 325,061
Construction Period Interest		$ 1,950,368
Total Financing Cost		$ 2,275,429
Total Development Costs Including Financing		$ 34,781,572
Total Development Cost per Unit exc. Land		$ 666,676
Permanent Financing and Gap Analysis		
Rental Operations		
Gross Revenue		$ 1,120,288
Less: Vacancy Rate @ 5%		$ (56,013)
Less OPEX		$ (416,000)
Net Operating Income (NOI)		$ 648,253
Capital Stack		
Supportable Perm Loan		$ 8,865,420
LIHTC Proceeds (E)		$ 25,637,457
Total Before Other Subsidies		$ 34,397,317
Less: Dev Costs		$ (34,781,572)
Gap to be Funded by Other Sources		$ (478,255)

Notes:
a) Includes grading, relocation of existing improvements. Does not cover any new improvement costs for relocated restrooms/parking for Hauke Field.
b) Marin Water connection fee
c) Estimated bio/geo studies needed to determine site development feasibility per Marin County Baylands conservation regulations and related geotech issues.
d) Other soft costs include survey, architectural, engineering, plan check, etc. This category would also cover small roadway fund and school impact fees.

e) Annual applicable for 9% LIHTC		9.00% applied to eligible basis for 10 years
Eligible basis assumed to be		80.0% of total dev costs
Credit price	$	0.91

Source: The Housing Workshop, 2020.

Danielle Staude

From: Peter Emblad <emblad@gmail.com>
Sent: Tuesday, May 18, 2021 12:52 PM
To: Planning
Subject: RE: march 25th meeting

CAUTION: External Sender

To whom it may concern,
I am registered, and hope to make it to the meeting regarding the proposed multi unit low income housing that is possibly going to be built by the public safety buildings.

I would like to submit the below comments for review prior to the meeting, as I may not make it personally to the meeting.

I OPPOSE the planned building site by the safety building.
I fully support having more low income housing in MV, and expanding our community to include those unable to afford the crazy cost of housing here.
The proposed location by the public safety building would NOT be a good place for this for the following reasons:

1. There are already low income housing units in Shelter Hill, right around the corner from this potential space. For low income housing to be really effective, they should not all be congregated in one area, as we learned from Chicagos Cabrini Greens experiment. Too many housing units together creates a lower rent district which adversely affect the living experience, the perceptions of those around there, and the property values of adjoining areas. It is much better for the residents, and the city, to spread the units around to make everyone feel more a part of the community.
2. Hauke park is home to many after school and weekend children sports. That area is already very congested, with poor parking. Children are constantly crossing the streets in this area, so more cars make it much more dangerous. Putting the units by the safety building will decrease parking spots, increase traffic, and increase the risk of accidents with the children crossing these areas.
3. The area up on Edgewood is currently not being used for anything. Seems like a much better location for this

Thank you for your consideration.

Sincerely
Peter Emblad
50 Millay place

ATTACHMENT 4

Danielle Staude

From: Gail Katz <gkatz00@yahoo.com>
Sent: Tuesday, May 18, 2021 4:11 PM
To: John McCauley
Cc: Jim Wickham - Mill Valley mail; Danielle Staude; city clerk
Subject: Fw: 1 Hamilton

CAUTION: External Sender

Hi John,

I am writing to you in regards to the proposed 1 Hamilton location for an affordable housing project in Mill Valley.

Per my correspondence with Danielle who was very responsive, it seems that 1 Hamilton is the only site being considered at this time. That being the case, I sent her a number of questions to understand how they would squeeze in 40 units and parking into a .75 acre site. Per her response she indicated that parking and height standards can be reduced because it is an affordable housing project.

Our neighborhood is pretty surprised to say the least, to hear that the city planners would actually consider building a **4 story building** in such an inappropriate site. The aesthetic appeal of Hauke/Bayfront park is beloved by our neighborhood and we all cherish the views and openness of the park. At this point, our neighborhood is not feeling properly represented by city officials.

We already had city-approved (thru incompetence) clear cutting around the electrical substation by PGE, which included tearing down over 130 trees including a dozen protected redwood trees. That foliage took 3 decades to grow (I moved here in 1984). Three of my neighbors had to spend 18 months working on a project to get PGE to replant a small portion of what they negligently tore down on the city's watch..

I am supportive of affordable housing however I fail to see how you can do all that analysis and come back with just one recommendation for 40 units while there are 169 lots available to build on. The weekend and afternoon parking situation due to the use of the park by all the athletic teams and their parents already causes a lot of parking infringement on the neighboring streets and adding an "apartment building" to the mix will worsen the situation.

Regards,
Gail Katz
89 Keats Drive

----- Forwarded Message -----
From: Danielle Staude <dstaude@cityofmillvalley.org>
To: gail katz <gkatz00@yahoo.com>
Sent: Tuesday, May 18, 2021, 10:29:42 AM PDT
Subject: RE: 1 Hamilton

As part of the overall project, there will have to be rezoning to Multi-Family Bayfront, (RM-B) similar to Eucalyptus Kjwickham@cityofmillvalley.orgnolls. Because it is an affordable housing project, State Density Bonus Law allows the

Danielle Staude

From: dward1144@aol.com
Sent: Thursday, May 20, 2021 8:19 PM
To: Danielle Staude
Subject: Affordable Housing next to MV Public Safety Bldg.

CAUTION: External Sender

Planning Division

Danielle Staude
Senior Planner, Advanced Planning
415-388-4033 x 4812
dstaude@cityofmillvalley.org

To: Danielle Staude, Senior Planner, Mill Valley

From: David and Renée Ward, 1 Eucalyptus Knoll Mill Valley 94941 415 389-0871

My wife and I want to register our strong objection to the possibility that a 30 unit plus affordable housing building be located in the present parking lot next to the Public Safety Building

First, this lot is totally jammed on weekends and holidays and used in evenings even when there are no events in the nearby soccer fields. During the daytime yesterday there were 12 cars parked there and others by the electric outlets for cars. And, needless to say, the restrooms are frequently used on weekends and often during the week. Where would the large number of young people and their parents find parking. And, don't even think of putting a parking lot in the Bayfront Meadow to which many of us donate money and time.

Aren't there enough services in this small corner of Mill Valley? =-the Sewer Treatment Plant, the Dog Park, the Public Safety building, the Community Garden, Bayfront Meadow and multiple soccer fields. You may not know that the traffic along Hamilton is very heavy from 3 to 7 PM when drivers seek to avoid the Blithdale exit from 101 and use this road to get to greater Mill Valley. In this area we already have enough traffic and more facilities than anywhere else in this town. For a large amount of space without the complicating factors described above, find space in the Mill Valley golf course.

Thank you for the opportunity to express our views on this important matter.

Danielle Staude

From: Jeralyn Seiling <seilingj@comcast.net>
Sent: Friday, May 21, 2021 11:40 AM
To: Danielle Staude
Cc: Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gabrielle Tierney; Gary Batroff; Tom & Toni Benoit; Jim Devitt; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; gbatroff@hotmail.com; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; gigi_eric@hotmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; rodib@yahoo.com; craigviolin@sbcglobal.net; judith@p-r-g.com; kthulquist@gmail.com; sbatroff@hotmail.com; riaboff@comcast.net; david@techcontracts.com; joanprigian@hotmail.com; jgassman@gmail.com; kspencxr@gmail.com; jhdevitt@yahoo.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; staci_nicholas@yahoo.com; tom.benoit@comcast.net; csheyder@gmail.com; autria.christensen@gmail.com; ahmad@nanawall.com; jill_lebsock@gap.com; clebsock@hausfeld.com; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; kjrosenblatt@gmail.com; carriesher@yahoo.com; Nana Meyer; anicholas@yahoo.com
Subject: Affordable Housing at Hauke Park

CAUTION: External Sender

Dear.Ms. Staude:

In connection with the May 25th online hearing concerning the Hauke Park site for affordable housing, I respectfully submit the following questions and request that they be addressed at the meeting:

1. While I strongly support affordable housing in Mill Valley, a four-story building with 40+ units would have a massive impact on traffic along the most congested corridor in Mill Valley - the East Blithedale bottleneck, from Camino Alto to 101. Mill Valley residents have consistently identified traffic as their number one concern. Yet the impact of the project on the most congested area of Mill Valley is not mentioned in the consultant's report. Can you please describe the City's plan to address the traffic implications of using the Hauke Park site?

2. The additional cars from 40+ units would also create massive congestion along Roque Moreas, which is only one lane and already beyond maximum capacity during high traffic hours. The project will:

    a. dramatically impact access to and from the Enchanted Knolls neighborhood, forcing more cars along the East Blithedale bottleneck,
    b. impede police cars, fire trucks and other safety vehicles traveling to and from the Public Safety Building on Hamilton, and
    c. create a serious safety hazard for children using Hauke Park and walking to and from the middle school and the Rec Center.

    No safety concerns are mentioned in the report. Would you please address?

    Also, have the police and fire departments vetted this proposal for impacts to emergency response time?

3. Enchanted Knolls, the neighborhood most impacted, has fought (and repeatedly won) a decades long battle to assure that Hamilton stays one-way in order to preserve the neighborhood, as originally agreed by the City. Can you assure residents that a 40+ unit project and resultant traffic will not result in pressure to open Hamilton to two-way traffic? Was

the consultant made aware of this issue, or did she assume traffic patterns could be changed? This issue is of immense concern to residents – opening Hamilton to two-way traffic will cut Enchanted Knolls off from the City and surround it on all sides with high traffic corridors feeding Highway 101.

4. The Hauke Park site is not currently served by public transit. Yet the consultant's report assumes only 1.5 cars per unit will spill onto local streets. Is this realistic? Would it not make more sense to locate such a large project along an existing public transit route to minimize additional traffic in Mill Valley? Would it not make more sense to locate additional housing along the recently widened Miller Avenue corridor, which is served by public transit buses and has other services such as Safeway, restaurants, etc.? I realize the City is looking at parcels currently owned, but there are other solutions.

5. Per the consultant's report, the proposed four-story building would have no dedicated parking, but rather a total of only 12 new parking spaces (for 40+ units). Even if we assume 1.5 cars per unit, this would indicate a need for at least 60 additional parking spaces for such a project. It seems obvious that the additional cars will spill over to the neighborhood, potentially block access to the Public Safety Building, and create a pedestrian hazard for entering and exiting the Park. Why is this not addressed in the report?

Also, to which location will the existing bathrooms will moved to accommodate the additional parking? Will they be moved to take up open space on the Park grounds?

6. The Hauke Park site is adjacent to the wetlands and protected plant and animal habitats - - one of the jewels of Mill Valley. On what basis does the consultant conclude that the site would "likely" pass environmental review?

7. A four-story, charm-free structure like the example proposed by the consultant is completely out of character with the neighborhood. (In fact, it is difficult to think of any existing building that tall in Mill Valley.) It is worth noting that the example provided by the consultant is virtually identical to an example she provided for a project in Los Angeles. *See* photo below. Is this *one-size-for-every-city* approach appropriate for Mill Valley, or would a more refined solution be better? Would it not make more sense to have smaller projects throughout the City, which would not only minimize traffic impact, but also preserve the character of neighborhoods and assure that the project (and future residents) won't be stigmatized? Is cost efficiency the only consideration that was taken into account? What are other possible avenues that the City might pursue to be more sensitive to the environment and the future residents?



On left is example proposed by consultant for a Los Angeles project, taken from consultant's website. On right, the Hauke Park proposal.

Thank you very much for your consideration. Sincerely, Jeralyn Seiling, J.D.

Danielle Staude

From: Danielle Staude
Sent: Friday, May 21, 2021 11:55 AM
To: Jeralyn Seiling
Subject: RE: Affordable Housing at Hauke Park

Hi Jeralyn,

Thank you for your comment letter. I will forward it to the Committee for their review.

Also, I just wanted to note that the concept provided in Attachment 2 is an example project, located in Healdsburg, not the actual design proposed for the site. The design and location of existing uses (restrooms, EV charging, public parking) would be determined as part of site design, which would occur after the selection and partnership is established with a non-profit developer. The site design phase would include various public meetings and workshops to consider the various items you mention below.

Sincerely,

Danielle L. Staude
Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
(415) 388-4033

www.cityofmillvalley.org

From: Jeralyn Seiling <seilingj@comcast.net>
Sent: Friday, May 21, 2021 11:40 AM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Cc: Suzanne Bohan <sbohan@stanfordalumni.org>; Paul Sidorenko <psidorenko@gmail.com>; Kelly Jane Rosenblatt <kjrosenblatt@gmail.com>; A. Rosenblatt <alexrosenblatt1@gmail.com>; Andreas Nicholas <anicholas@yahoo.com>; Beth Newman <munnbeth@gmail.com>; Glenn Thompson <glenn94941@yahoo.com>; Kathy Bakhshandeh <ksbakh@gmail.com>; Staci Nicholas <staci_nicholas@yahoo.com>; Alan Chui <awchui@hotmail.com>; Wei Wei Chui <eastwell99@hotmail.com>; Doug Newman <velodoug@gmail.com>; Gabrielle Tierney <gigi_eric@hotmail.com>; Gary Batroff <gbatroff@hotmail.com>; Tom & Toni Benoit <tom.benoit@comcast.net>; Jim Devitt <jhdevitt@yahoo.com>; Rodi <rodib@yahoo.com>; Steve Jaber <sjaber@pacbell.net>; Joy and David Wygant <joy_guidi@yahoo.com>; Penny White <mill31@comcast.net>; Mill Valley Beautiful <millvalleybeautiful@gmail.com>; Gail Katz <gkatz00@yahoo.com>; Cheryl Reiss <cherylbreiss@gmail.com>; gbatroff@hotmail.com; Kelly Drury <braddrury@me.com>; Sashi McEntee <smcentee@cityofmillvalley.org>; max@maxperrey.com; kirkjknauer@gmail.com; gigi_eric@hotmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; rodib@yahoo.com; craigviolin@sbcglobal.net; judith@p-r-g.com; kthulquist@gmail.com; sbatroff@hotmail.com; riaboff@comcast.net; david@techcontracts.com; joanprigian@hotmail.com; jgassman@gmail.com; kspencxr@gmail.com; jhdevitt@yahoo.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods <ingridw@pacbell.net>; staci_nicholas@yahoo.com; tom.benoit@comcast.net; csheyder@gmail.com; autria.christensen@gmail.com; ahmad@nanawall.com; jill_lebsock@gap.com; clebsock@hausfeld.com; Sandra Mardigian <smardigian.kilili.self.help@gmail.com>; gillianemblad@gmail.com; Daniel Karner <dbkarner@att.net>; hans_fallant@comcast.net; kjrosenblatt@gmail.com; carriesher@yahoo.com; Nana Meyer <nana@nanameyer.com>;

Danielle Staude

From: Kim Hettena <kimhettena@gmail.com>
Sent: Wednesday, May 19, 2021 6:01 PM
To: Danielle Staude
Cc: ctubbs@smfd.org
Subject: Housing Advisory Committee Meeting; 05/25/21;Objection to building affordable housing at 1 Hamilton Drive, Mill Valley

CAUTION: External Sender

I am appalled that the Housing Advisory Committee would propose to build high-density housing* on one of the few Primary Evacuation Routes ("Ready Mill Valley: Are you ready for evacuation?" courtesy Mill Valley Fire Department) out of Mill Valley to the south. Given the high wildfire danger in Marin (and Sonoma, to the north), I think it is essential that Mill Valley preserve evacuation paths to the south and not to add to existing traffic burdens. Our lives may depend on this.

* potentially 4 floors, 39+ units, 2 BR each, I have heard

Kim Hettena
8 Eucalyptus Knoll St.
Mill Valley, CA 94941-2282

Burton Miller, FAIA
211 Elm Avenue
Mill Valley, California 94941
burtonmilleraia@gmail.com

May 21, 2021

Housing Advisory Committee
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, California 94942

Re: **Identification of City-Owned Site to Leverage 100% Affordable Housing Project**

To: Members of the Housing Advisory Committee:

I have read Danielle's Memorandum dated May 25, 2021 and The Housing Workshop reports:

- Analysis of Tax-Exempt Sites for Affordable Housing Development
- Financial Analysis of Example Affordable Housing Projects

My comments will focus on the site analysis exercise.

The report is well-conceived and constructed – concise, clear with sensible criteria.

The analysis identifies four (4) candidate sites – one viable and three that I would characterize as straw dogs – sites that bend The Housing Workshop's selection criteria to establish alternatives and, by comparison, to lend added validity to the PSB site. I generally agree with The Housing Workshop's *Summary of Findings*.

Boyle Park Tennis Courts is a non-starter for the reasons noted – the park is a beloved and heavily-used, highly-valued public asset.

The Mill Valley Golf Course site is remote. Multi-family housing is an incongruous use.

I'm not familiar with the Mill Valley Reservoir site. That speaks to its remote, isolated and inappropriate location.

So, we're left with one site standing – not surprising. I agree that the PSB site is the single seemingly viable development site. I think it important to note that site

selection is the product of highly-specific requirements – City-owned, minimum "flat" site area of 0.75 acres, slope limited to no more that 10%, clear of Floodplain/Floodway, etc., and not "good planning." I don't believe the site would have occurred to anyone as particularly appropriate for multi-family development absent the selection criteria.

Lastly, a word about density. Densities are generally understood in terms of market-rate unit sizes, so higher densities tend to be associated with added height and bulk. That should not be the case here. Smaller, more attainable, more affordable, affordable-by-design units can achieve greater densities *without* adverse impacts to height, bulk and mass. A smaller-unit 40-unit development can be achieved within an envelope comparable to a market-rate development of 20-units. Parking would be a wash. For example, two spaces per unit for market-rate or one space per unit for affordable. I understand that the maximum number of units at 29 units per acre with the maximum density bonus applied is 39 units. I would support no more than forty (40) "small" units provided that Design Review achieved an appropriately-sized and well-designed solution (i.e., character and fit).

I leave it to the neighbors and the vast number of Hauke Park sports and recreation users to offer their assessments of the proposal.

Respectively submitted,

Burton Miller, FAIA

Danielle Staude

From: Joan Geary <joan@joangeary.com>
Sent: Friday, May 21, 2021 5:14 PM
To: Danielle Staude
Subject: Re: Affordable Housing/Parking/And More - Hamilton Drive Mill Valley

CAUTION: External Sender

Thank you.

> On May 21, 2021, at 4:57 PM, Danielle Staude <dstaude@cityofmillvalley.org> wrote:
>
> Hi Joan,
>
> Thank you for your comments and e-mail. I will forward it to the Committee.
>
> Sincerely,
>
> Danielle L. Staude
> Senior Planner
> City of Mill Valley
> 26 Corte Madera Avenue
> Mill Valley, CA 94941
> (415) 388-4033
>
> www.cityofmillvalley.org
>
> -----Original Message-----
> From: Joan Geary <joan@joangeary.com>
> Sent: Friday, May 21, 2021 4:01 PM
> To: Planning <planning@cityofmillvalley.org>
> Subject: Affordable Housing/Parking/And More - Hamilton Drive Mill Valley
>
> CAUTION: External Sender
>
>
> I am writing in regard to the proposal to build affordable housing/parking/and more on Hamilton Drive in Mill Valley.
>
> Over thirty years ago my family purchased a unit at the Eucalyptus Knoll condominium complex. Since that time we have enjoyed a quiet existence while slowly certain desirable attributes have been eroded.
> This latest proposal, while with good intention on the part of the planners, has the potential to cause major disruptions to the residential life that has existed for decades in the area.
>
> They are as follows:
>
> -Significant traffic increases from both activities at the playing fields, visitors to a 50 space parking lot and traffic using Hamilton as a diversion from 101and to avoid other heavy traffic areas. If Hamilton is turned into a two-way road this will result in heavy traffic from both directions resulting in a major increase in noise, danger for residents and

pedestrians (including children) using the area by rushed commuters and anxious sports participants navigating the road. Noise level increases from the traffic, pollution exposure, etc. will be significant to those units that have windows/deck (including bedrooms) on Hamilton Drive.
>
> -Over the years, the amount of precious open space in the area has been eroded
> and this would contribute significantly to that trend. We should be
> protecting our wetlands and open space for future generations.
> This is literally "Pave paradise and put up a parking lot".
> What would an EIR show about this idea? Existing parking is in place. How can another lot be justified to destroy more open space?
>
> -California is experiencing one of the worst droughts in its history. Where is the water to come from to support this housing project?
>
> -And, yes, this can reduce the value of the existing housing in the area.
> Which, will in turn, reduce the property taxes that can be collected by the city and county.
>
> Most importantly, a project such as this can negatively impact the over all quiet environment of the housing that currently surrounds this area. People have resided in and maintained the area with pride for decades. This project has the potential to destroy the existence they have worked so hard to create.
>
> Please stop this project now.
>
> Sincerely,
> Joan Geary
>
>
>
>
>
>

Danielle Staude

From: John Palmer <jp@montgomerypartners.net>
Sent: Friday, May 21, 2021 10:50 PM
To: Danielle Staude
Cc: Patrick Kelly
Subject: Re: Housing Advisory Committee Meeting #9 (May 25th)

CAUTION: External Sender

Members of the Mill Valley Housing Committee
City Of Mill Valley
Via email

Dear Members:

Thank you for your work and your report. I am in agreement all but two of your major points:

1. The proposed density for the property adjacent to the Public Safety Building is far too intense, and should be reduced from the proposed amount. I'm sure that most of neighbors there would agree, but the proposed density, plus attendant parking and traffic issues, is just too much for the site.
2. The proposal does not mention the extensive environments work that would be required, nor does it note that these days, the fairgrounds is not permitting tent camping it out stir. do not a permit tents, and camping.

John Palmer
Montgomery Partners
100 Shoreline Highway Suite 160B
Mill Valley, CA 94941
(415) 332 4440 (office)
(415) 272 1728 (cell)

From: Danielle Staude <dstaude@cityofmillvalley.org>
Date: Wednesday, May 12, 2021 at 3:13 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Cc: Patrick Kelly <pkelly@cityofmillvalley.org>
Subject: Housing Advisory Committee Meeting #9 (May 25th)

Dear Homeowners Association Representative,

The Housing Advisory Committee has been working on several Housing Element programs to help foster affordable housing opportunities within the City to help our local seniors, students and workforce. On May 25, 2021 (5:00-6:30pm) the Committee will discuss the Home Match program (connecting home owners looking to share space in their home with those looking for housing) and will review a sites and financial feasibility analysis as part of identifying a City-owned parcel to build permanent affordable housing for the community.

The agenda and meeting materials are attached.

Danielle Staude

From: Christopher L. Lebsock <clebsock@hausfeld.com>
Sent: Friday, May 21, 2021 6:39 PM
To: Jeralyn Seiling; Danielle Staude
Cc: Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gabrielle Tierney; Gary Batroff; Tom & Toni Benoit; Jim Devitt; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; gbatroff@hotmail.com; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; gigi_eric@hotmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; rodib@yahoo.com; craigviolin@sbcglobal.net; judith@p-r-g.com; kthulquist@gmail.com; sbatroff@hotmail.com; riaboff@comcast.net; david@techcontracts.com; joanprigian@hotmail.com; jgassman@gmail.com; kspencxr@gmail.com; jhdevitt@yahoo.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; staci_nicholas@yahoo.com; tom.benoit@comcast.net; csheyder@gmail.com; autria.christensen@gmail.com; ahmad@nanawall.com; jill_lebsock@gap.com; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; kjrosenblatt@gmail.com; carriesher@yahoo.com; Nana Meyer; anicholas@yahoo.com
Subject: RE: Affordable Housing at Hauke Park

CAUTION: External Sender

Dear Ms. Staude,

The obvious place for dense housing of the sort proposed is along Miller, where there is public transportation and a retail district that can be accessed by bicycle and foot. I would suggest that the City look at rezoning that area to allow landlords to develop their properties into a vibrant commercial/residential district like many other cities have done.

The Hauke park location is not a proper place for a dense housing development. Anyone who attempts to exit Enchanted Knolls at high commute times and when athletic activities are in process knows about the back up of cars on Roque Moraes at E. Blithedale.

And I frankly don't understand why it is a good use of the City's tax dollars and/or the City's property to build housing when the private sector will do it if the City would simply send the signal to landlords that their enterprising efforts are welcomed, and not hindered. In that regard, I suggest that the planning department consider its role in disincentivizing redevelopment of existing properties, before it further considers committing this community to long-term subsidized housing projects.

Best Regards,

Chris

CHRISTOPHER L. LEBSOCK
Partner
clebsock@hausfeld.com
+1 415 633 1949 direct

Danielle Staude

From: Rod Eshelman <rod45@comcast.net>
Sent: Friday, May 21, 2021 7:08 PM
To: Danielle Staude
Subject: Questions about the Hamilton housing proposal for the Planning Meeting on 5/25/21

CAUTION: External Sender

1- Apparently the parking lot will be increased from 38 to 50 spots – where will the increased spots be located?

2- Where will the cars for the project be parked?

3- What is the impact of the development on access by the fire department to quickly exit on a road that is already clogged with traffic on weekends and during team play at the park?

4- The new residents will certainly use Kipling for access to the freeway, have the residents there been advised of this development?

5- The City promised the Enchanted Knolls residents that Hamilton would never be a two way street. Doesn't this project put pressure on the city to make Hamilton two way?

6- Aren't there other sites with less traffic and parking problems for this project?

7- Is it safe to build a project right where children are constantly crossing the street to use the park?

8- Is there sufficient sewer and water capacity for this project? Will new lines need to be laid through the park?

Rodney Eshelman

80 Millay Place

Mill Valley, Ca., 94941

415-867-5502

Rod45@comcast.net

Danielle Staude

From: Paula Weaver <paula@weavermcgrath.com>
Sent: Friday, May 21, 2021 9:07 PM
To: Danielle Staude
Cc: Paula Weaver
Subject: Affordable Housing Proposal Across from Hauke Park

CAUTION: External Sender

Dear Ms. Staude:

My husband and I live on Kipling Drive, five houses up from the proposed site for affordable housing across from Hauke Park at 1 Hamilton Drive.

Over the past 34 years of living on Kipling Drive, I have witnessed increased traffic to our neighborhood and have real concern about the impact the proposed project at 1 Hamilton will have on traffic and parking in the neighborhood.

The proposed project would have 40 units with limited parking provided onsite for the residents while removing the existing parking lot and restrooms used by members of the public who visit Hauke Park and the soccer fields on a daily basis. Nothing in the consultant's report addresses where the visitors to Hauke Park will park their cars. Currently, on Saturdays, there are numerous cars parked on Kipling Drive, Roque Moraes, Millay and other streets in the neighborhood, the cars of visitors who use Hauke Park and the adjacent fields for organized sports. With the removal of the parking lot across from Hauke Park for the proposed housing, this situation will only be exacerbated.

Today I walked down to Hauke Park and the soccer fields which were crowded with children playing in the park and engaged in various sports. The park and soccer fields are directly across from the parking lot at 1 Hamilton where I witnessed several children crossing the street to meet their parents who were standing by their cars. With increased traffic and cars from 40 units, there will be greater risk of an accident involving a child or parent using the park. Safety to pedestrians is not addressed in the consultant's report.

In addition, the four story building proposed is completely out of character with the rest of the neighborhood and is far too large for the site.

In addition, I join in the comments raised by Jeralyn Seiling's email to you previously submitted on May 21, 2021.

Respectfully submitted,

Paula Weaver McGrath, J.D.

Danielle Staude

From: Gabrielle Tierney <gigi_eric@hotmail.com>
Sent: Friday, May 21, 2021 9:24 PM
To: Danielle Staude
Cc: Jeralyn Seiling; Christopher L. Lebsock; Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gary Batroff; Tom & Toni Benoit; Jim Devitt; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; riaboff@comcast.net; david@techcontracts.com; joanprigian@hotmail.com; Julianna & Mark Hayes; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; csheyder@gmail.com; autria.christensen@gmail.com; ahmad@nanawall.com; Jill & Chris Lebsock; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; carriesher@yahoo.com; Nana Meyer; Eric S. Bindelglass
Subject: Re: Affordable Housing at Hauke Park

CAUTION: External Sender

Dear Ms. Staude,

This affordable housing project at 1 Hamilton seems like it has accelerated quite quickly during a pandemic and without public input, especially from Enchanted Knolls residents. Has this project gone through the proper notifications, traffic and environmental impact reports? Why would the City intensify the traffic near where children play and where parking is already inadequate for existing uses? Commute traffic via Roque Moraes and Kipling Drive already exceeds what the roads were intended to carry with excess traffic, speeding and parked cars being hit. Hauke Park is a jewel and has been a life saver especially during this past year and a half. Choosing this location for development will no doubt negatively impact the park.

I realize that affordable housing is needed but this is not the right location or solution. Intense unit development should be created near public transportation, on roads built to accommodate increased traffic - Miller Avenue for example. The City should maintain our city's character and honor our creative roots. What about breaking this project into smaller developments and spread them around especially on flatter lots and in areas that are more appropriate for dense housing?

Don't rush this through under the cloak of the pandemic. There are much more appropriate sized developments and locations than this one that don't put children, habitat and Hauke Park at risk.

Regards,

Gabrielle Tierney

Danielle Staude

From: Diane Goldman <dgold94941@aol.com>
Sent: Friday, May 21, 2021 10:26 PM
To: Danielle Staude
Subject: In Support of Affordable Housing in Mill V alley

CAUTION: External Sender

Dear Ms. Staude:

I have been a resident in Mill Valley since 1994. I have watched housing prices skyrocket in that time. I feel fortunate that we purchased our home over 30 years ago as we would never be able to currently afford a home in Mill Valley. There continues to be a dearth of affordable housing in Mill Valley. The teachers who teach our children, the police and firefighters who protect us, and other other local workers must commute long distances to serve our community. The lack of housing diversity continues to cause segregation and inequality and harms and excludes low and middle income people from renting in Marin and Mill Valley.

The city owned property on Hamilton Drive represents the best current opportunity to build affordable housing for local workers. It is my understanding that the consultant on the project determined that the site is a financially feasible, attractive site which should enable the City to attract sufficient county, state and federal funds to finance the entire development with just providing the land in for free. Furthermore, the site is a great location for affordable family housing with close proximity to local amenities and public transportation.

I urge the Mill Valley City Council to immediately move to select a nonprofit affordable housing development partner to start working on community outreach, project design and detail so that more people have the opportunity to live in our beautiful city.

Sincerely,

Diane Goldman

Danielle Staude

From: Anne Graham <anneg7943@gmail.com>
Sent: Saturday, May 22, 2021 8:40 AM
To: Danielle Staude
Subject: Housing Advisory Committee Meeting #9

CAUTION: External Sender

Greetings Members of the Committee,

I strongly urge you to support the two proposals for affordable housing to be discussed at the May 25th meeting. It is a matter of urgency that we support efforts to give the dedicated people who want to contribute to our community the opportunity for affordable housing.

Supporting these proposals will also encourage the diversification of our city. We have become an area where only the elite can reside and it is of utmost importance that we welcome people of all stratas of socioeconomic diversity into our midst. In the big picture, this support of diversification can only benefit all of our community in a myriad of ways.

Thank you for your time and efforts as committee members and as dedicated servants to our city.

Best regards,
Anne Graham Fretes

Danielle Staude

From: Elizabeth O <elizabethodonnelllong@gmail.com>
Sent: Saturday, May 22, 2021 9:15 AM
To: Danielle Staude
Subject: Housing Development near Hawke Park

CAUTION: External Sender

I am writing to make a public comment about the proposal to build a housing development near the Public Safety building on Hamilton and expanding and relocating the present parking lot to across the street in Hawke Park/Bayfront Meadow.

I am opposed to this project for a number of reasons, not the least of which is that I do not want the city to use open space and recreational park land for a parking lot. This site is on my street (I live at Eucalyptus Knoll condo complex). Children and adults use Hawke park for organized games every week in the seasonable months. On the weekends, all the fields are in use simultaneously - including the two across Pickleweed Inlet. These fields host organized and ongoing games of lacrosse, soccer, volleyball, baseball, you name it. Hundreds of people are using this specific space you have slated for the parking lot every weekend. A group of men from the housing development across from us have a weekly evening game of sport (usually volleyball or soccer) in this field. Then there are the people who use the space to run and jump and just play around. Whenever I walk by (except during the dark days of the pandemic), people are using this field. I can't believe all of these MV residents and neighbors who engage in sport in these fields will be happy with a parking lot usurping their field. I know I am not happy.

Neighborhood families also make good use of the playground on the corner for smaller children. I believe it is the only playground within walking distance of our condo. I took my son there many, many times. During the daytime, there is usually a constant presence of children and caregivers there.

PG&E recently denuded the area around their transformer substation on Hamilton. The area now looks gruesome! I get depressed every time I drive by on my way to the market. Seriously. There used to be beautiful trees - but I understand the necessity of preventing a fire. What I don't understand is the necessity of putting a parking lot on the open space/recreational land! You need to investigate another location for the development.

Elizabeth O'Donnell
Homeowner
95 Eucalyptus Knoll Street
Mill Valley

Danielle Staude

From: Debra <debra.taube14@gmail.com>
Sent: Saturday, May 22, 2021 10:51 AM
To: Danielle Staude
Subject: Affordable housing

CAUTION: External Sender

To whom it may concern:

The city owned property on Hamilton Drive represents our best current opportunity to build affordable housing for local workers. The bay area housing crisis harms and excludes low and middle income renters in Marin and Mill Valley. Finally, the lack of housing diversity in Mill Valley causes segregation and inequity.

Thanks for your consideration,
Debra Taube, county resident

Anita Scott
149 Roque Mores Drive
Mill Valley, CA 94941
415-497-6750
anita.scott@gmail.com

May 19, 2021

Danielle Staude
City Hall
26 Corte Madera Avenue
Mill Valley, CA 94941

Dear Ms. Sraude,

While I believe more affordable housing is a need in Mill Valley, I strongly disagree with the selection of the Public Safety Building (PSB) site.

I have lived at 149 Roque Moraes Drive for 36 years. I have a bird's eye view of the proposed site as my home sits in-between the cross streets of Kipling/Hamilton and Keats Drive. The selection of the PSB site cannot be more ill advised. As my grown son stated, "It's like trying to fit a square peg in a round hole".

I strongly believe the selection of the PSB site is because it is the cheapest way to build the housing, not because it makes the most sense. This site is right across the street from the busiest, most used park in all of Mill Valley - Hauke/Bayfront Park. The Bayfront Park Master Plan achieved its goal, every inch of parkland is used 7 days a week all day long. It is used by every age group for a myriad of organized and non-organized sports programs, walking, biking, exercise programs, bird watching just to name a few. Come by to visit on a Saturday and you will see what I mean. There are children running in all directions as well as balls flying everywhere. It is not the space to squeeze in a 4 story building with 40 proposed units on a .75 acre site. Not when the Edgewood site is 4+ acres.

The bathrooms which you propose to move are situated where they should be - right across the street from the playing field and girls' softball field, also a short walking distance from the children's playground to be conveniently used when needed by the people who use the park the most. You would be using what is currently open space enjoyed by everyone to move the bathrooms and parking across the street.

Let's talk traffic. It is crazy on weekends and when games are played during the week. Also, anytime there is a problem on 101, Hamilton is used as a cut-over roadway to access E. Blithedale resulting in bumper to bumper traffic on Hamilton and Roque Moraes. It is not smart to add high density living in a small space contributing to already existing traffic issues. Looks like the current 2 space per unit parking required by the city would be waived only requiring 1.5 spaces per unit. So where is the second family car going to park? Or visitors to these units?

I am respectfully asking you to find another site for this project, one that would not destroy the tranquility and beauty of the natural open space of a park the city worked so hard to build and protect...and that is beloved and used by so many residents. Also to take into consideration the residents of Enchanted Knolls that would be adversely affected by this development.

Sincerely,

Anita Scott

Danielle Staude

From: Andrea Windom <andreawindom@gmail.com>
Sent: Saturday, May 22, 2021 12:23 PM
To: Danielle Staude
Subject: affordable housing: comments for May 25 meeting

CAUTION: External Sender

Dear Housing Advisory Committee Members,

I'd like to register my support of the idea to build 40 affordable housing units on Hamilton Drive near Hauke Park. More affordable housing in Mill Valley will increase diversity, minimize traffic, and be align with density goals that are earth-friendly.

Thank you for your consideration -

Andrea Windom
117 Locust Avene

Danielle Staude

From: Gabrielle Tierney <gigi_eric@hotmail.com>
Sent: Saturday, May 22, 2021 3:13 PM
To: Danielle Staude
Cc: Jeralyn Seiling; Christopher L. Lebsock; Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gary Batroff; Tom & Toni Benoit; Jim Devitt; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; riaboff@comcast.net; david@techcontracts.com; joanprigian@hotmail.com; Julianna & Mark Hayes; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; csheyder@gmail.com; autria.christensen@gmail.com; ahmad@nanawall.com; Jill & Chris Lebsock; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; carriesher@yahoo.com; Nana Meyer; Eric S. Bindelglass; Justine Whitehead; Ken & Suzanne Swanson Preston; Muffie fendler
Subject: Re: Affordable Housing at Hauke Park - parking issue

CAUTION: External Sender

Ms Staude,

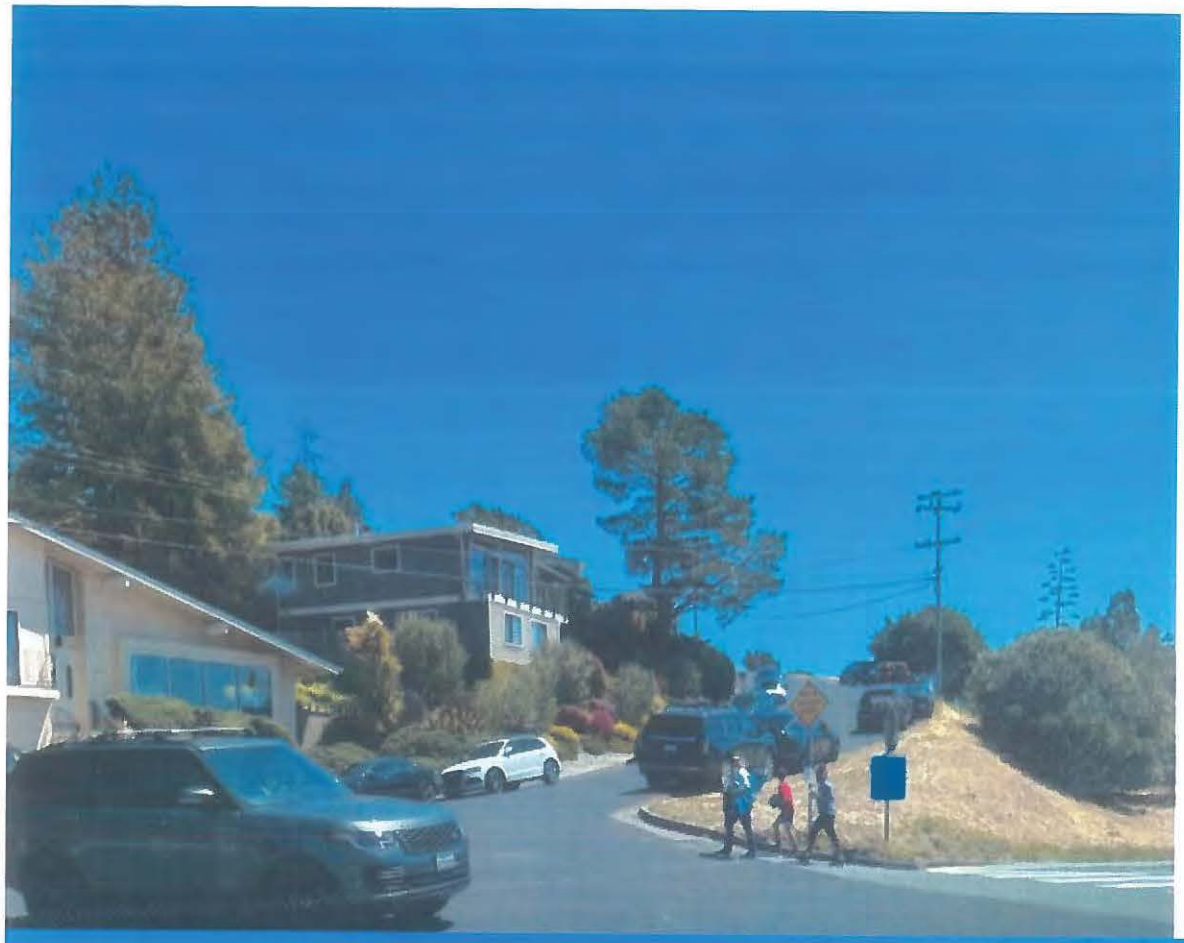
I wanted to send you photos from today to show how many cars were parked up all 4 roads at the intersection of Kipling Drive and Roque Moraes as well as down on the dirt at Hauke Park and in every parking spot by the restrooms. These were taken at around 2:30 well after a game let out. At 1:30 it was even more crowded and probably peaked from 10-12:30.

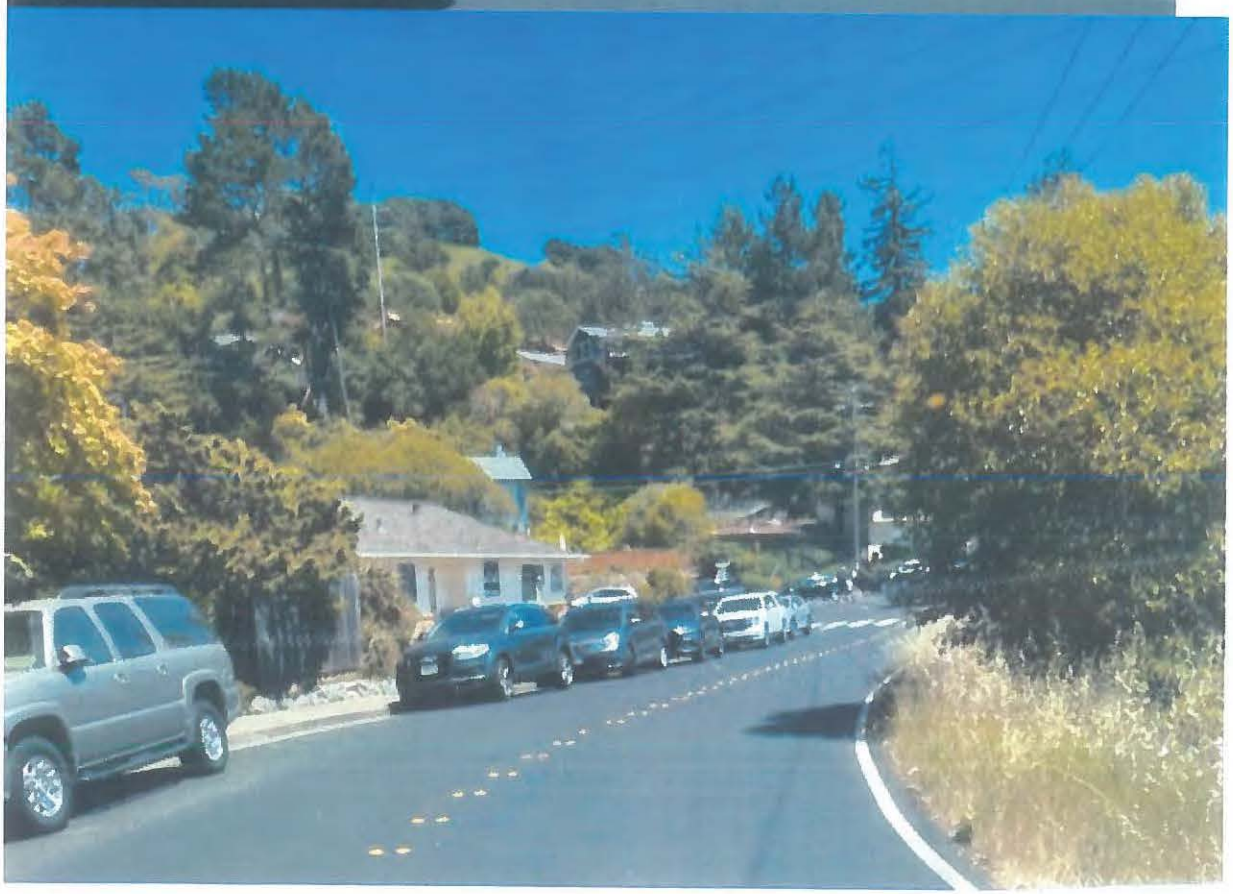
Please reconsider your recommendation to relocate the parking spots by the restrooms and to reduce the unit's parking requirement for this proposed 40 unit development. Parking is already a problem.

Thank you.

Gabrielle Tierney


25







On May 21, 2021, at 9:23 PM, Gabrielle Tierney <gigi_eric@hotmail.com> wrote:

Dear Ms. Staude,

This affordable housing project at 1 Hamilton seems like it has accelerated quite quickly during a pandemic and without public input, especially from Enchanted Knolls residents. Has this project gone through the proper notifications, traffic and environmental impact reports? Why would the City intensify the traffic near where children play and where parking is already inadequate for existing uses? Commute traffic via Roque Moraes and Kipling Drive already exceeds what the roads were intended to carry with excess traffic, speeding and parked cars being hit. Hauke Park is a jewel and has been a life saver especially during this past year and a half. Choosing this location for development will no doubt negatively impact the park.

I realize that affordable housing is needed but this is not the right location or solution. Intense unit development should be created near public transportation, on roads built to accommodate increased traffic - Miller Avenue for example. The City should maintain our city's character and honor our creative roots. What about breaking this project into smaller developments and spread them around especially on flatter lots and in areas that are more appropriate for dense housing?

Don't rush this through under the cloak of the pandemic. There are much more appropriate sized developments and locations than this one that don't put children, habitat and Hauke Park at risk.

Regards,

Danielle Staude

From: Wanda Headrick <marinbuff@hotmail.com>
Sent: Saturday, May 22, 2021 5:23 PM
To: Planning
Subject: Proposed Affordable Housing at Hauke Park Lot

CAUTION: External Sender

Dear Housing Commission,
As a resident of Eucalyptus Knoll and Executive Director of Friends of the Bayfront Meadow, I have the following concerns:

1. Where would the replacement parking and rest rooms at the current Hauke Park lot be located? Every weekend we see far more vehicles descend upon our neighborhood than there are available parking spaces. Are you looking to pave over the Bayfront Meadow to appease the Gods of Parking? Several drivers already opt for parking on the grassy areas because it is too much effort to walk from available Street parking. ANY shift to areas across Hamilton would require substantial barriers to keep scofflaws from parking in non-designated areas. This may be acceptable at professional football games but parking a mega SUV on the grass packs down the soil and eventually kills the grass.

2. What, if any, impact would this housing have on the current traffic pattern on Hamilton Drive? If Hamilton Drive were converted to two way traffic, our neighborhood would become a freeway for commute traffic and residents of Eucalyptus Knoll would need traffic controls to be able to access Hamilton.

3. If we are conserving water due to the drought, how does the City justify the addition of 39 water meters at this time?

We look forward to hearing more about this proposed housing.
Thank you,
Wanda Headrick

Sent from my iPhone

Danielle Staude

From: Eric Bindelglass <ebindelglass@hotmail.com>

Sent: Saturday, May 22, 2021 5:49 PM
To: Danielle Staude
Cc: Jeralyn Seiling; Christopher L. Lebsock; Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gary Batroff; Tom & Toni Benoit; Jim Devitt; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; riaboff@comcast.net; david@techcontracts.com; joanprigian@hotmail.com; Julianna & Mark Hayes; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; csheyder@gmail.com; autria.christensen@gmail.com; ahmad@nanawall.com; Jill & Chris Lebsock; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; carriesher@yahoo.com; Nana Meyer; Gabrielle Tierney
Subject: Affordable Housing at Hauke Park

CAUTION: External Sender

Dear Ms. Staude,

I strongly oppose a 40-unit housing development at the Hauke Park site for the following reasons:

--The parking and traffic in and around Hauke park is already horrendous--adding 80 more cars to the mix will make it a nightmare. I have lived on Kipling Drive in Enchanted Knolls for over 20 years, and the traffic and parking is much worse than ever. Assuming fewer cars/unit in a residential area is unrealistic and will further exacerbate the problem.

--Increasing the traffic and parking problems could negatively impact Fire and Police response.

--Increasing the traffic and parking problems in close proximity to sports fields and a playground could create safety issues.

--Using an increased height allowance to enable the building of 40 units will result in a multi-story building(s) not in keeping with the scale and character of the Enchanted Knolls neighborhood.

I support affordable housing in Mill Valley. But, for the reasons outlined above, I believe this project has been too quick to latch on this option of building a 40-unit development in a congested residential area with existing traffic/parking problems . And during a global pandemic my fellow Enchanted Knolls residents have not been able to focus and weigh in on this project.

I urge the Committee to take the time to better understand the issues outlined in this note and raised by my fellow residents. And to identify and explore other affordable housing approaches that would have fewer

issues associated with them. Including a much smaller development (half this size or less) in this location. Thank you.

Regards,

Eric Bindelglass

From: Gabrielle Tierney <gigi_eric@hotmail.com>
Sent: Friday, May 21, 2021 9:23 PM
To: dstaude@cityofmillvalley.org <dstaude@cityofmillvalley.org>
Cc: Jeralyn Seiling <seilingj@comcast.net>; Christopher L. Lebsock <clebsock@hausfeld.com>; Suzanne Bohan <sbohan@stanfordalumni.org>; Paul Sidorenko <psidorenko@gmail.com>; Kelly Jane Rosenblatt <kjrosenblatt@gmail.com>; A. Rosenblatt <alexrosenblatt1@gmail.com>; Andreas Nicholas <anicholas@yahoo.com>; Beth Newman <munnbeth@gmail.com>; Glenn Thompson <glenn94941@yahoo.com>; Kathy Bakhshandeh <ksbakh@gmail.com>; Staci Nicholas <staci_nicholas@yahoo.com>; Alan Chui <awchui@hotmail.com>; Wei Wei Chui <eastwell99@hotmail.com>; Doug Newman <velodoug@gmail.com>; Gary Batroff <gbatroff@hotmail.com>; Tom & Toni Benoit <tom.benoit@comcast.net>; Jim Devitt <jhdevitt@yahoo.com>; Rodi <rodib@yahoo.com>; Steve Jaber <sjaber@pacbell.net>; Joy and David Wygant <joy_guidi@yahoo.com>; Penny White <mill31@comcast.net>; Mill Valley Beautiful <millvalleybeautiful@gmail.com>; Gail Katz <gkatz00@yahoo.com>; Cheryl Reiss <cherylbreiss@gmail.com>; Kelly Drury <braddrury@me.com>; smcentee@cityofmillvalley.org <smcentee@cityofmillvalley.org>; max@maxperrey.com <max@maxperrey.com>; kirkjknauer@gmail.com <kirkjknauer@gmail.com>; jhds@sbcglobal.net <jhds@sbcglobal.net>; christine@christinedonohue.com <christine@christinedonohue.com>; anita.scott@gmail.com <anita.scott@gmail.com>; gunnel.strom@comcast.net <gunnel.strom@comcast.net>; craigviolin@sbcglobal.net <craigviolin@sbcglobal.net>; judith@p-r-g.com <judith@p-r-g.com>; Kristin Hulquist <kthulquist@gmail.com>; sbatroff@hotmail.com <sbatroff@hotmail.com>; riaboff@comcast.net <riaboff@comcast.net>; david@techcontracts.com <david@techcontracts.com>; joanprigian@hotmail.com <joanprigian@hotmail.com>; Julianna & Mark Hayes <jgassman@gmail.com>; kspencxr@gmail.com <kspencxr@gmail.com>; samanthac.monge@gmail.com <samanthac.monge@gmail.com>; davidmlevin@yahoo.com <davidmlevin@yahoo.com>; Ingrid Woods <ingridw@pacbell.net>; csheyder@gmail.com <csheyder@gmail.com>; autria.christensen@gmail.com <autria.christensen@gmail.com>; ahmad@nanawall.com <ahmad@nanawall.com>; Jill & Chris Lebsock <jill_lebsock@gap.com>; Sandra Mardigian <smardigian.kilili.self.help@gmail.com>; gillianemblad@gmail.com <gillianemblad@gmail.com>; Daniel Karner <dbkarner@att.net>; hans_fallant@comcast.net <hans_fallant@comcast.net>; carriesher@yahoo.com <carriesher@yahoo.com>; Nana Meyer <nana@nanameyer.com>; Eric S. Bindelglass <ebindelglass@hotmail.com>
Subject: Re: Affordable Housing at Hauke Park

Dear Ms. Staude,

This affordable housing project at 1 Hamilton seems like it has accelerated quite quickly during a pandemic and without public input, especially from Enchanted Knolls residents. Has this project gone through the proper notifications, traffic and environmental impact reports? Why would the City intensify the traffic near where children play and where parking is already inadequate for existing uses? Commute traffic via Roque Moraes and Kipling Drive already exceeds what the roads were intended to carry with excess traffic, speeding and parked cars being hit. Hauke Park is a jewel and has been a life saver especially during this past year and a half. Choosing this location for development will no doubt negatively impact the park.

I realize that affordable housing is needed but this is not the right location or solution. Intense unit development should be created near public transportation, on roads built to accommodate increased traffic - Miller Avenue for example. The City should maintain our city's character and honor our creative roots. What about breaking this project into smaller developments and spread them around especially on flatter lots and in areas that are more appropriate for dense

Danielle Staude

From: Kristi Duchon <kduchon@mac.com>
Sent: Saturday, May 22, 2021 7:25 PM
To: Danielle Staude
Cc: Scott Duchon
Subject: Enchanted Knolls Resident - NO to additional housing at 1 Hamilton

CAUTION: External Sender

Danielle,

We are writing to you in regards to the parcel under consideration for additional housing at 1 Hamilton Drive. While we are in full support of affordable housing in Mill Valley, we strongly oppose construction of this size at this particular location for a number of reasons.

We purchased our home at 151 Kipling Drive in August of 2004. We were drawn to this location due to the proximity to the freeway as well as the open space and schools. These benefits have proven to be both a blessing and a curse over the last 17 years.

It wasn't long before we recognized that the traffic on Kipling, primarily headed uphill and towards the highway, was incredibly fast and reckless. In the Spring of 2005 our dog was killed in front of our home while we were outside on one side of the street and our neighbor was outside on the other. The driver was going well above the speed limit, ran over the dog, paused just briefly, and resumed speeding up the hill. We are only thankful that a child has never been struck in the same manner as we've raised two now teens in this home.

The neighborhood is used as a thoroughfare by the entire city for morning school drop offs, afternoon school pickups, avoidance of increasing traffic jams on 101 Northbound as well as East Blithedale, and a multitude of sports practice and game carpools. Everyone is in a hurry to get to school, work or practice. There has never been enough parking or adherence to speed limits to support the existing traffic and it is getting exceedingly worse every year. On practice afternoons and game days we often don't have a place to park our second car if we have to leave the house. There are cars carelessly side swiped on our street and Roque Moreas on a very regular basis.

The streets in our neighborhood are overcrowded and dangerous already. I strongly suspect that Hauke and Bayfront Parks are already the most populated open-space areas in Mill Valley and the surrounding communities that come to enjoy them as well. The fact that the city would even consider adding a 40+ unit structure to the mix is mind-boggling at best. We implore you to not only leave the beautiful open space in tact but to address the issues that we have already with increased safety and traffic management. The neighborhood simply can't support such obscene growth in the number of residents and their vehicles without doing great damage to the community.

Thanks for your time and consideration,
Kristi & Scott Duchon
151 Kipling Drive

Planning Department

Danielle Staude
Senior Planner, Advanced Planning
dstaude@cityofmillvalley.org

from: Eva Libien, 2 Eucalyptus Knoll Mill Valley 94941 415-383-5184

I am writing this letter because I would like to voice my concerns regarding the proposed plan of building a 30 unit apartment complex to be located in the present parking lot adjacent to the Mill Valley Public Safety building.

The parking lot and the public toilets are in heavy usage both day and evening since the playing fields in Bayfront Park are in constant use. Where would the players and the spectators be able to park? The children and the residents of our community need sports facilities and need parking facilities. In addition, many people visit the park to walk, run, bike.

Also, the traffic on Hamilton along the east side of the park will be much worse and will present a danger to the children and other players using the fields in the park. The street is one-way because the police cars and fire trucks need clear passage. Would the street need to be changed with traffic going both ways? Not a safe idea.

I realize that the population in Mill Valley is constantly growing and more housing is needed, however, this is not the area to have more traffic and it will change the lovely open space we all enjoy.

Please reconsider.

Danielle Staude

From: MADELINE P. FENDLER <muffief@aol.com>
Sent: Saturday, May 22, 2021 8:09 PM
To: Danielle Staude
Subject: Affordable Housing at Hauke Park

CAUTION: External Sender

'Ms Staude
I have been an original owner on Kipling Dr since 1959 when it was a dirt road and the park was for neighborhood children to play softball on a dirt surface. How did approval for such an eye sore and inappropriate housing ever pass the City Council or Architectural Design committee of Mill Valley and the HOA of Enchanted Knolls?
Clearly someone must have accepted a bribe to allow this plan to even be considered!
We neighbors are insulted that this project got this far when we are already plagued with speeders on Kipling who jeopardize the lives of the young athletes who visit our quiet neighborhood. We do not need any more traffic on an already busy speedway on Kipling Dr. just to qualify for a few designated affordable housing units; such an eyesore and increase of traffic should never have been considered.
As a homeowner why wasnt I informed of this proposal along with my neighbors who already fear the loss of an innocent child due to the increase of speeders on Kipling?
When will it end?

I submit the letter below from Mr Bindelglass as well as my own in full objection to this stealthy plan to overbuild in our lovely Enchanted Knolls. We are all DISENCHANTED that you would allow such a project to advance!
Madeline Pennisi
Kipling owner since 1959

Subject: Affordable Housing at Hauke Park

Dear Ms. Staude,

I strongly oppose a 40-unit housing development at the Hauke Park site for the following reasons:

--The parking and traffic in and around Hauke park is already horrendous--adding 80 more cars to the mix will make it a nightmare. I have lived on Kipling Drive in Enchanted Knolls for over 20 years, and the traffic and parking is much worse than ever. Assuming fewer cars/unit in a residential area is unrealistic and will further exacerbate the problem.

--Increasing the traffic and parking problems could negatively impact Fire and Police response.

--Increasing the traffic and parking problems in close proximity to sports fields and a playground could create safety issues.

--Using an increased height allowance to enable the building of 40 units will result in a multi-story building(s) not in keeping with the scale and character of the Enchanted Knolls neighborhood.

I support affordable housing in Mill Valley. But, for the reasons outlined above, I believe this project has been too quick to latch on this option of building a 40-unit development in a congested residential area with existing traffic/parking problems . And during a global pandemic my fellow Enchanted Knolls residents have not been able to focus and weigh in on this project.

I urge the Committee to take the time to better understand the issues outlined in this note and raised by my fellow residents. And to identify and explore other affordable housing approaches that would have fewer issues associated with them. Including a much smaller development (half this size or less) in this location. Thank you.

Regards,

Eric Bindelglass

Danielle Staude

From: Jim Devitt <jhdevitt@yahoo.com>
Sent: Sunday, May 23, 2021 7:00 AM
To: John McCauley; Danielle Staude
Subject: Housing Advisory Committee 5/25/21 Meeting Comments

CAUTION: External Sender

Mayor John McCauley, Chair, Housing Advisory Committee and City Council Liaison
Danielle Staud, City of Mill Valley Planning Department

The Public Safety Building/Hauke Field Parking lot is not a feasible housing site. I base this conclusion on the following staff and consultant's reports and findings: Pg. 8 of the consultant's report clearly states that this site requires special biological assessment studies to protect habitat for plants and animals. We should have these studies prior to proceeding. The consultant further states, "Until further biological and survey studies can be conducted it is assumed the identified housing site could provide...feasible project. It is dangerous to assume something before actual studies/facts. Pg. 8 states: "Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site". Just where is "elsewhere"? The only "elsewhere" are bay lands that are clearly indicated on the site legend. Pg.4 indicates that this location is feasible "in terms of location, size of parcel, topography/slope, ability to accommodate existing uses in the area, allowable access". None of these "terms" are clarified. The location is out of character for the neighborhood and will require increased building height; will require variances, zoning changes, an 80% increase in allowable density, encroachment on bay lands, questionable/unknown parking redesign, impact the current uses of the fields, and will increase traffic on a a road that is heavily used by children walking/biking to school and field activities. I urge committee members to visit this site when field activities are taking place. All fields are fully used; parking is full and cars are parked on neighboring streets. The issue of making Hamilton a two way street past the Public Safety Building will surely come up. You will recall a past City Council member advocated for making Hamilton a two way street to appease drivers who wanted a "short-cut" to the freeway via neighborhood streets that were never designed for traffic other than local neighborhood traffic. I am alarmed with the staff report outlining the proposed process which doesn't consider community input until after the project is approved. Clearly this is being forced upon the community with no input until after the project is approved. This property belongs to the community; it doesn't belong to developers. Currently on Roque Moraes Drive (the street leading into Hamilton Drive) there are ten apartment buildings with multiple rental units. Additionally, there are another four apartment building in the Enchanted Knolls neighborhood. Within 440 yards of this proposed site there is Shelter Hill (Miwok Village) with 76 affordable apartments. Within short walking distance there is Mercy Housing with 24 supportive housing units; The Redwoods provides a "affordable community..for diverse group of elders"; Mill Creek Apartments provides Sec. 202 Supportive Housing. My point is that all of these developments have followed zoning, parking, environmental requirements and have community support. Why are we waving these time tested requirements for this new project? I urge you to adhere to your Committee's Goal 1.0: Maintain and enhance the quality and affordability of existing housing and ensure new development is compatible with Mill Valley's small town character and many environment, community neighborhood and scenic attributes. Listen to the community now and not designate the Public Safety Building/Hauke Field Parking lot as a housing site.Thank you for your service to our community.

May 23, 2021

TO: Mill Valley Housing Advisory Committee
RE: Affordable Housing at the Public Safety Building Site

Dear Mayor McCauley, Council Member Carmel, Mr. Hildebrand, Mr. Yolles, and Mr. Franklin,

I am writing in support of the Staff Report's recommendation of the site near the Public Safety Building and across from Hauke Park for an affordable housing development of about 40 units.

It is my understanding that these units will give folks who work in Mill Valley first priority so that those who work here can also live here. According to *Urban Land* "One of the most effective ways to get cars off the road would be to increase the supply of workforce housing near employment centers . . . Building housing closer to jobs gets at the root of our nation's traffic woes."

In Marin, occupations that cannot afford a typical one-bedroom apartment include EMTs and paramedics, office and administrative support workers, preschool teachers, home health aides, bank tellers, and retail salespersons. In fact, two thirds of all Marin employees earn less than the $55,176 annual income needed to rent a one-bedroom apartment. By providing affordable housing, people in these and other occupations will be able to live near where they work.

It will reduce traffic both locally and regionally. A 2018 Mill Valley report noted that 91% of the 4,600 people who have jobs in Mill Valley live outside the City. One third commute more than 25 miles each way.

This particular site will allow students to walk safely to both Mill Valley Middle School and Tam High School. Residents also would be walking distance to the Community Center, and commercial areas. According to the Marin County Affordable Housing Inventory, low-income residents have far fewer cars and drive less than comparable Marin households. They also walk or use public transit more often. Forty-two percent of these households are car-free, compared to just 5% of Marin households overall. Only 7% own two or more cars, compared to 60% of Marin households.

Traffic directly influences our daily quality of life in Mill Valley. This development has the potential to have a positive impact on our community by providing housing for folks who work here and thus decreasing traffic.

Sincerely,
Nancy Carlston

Sources include: U.S. Census Bureau American Community Survey, Quarterly Census of Employment and Wages, California Department of Housing and Community Development, and National Low-Income Housing Coalition

Danielle Staude

From: Steve Jaber <outlook_0FD785720F652D81@outlook.com>
Sent: Sunday, May 23, 2021 8:55 AM
To: Danielle Staude
Cc: sjaber@pacbell.net
Subject: Housing project near Hauke Park

CAUTION: External Sender

Well, you certainly have our attention now.

Is the purpose is to make us see the potential impact of the State's low-income housing mandate? Check

Is the purpose to make us aware that the future of housing in Mill Valley will be large, out-of-scale projects that don't fit the original design or character of the town? Check

Is the purpose to have us see a future where our City will look like all the others with row, upon row, of apartment buildings shoehorned into places that were never designed to house them? Check

Is the purpose to show us how the codes and building restrictions that have served us for so many years can be tossed aside when it is to the City's advantage? Check

This project is ill-conceived and shows a dramatic lack of creativity on the part of the Committee. We have some of the best, brightest minds in Mill Valley and the best we can do is roll over and accept a consultants recommendation to take the path of least resistance? Why not ask the citizens for help in thinking this through as a first step?

I am sorry to say that it is going to take a much greater effort than that if we are to keep our City's charm and small-town feel. Sure it's easy to say that this project will satisfy the State for a short time. But what is next? How will the City continue to add housing after this project? There is no more low-hanging fruit. I suggest we look at the issue of housing in the big picture and design the City and then work backwards.

The consultant described alternatives like selling single-family lots and even selling this parcel to someone who could build high-value housing. With that money the City could follow the consultants recommendation to repurpose underutilized site closer to the commercial hubs. What if you required all new remodels to add an ADU?

Besides, our teachers and public safety staff will not qualify to live in these units because they will make too much. The only people who can qualify are not the people who will staff the stores. Why not do a survey of all residents of current low-income housing near here and you might see they are older or disabled or retired.

All you are doing by approving this project as designed is kicking the can down the road and passing the long-term problem on to future leaders. Why not be a future leader now?

Steve Jaber
169 Kipling Drive
Mill Valley, CA 94941

Danielle Staude

From: Brian Mcarthy <brianmcarthy1@gmail.com>
Sent: Sunday, May 23, 2021 9:03 AM
To: Danielle Staude
Subject: Affordable housing next to police station

CAUTION: External Sender

Totally opposed to affordable housing next to the police station. WHY IS PUBLIC LAND BEING USED OR PROPOSED FOR THIS???.Rezoning and expanding parking for a unwanted project by many is overkill.Mill valley is full despite what the activists and politicians say.The Boyle park proposal was absurd as is the Hamilton idea.Park and ballfields land provide a quality of life radicals and developers don't care about.The more affordable housing built with no taxes is a lose/lose for current residents.No matter how much affordable built there are always demands for more.STOP THIS WHOLE THING NOW!!!!.

Danielle Staude

From: Susan Zimmerman <susanrickz@sbcglobal.net>
Sent: Sunday, May 23, 2021 10:49 AM
To: Danielle Staude
Subject: Proposed Low Income Housing for 1 Hamilton Dr.

CAUTION: External Sender

We have lived for more than 33 years in the peace and quiet of Eucalyptus Knoll, with a view overlooking Bayfront Meadow. During this time we have been consistent users of the open space in Bayfront Meadow, and other parts of Bayfront Park. We also have observed, on a daily basis, regular and consistent use of Bayfront Meadow by our neighbors, and many others who come to this neighborhood to use the Meadow.

THIS IS TO STATE OUR FIRM OPPOSITION TO BUILDING A 4 STORY LOW INCOME HOUSING PROJECT ON HAMILTON DRIVE.

Our primary concern in the loss of open space in Bayfront Meadow. This is a quiet oasis in the midst of a densely populated suburban area. Relocating 40-50 parking spaces to Bayfront Meadow will ruin this delightful space. Open space in suburban Marin is precious and should NEVER be sacrificed for parking.

Putting a parking lot in Bayfront Meadow will likely result in the loss of the beautiful berms that have been planted and maintained for the past twenty years. The lovely wildflower garden, maintained and nurtured primarily by Wanda Headrick on a volunteer basis, is a community asset. It would be an insult to the efforts of many volunteers (the Friends of Bayfront Meadow) if this garden was replaced by a parking lot.

Adding a four story building with 29+ units will no doubt result in measurably more traffic, and more traffic congestion on weekends or when the playing fields are in full use. This project means more noise and pollution, and an increase in traffic danger for walkers, bikers and athletes (many of them children of all ages) using this space.

More housing here will lead to demands for two-way traffic on this part of Hamilton Drive. That will further disrupt the quiet enjoyment of those living along Hamilton. This neighborhood should not be turned into a morning commute shortcut for drivers intending to travel south on 101.

The greater neighborhood has a massive low income housing project--the Shelter Hill Apartments. This neighborhood (including Enchanted Knolls, Shelter Bay, Sunrise Pointe, Shelter Ridge and the complex at Seaver and Hamilton) has already made its contribution to provide such housing.

Thank you for your consideration. Susan and Rick Zimmerman, 102 Eucalyptus Knoll

Danielle Staude

From: Joan Prigian <joanprigian@hotmail.com>

Sent: Sunday, May 23, 2021 12:12 PM
To: John McCauley; Danielle Staude
Cc: Joan Prigian
Subject: Comments for 5/25 Housing Advisory Committee Meeting

CAUTION: External Sender

Dear Ms. Staude,

Below are my comments regarding the proposed housing project being discussed at the 5/25 meeting:

I have lived on Keats Drive in the Enchanted Knolls neighborhood for over 25 years. My children grew up playing at Hauke Park and participating in sports on the adjacent fields. I am personally aware of the impact that the increasing traffic and parking has had on our neighborhood over the years.

I have also spent a 45 year career working with under-represented populations and I am a strong proponent of affordable housing. However, building a 40 unit, 4 story apartment building at the Hauke Park site is ill conceived. I strongly oppose the selection of this location and the plan to put 40 units into a building in this location for the following reasons:

1. The parking and traffic in and around Hauke park has become more congested every year. Cars park on more and more of our neighborhood streets, leaving us with little residential parking and difficulty maneuvering safely on our own narrow neighborhood streets. Adding 20 - 40 more cars to this congestion makes absolutely no sense.

2. Increasing the traffic and parking problems on streets used by the many children walking or riding bikes to school, attending sports-related activities and utilizing the playground will most definitely be a safety issue. It already is an issue under the current circumstances!
3. Congested parking and driving will certainly impact Fire and Police response, impacting people throughout the community and not just those living on the streets surrounding the proposed project.
4. In addition to traffic pollution, noise pollution will also be an issue. All of the noise from the park, surrounding fields and outdoor Community Center events is easily heard in the neighborhoods surrounding these areas. Adding 40 additional units with 40-160+ additional people talking outside on cell phones, playing music with windows open, starting cars, etc. will negatively impact the lives of families already coping with community noise.

5. Will this congestion lead to the necessity of making Hamilton a 2-way street? This will increase traffic even more, as drivers try to find a short cut to the freeway on already over-crowded streets, will most certainly increase the safety issues for our children and will certainly impact emergency response time for our police and fire department since there will be no room for cars to pull over to let emergency vehicles through.

6. Building 40 units in a multi-story building is not in keeping with the character of the Enchanted Knolls neighborhood. The suggestion of separating these units into smaller parcels, in areas easily accessible to public transportation, and less impactful to an already over-congested neighborhood, makes much more sense. Why is this not being considered?

I believe this project has not been well thought out, is being rushed through, has not taken in to account the impact that it will have on a neighborhood already challenged with growing congestion, and has not offered alternative solutions for the community to assess.

I find it impossible to believe that this is the best and only solution and hope that, as our representatives, you will hear the valid concerns that we are voicing about the location of this project and the plan to erect a 40 unit building into an already over-congested area.

I urge the Committee to take the time to better understand the issues voiced by myself and by many of my neighbors and to identify and explore other affordable housing approaches that would have fewer congestion and safety issues associated with them and less of a negative impact on the residents already coping with existing congestion and traffic problems.

Thank you,

Joan Prigian
Enchanted Knolls Resident

Danielle Staude

From: Cassie Anderson <cassandra.rose.anderson@gmail.com>
Sent: Sunday, May 23, 2021 12:12 PM
To: Danielle Staude
Subject: E-Comment for May 25 Housing Advisory Committee Meeting

CAUTION: External Sender

Dear Housing Advisory Committee,

The 40-unit affordable housing proposal on Hamilton Drive is a wonderful idea! I'm pleased to see that the city already owns the land, parking alternatives have been identified, and that the city should be able to attract sufficient county, state and federal money to fund the entire development. **This is a win-win-win**. This project brings us closer to a more equitable and sustainable community. I support this project wholeheartedly and look forward to Mill Valley building its first completely affordable housing in over 20 years.

Thank you and let's do this,
Cassie Anderson
190 Miller Ave, Mill Valley

Danielle Staude

From: Lynn Perry <lperry@perryip.com>
Sent: Sunday, May 23, 2021 12:47 PM
To: John McCauley; Danielle Staude
Subject: Housing Advisory Committee meeting 5/25/21 - comments

CAUTION: External Sender

RE: Public Safety Building/Hauke Field Parking proposed housing site

Hello,

First, I appreciate your service to the community. But I am very concerned about the project as proposed.

Biological assessment studies to protect habitat for plants and animals must be done to assess feasibility from that perspective prior to proceeding. The plan does not take into account the intense usage (with accompanying parking) of the current site. There is nowhere else to relocate current restrooms and parking. The one area is current open space which I believe is subject to the BCDC longterm plan. My understanding is that it is the last piece of open space within Mill Valley. It is heavily used. Moreover, parking spills over from the current parking areas to the neighboring streets – estimated at at least an *additional* 100 cars at a time. You are proposing only giving residents 1.5 cars, so that will add likely yet another 50 cars...for parking and for traffic. This is most unwise. A smaller development could work provided existing parking was maintained and enough parking provided for new residents. This proposal will not work. An 80% increase in density on that tiny street will make an already crowded street nearly impassable.

This area is not short of affordable housing, I believe. Currently on Roque Moraes Drive (the street leading into Hamilton Drive) there are ten apartment buildings with multiple rental units. Additionally, there are another four apartment building in the Enchanted Knolls neighborhood. Within 440 yards of this proposed site there is Shelter Hill (Miwok Village) with 76 affordable apartments. Within short walking distance there is Mercy Housing with 24 supportive housing units; The Redwoods provides a "affordable community..for diverse group of elders"; Mill Creek Apartments provides Sec. 202 Supportive Housing. I am informed that all of these developments have followed zoning, parking, environmental requirements and have community support. We should not be waving these time tested requirements for this new project. I urge you to adhere to your Committee's Goal 1.0: Maintain and enhance the quality and affordability of existing housing and ensure new development is compatible with Mill Valley's small town character and many environment, community neighborhood and scenic attributes. Listen to the community now and do not designate the Public Safety Building/Hauke Field Parking lot as a housing site.

Regards,

Lynn Perry
4 Eucalyptus Knoll St.
Mill Valley CA 94941

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Danielle Staude

From: Tino Ciambriello <tciambriello@gmail.com>
Sent: Sunday, May 23, 2021 12:48 PM
To: Danielle Staude
Subject: Housing Advisory Committee 5/25/21 Meeting Comments

CAUTION: External Sender

All,

This is not a feasible idea. Traffic issues and safety issues alone should be enough for people to clearly see that this is not the correct spot for this project. Our neighbor Jim Devitt really laid out the case in his comments. Please listen to him and the other neighbors and find another spot.

Best,

Tino and Jill Ciambriello
49 Millay Place
Mill Valley, CA 94941
415-686-1655

Danielle Staude

From: Helen Pacula <delcardo@att.net>
Sent: Sunday, May 23, 2021 1:11 PM
To: Danielle Staude
Cc: John Antonini; Stephanie Ripley; Wanda Headrick; nelsonhank@aol.com; Lynn Perry; Stephanie Waxman; Barbara Lenehan; delcardo@att.net; Kim Hettena; regirohe@yahoo.com; Tory Stephens; Kelly Susan; Marilyn Sugarman; nanameyer@aol.com
Subject: Housing Advisory Committee 5/25/21 Meeting Hauke Park Comments

CAUTION: External Sender

Dear Ms.Staud,
The proposal of building a large apartment building inside the core recreation area serving the entire City of Mill Valley and environs is unacceptable. Whereas it sounds great to put it in a parking lot, the resulting relocation of the restroom and *additional* parking into the existing heavily used parklands is an outrage. The fields are fully utilized to the maximum of their capacity, and the open space areas are in use by our townsfolk and wildlife at all times (as was intended, and wisely zoned accordingly). The creek running thru the parkland is the only fresh water source for any of the animals and birds on the whole former island of Enchanted Knolls/Shelter Hill/Eucalyptus Knoll/Sunrise Point & Miwok Village. Without it the animals are often killed while trying to cross Hwy. 101 or the heavily trafficked East Blithedale Avenue, a main artery for entering or leaving town. The surrounding area is densely populated, and commute traffic through the neighborhood from motorists avoiding the gridlock on the freeway and Blithedale, as well as the recreational fields use is already impacting access to all of Mill Valley from the Public Safety Building.
I include Jim Devitt's well thought out letter.
Thank you for your consideration and attention to this matter,
Helen Pacula

> **From:** Jim Devitt j
> **Sent:** Sunday, May 23, 2021, 7:00:22 AM PDT
> **Subject:** Housing Advisory Committee 5/25/21 Meeting Comments
>
> Mayor John McCauley, Chair, Housing Advisory Committee and City Council Liaison
> Danielle Staud, City of Mill Valley Planning Department
>
> The Public Safety Building/Hauke Field Parking lot is not a feasible housing site. I base this conclusion on the following staff and consultant's reports and findings: Pg. 8 of the consultant's report clearly states that this site requires special biological assessment studies to protect habitat for plants and animals. We should have these studies prior to proceeding. The consultant further states, "Until further biological and survey studies can be conducted it is assumed the identified housing site could provide...feasible project. It is dangerous to assume something before actual studies/facts. Pg. 8 states: "Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site". Just where is "elsewhere"? The only "elsewhere" are bay lands that are clearly indicated on the site legend. Pg.4 indicates that this location is feasible "in terms of location, size of parcel, topography/slope, ability to accommodate existing uses in the area, allowable access". None of these "terms" are clarified. The location is out of character for the neighborhood and will require increased building height; will require variances, zoning changes, an 80% increase in allowable density, encroachment on bay lands, questionable/unknown parking redesign, impact the current uses of the fields, and will increase traffic on a a road that is heavily used by children walking/biking to school and field activities. I urge committee members to visit this site when field activities are taking place. All fields are fully used; parking is full and cars are parked on neighboring streets. The issue of making Hamilton a two way street past the Public Safety Building will surely come up. You will recall a past City Council member advocated for making Hamilton a two way street to appease drivers who wanted a "short-cut" to the freeway via neighborhood

streets that were never designed for traffic other than local neighborhood traffic. I am alarmed with the staff report outlining the proposed process which doesn't consider community input until after the project is approved. Clearly this is being forced upon the community with no input until after the project is approved. This property belongs to the community; it doesn't belong to developers. Currently on Roque Moraes Drive (the street leading into Hamilton Drive) there are ten apartment buildings with multiple rental units. Additionally, there are another four apartment building in the Enchanted Knolls neighborhood. Within 440 yards of this proposed site there is Shelter Hill (Miwok Village) with 76 affordable apartments. Within short walking distance there is Mercy Housing with 24 supportive housing units; The Redwoods provides a "affordable community..for diverse group of elders"; Mill Creek Apartments provides Sec. 202 Supportive Housing. My point is that all of these developments have followed zoning, parking, environmental requirements and have community support. Why are we waving these time tested requirements for this new project? I urge you to adhere to your Committee's Goal 1.0: Maintain and enhance the quality and affordability of existing housing and ensure new development is compatible with Mill Valley's small town character and many environment, community neighborhood and scenic attributes. Listen to the community now and not designate the Public Safety Building/Hauke Field Parking lot as a housing site.Thank you for your service to our community.

Tom and Kay Conneely
163 Kipling Drive
Mill Valley, CA 94941
Tom: (415) 203-2769 Kay: (415) 269-5294
tfc@conneely.com kayconneely@gmail.com

May 23, 2021

Danielle Staude, Senior Planner
Planning and Building Department
City of Mill Valley
Mill Valley, CA 94941

Dear Ms. Staude,

We are submitting these comments for consideration of the Housing Advisory Committee at its scheduled meeting on May 25. We will send these comments to you via email.

First, we recognize the need Mill Valley has for affordable housing. We have had conversations with local business owners who find it nearly impossible to attract employees at the wages the businesses can afford due to the lack of affordable housing in the area. We therefore support all efforts to find locations in Mill Valley that accommodate affordable housing. With regard to the proposal that the Committee will consider on Tuesday we would like to be supportive but we have a number of questions that are not addressed in the Consultant's report:

1. We appreciate and fully support questions 1-7 raised by our neighbor Jeralyn Seiling in her memorandum to you dated May 21, 2021.

2. You will note that we live on Kipling Drive. I began to occupy our house late in 1974—nearly 47 years. Over that time the street has experienced heavier traffic. The amount of traffic is not a concern—the speed that some drivers attain is most definitely a concern. So far, despite several requests to Chiefs of the MVPD, there has been no enforcement activity. Two former neighbors and I met with Chief Angel Bernal to ask for some enforcement. He complained to us that he did not have enough officers to patrol Kipling Drive but he promised to frequently locate the "speed trailer" on the street. He did that (it has limited effect) but after his retirement the speed trailer has not been seen on the street for going on at least two years. I wrote a letter to his acting replacement asking for enforcement. Although she called and left a message, my return call was never responded to. **We residents on Kipling Drive experience a speeding problem that the City has refused to address. That should be addressed now by the City Council and the MVPD while discussions about affordable housing continue.**

3. Ms. Seiling makes an excellent point about the portion of Hamilton Drive that is now one-way. I personally participated in the discussions that led to the one-way

determination by the City. The Committee should decide immediately to recommend that the one-way status not be changed. Hamilton Drive was designed and built to allow Fire and Police emergency vehicles entry and egress and it is not suitable in width for heavier traffic. Further, even the current one way traffic in late afternoon leads to congestion on Roque Moraes.

4. The Consultant's report makes no recommendation on what will become of the public restrooms other that they may have to be relocated. Where? That question should definitely be addressed by the Committee.

5. Ms. Seiling's thoughtful submission comments on the massive size of the proposed building. It is impossible to visualize the footprint of the actual proposed building on the .75 acres. Will it occupy the entire site? Presumably not, since the proposal talks about the expansion of the parking lot by 12 spaces.

6. The supposition that residents of the building will park there means to us that the parking lot will become totally occupied by the building's residents thereby depriving Hauke Park users of currently available spaces. The assumption that residents will average 1.5 cars per unit seems to defy reality. Even if that assumption is correct the proposed expansion by 12 spaces will not accommodate the tenants.

7. Has the consultant observed the heavy traffic on Roque Moraes in late afternoon and on weekends? Ms. Seiling's questions the ability of that street to handle more traffic. It frequently takes two changes of lights at the Blithedale/Roque Moraes intersection to turn left onto Blithedale.

8. The residents at Scott Highlands and around the golf course seem to have eliminated any project occurring in their areas. Forgive us for not getting on the bandwagon earlier to raise questions about the PSB site.

9. The Consultant's Website contains a paper that concludes that compliance with CEQA should not be considered a problem even though it quotes that Statute as requiring the identification of "...potentially significant environmental impacts...and then to avoid or mitigate these impacts..." Not only does the Consultant's report not identify potentially significant impacts, it seems to dismiss any such impacts as easily overcome and does not offer any suggestions to avoid or mitigate. The fact that the report does not even consider the impact on the surrounding neighborhood is offensive.

We are not opposed to considering the site for affordable housing. However, these and other questions and issues must be addressed by the Committee. And we would like to see an actual footprint of the proposed building on the site, not just a rendering of what that building might look like. Certainly a creative architect could design a building that looks more consistent with other structures in Mill Valley.

Having said our piece for the time being we anticipate that there will be many more opportunities for us and our neighbors in Enchanted Knolls to work with the Committee. We will be happy to respond to any comments or questions the Committee has.

Please place us on email lists to receive communications from the Planning and Building Department on this subject.

Thank you for the opportunity to comment on this very important proposal.

Sincerely,

Thomas F. Conneely
Kay G. Conneely

Danielle Staude

From: Carolyn Heyder <csheyder@gmail.com>

Sent: Sunday, May 23, 2021 2:51 PM
To: Danielle Staude
Cc: John McCauley
Subject: Proposed PSB Hamilton Drive Site for Affordable Housing: May 25, 2021 Meeting
Attachments: unnamed (1).jpg; unnamed.jpg; unnamed (2).jpg

CAUTION: External Sender

Dear Ms. Staude:

The current proposal plans to construct a 4-story, 40-unit affordable housing building consisting of 1, 2 and 3 bedrooms that would demolish an existing parking lot that services Hauke Park, a widely used park and recreational area adjacent to sensitive wetlands. The site is also located adjacent to the Public Safety Building housing both the fire department, the police department and emergency vehicles.

The staff report and the financial analysis seem to conclude that, off all the sites explored, the PSB site is considered the most feasible. Yet, it concedes that "several current development regulations would have to be relaxed." I question the feasibility of this site when, in order to get it built, it would require rezoning not only from open space to multifamily, but to be "rezoned at the City's highest multifamily density level" and have to apply the "80% density bonus", require a height limit relaxation, require the "waiving" of the current 2 parking space per unit + 0.25 space for guest parking", require specialized habitat impact and related studies under the Bayfront Corridor designation, and require parcel subdivision. In addition, it concedes that construction costs are "rising dramatically" and already has a funding gap of $100,000 before full development costs are known.

The site is currently zoned "Open Area". Its purpose is to provide open space, recreational use and enjoyment of the sensitive wetlands surrounding it. "Mill Valley owns numerous tracts of land used for active recreation…these recreation open space lands are treasured by residents, and are considered important parts of Mill Valley's quality of life." "This current analysis does not seek to alter these land use designations…". And yet, it would. It would require rezoning from Open Area to dense multifamily.

In order to accommodate 40 units (1, 2 and 3 bedrooms), the height limit would have to be relaxed to allow 4 stories.

In order for the project to eliminate the need for "an expensive parking garage", current parking ratios would have to be "relaxed". The parking, already unable to adequately provide for recreational users, would seriously be impacted not only by removing the existing parking lot but by not providing adequate parking for the proposed project.

The existing overflow parking and increased traffic on Hamilton that would inevitably occur seriously impacts the ability of the emergency vehicles at the PSB to maneuver when responding to public safety emergencies.

There is no current public transportation available on Hamilton Drive. The nearest access to public transportation is on Blithedale. The traffic on Hamilton and surrounding Enchanted Knolls neighborhood is already impacted as cars try to avoid the congestion on Bilthedale. The addition of a 40-unit multifamily housing will only add to this.

Other parcels have been considered. I urge the City to continue to look not only at other public and tax-exempt parcels but other options. The proposed project is, for many reasons, not suitable for the PSB site.

Sincerely,
Carolyn Heyder







Danielle Staude

From: Warren Leiden <wleiden@gmail.com>
Sent: Sunday, May 23, 2021 3:01 PM
To: Danielle Staude
Subject: Housing Advisory Committee / Affordable Housing in Mill Valley

CAUTION: External Sender

Dear Mr. Chair and Members of the Housing Advisory Committee:

As a Mill Valley resident, I'd like to voice my full support for the proposal to establish affordable housing in the Hauke Park Parking/Public Safety Building vicinity. The proposal appears to be well-researched and thought through, and the availability of land that is already publicly-owned is an opportunity we don't often have. Our family uses Hauke Park and the adjoining fields often, and relocating the existing parking and restrooms, as proposed, would not be a problem for us at all. Obviously, the local residents need to be consulted and have the chance to raise any questions and concerns, but surely this can be done in community meetings and other engagement.

I think we are all aware of the drastic shortage of affordable housing in Mill Valley, which is so difficult for our city, school, fire, and police employees and other essential workers. This affordable housing would be an important benefit to our community, not to mention promoting much-welcomed diversity in MIll Valley.

Thank you for considering this important proposal, and I hope that you will approve and advance its recommendations to the City Council, Thank you,

Warren R Leiden
155 Bolsa Ave, Mill Valley, CA 94941
wleiden@gmail.com
415-672-9600

Danielle Staude

From: Paul Sidorenko <psidorenko@gmail.com>
Sent: Sunday, May 23, 2021 3:16 PM
To: Eric Bindelglass; Danielle Staude
Cc: Jeralyn Seiling; Christopher L. Lebsock; Suzanne Bohan; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gary Batroff; Tom & Toni Benoit; Jim Devitt; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; riaboff@comcast.net; david@techcontracts.com; joanprigian@hotmail.com; Julianna & Mark Hayes; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; csheyder@gmail.com; autria.christensen@gmail.com; ahmad@nanawall.com; Jill & Chris Lebsock; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; carriesher@yahoo.com; Nana Meyer; Gabrielle Tierney
Subject: Re: Affordable Housing at Hauke Park

CAUTION: External Sender

Ms. Staude

The responses thus far on the proposed development are spot on and I will not restate the obvious concerns already set forth by my neighbors here. That said, I am deeply concerned by the speed and stealth with which the City of Mill Valley has moved this process forward. I will attend this week's meeting to understand this better, but from my perspective, how this process has gone this far without active community involvement needs a thorough review. More on this topic at the meeting.

I strongly support increasing affordable housing in Mill Valley, but the selected location was pushed through without due consideration of the environmental and residential impacts. I am a cyclist and frequently concerned by what might occur if the Hauke Park area implements 2 way access. 2 way traffic would increase safety concerns for both cyclists and pedestrians alike - not to mention the children that use this park for sporting events.

My home on Longfellow has recently become a bypass for Blythedale traffic, and this proposal would not only exacerbate this problem, but by adding traffic and parking issues related to a 40 unit complex on quiet side street will create multiple traffic and safety hazards.

My neighbors' concerns are shared by me, however I am deeply concerned that this process is being pushed through without adequate study of the impacts and inclusion of local residents. I can assure you that this oversight will not go unchallenged and its trajectory will need to be understood and discussed by all the citizens of Mill Valley.

Regards

Paul Sidorenko
24 Longfellow Road
415-867-9022

Danielle Staude

From: Eric Bindelglass <ebindelglass@hotmail.com>
Sent: Sunday, May 23, 2021 4:03 PM
To: John McCauley; Danielle Staude
Subject: Housing Advisory Committee 5/25/21 Meeting Comments

CAUTION: External Sender

Dear Ms. Staude and Mayor McCauley,

I strongly oppose a 40-unit housing development at the Hauke Park site for the following reasons:

--The parking and traffic in and around Hauke park is already horrendous--adding 80 more cars to the mix will make it a nightmare. I have lived on Kipling Drive in Enchanted Knolls for over 20 years, and the traffic and parking is much worse than ever. Assuming fewer cars/unit in a residential area is unrealistic and will further exacerbate the problem.

--Increasing the traffic and parking problems could negatively impact Fire and Police response.

--Increasing the traffic and parking problems in close proximity to sports fields and a playground could create safety issues.

--Using an increased height allowance to enable the building of 40 units will result in a multi-story building(s) not in keeping with the scale and character of the Enchanted Knolls neighborhood.

I support affordable housing in Mill Valley. But, for the reasons outlined above, I believe this project has been too quick to latch on this option of building a 40-unit development in a congested residential area with existing traffic/parking problems . And during a global pandemic my fellow Enchanted Knolls residents have not been able to focus and weigh in on this project.

I urge the Committee to take the time to better understand the issues outlined in this note and raised by my fellow residents. And to identify and explore other affordable housing approaches that would have fewer issues associated with them. Including a much smaller development (half this size or less) in this location. Thank you.

Regards,

Eric Bindelglass

From: Gabrielle Tierney <gigi_eric@hotmail.com>
Sent: Friday, May 21, 2021 9:23 PM
To: dstaude@cityofmillvalley.org <dstaude@cityofmillvalley.org>

Danielle Staude

From: Brian Haughton <BHaughton@bargcoffin.com>
Sent: Sunday, May 23, 2021 6:07 PM
To: Danielle Staude
Subject: Housing Advisory Committee: 5/25/21 meeting: Agenda item: Follow-Up Review of City-Owned Property to Leverage Affordable Housing: support for proposed 40-unit project at 1 Hamilton Drive (Public Safety Building parcel)

CAUTION: External Sender

Dear Housing Advisory Committee members:

I'm writing to express support (1) generally, for the construction of additional affordable housing in Mill Valley and (2) specifically, for the proposed 40-unit project at 1 Hamilton Drive (Public Safety Building parcel).

Housing costs in Mill Valley are breaking records, making it difficult for our teachers, public servants, care-givers, retail employees, gardeners, artists, and non-profit workers to live here. The fabric of our community is strengthened when we increase the number of threads that tie us together. When we bump into a teacher at the library, a care-giver at the grocery store, a firefighter at a house of worship.

Moreover, for every local worker who lives in affordable housing here, we eliminate two long commutes per day. This reduces emissions and climate change.

Finally, the location has many advantages. There are parks nearby for kids and dogs, and the middle school is an easy walk. Plus, there are nice views from the site.

Very truly yours,

Brian Haughton
32 Thalia Street
Mill Valley, CA 94941

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Please note that our e-mail addresses have changed to **@bargcoffin.com**. Please update any contact lists or spam filters as needed

Danielle Staude

From: David Levin <davidmlevin@gmail.com>
Sent: Sunday, May 23, 2021 7:38 PM
To: Danielle Staude
Subject: Support for PSB Proposal

CAUTION: External Sender

Dear Ms. Staude,

I have been living near the Public Safety Building for almost 20 years, and write to express my support for the Housing Advisory Committee proposal to review the PSB site for affordable housing. Local workers and many others desperately need this type of housing in Mill Valley because of a severe shortage across Marin and the bay area. The parking area at the PSB site appears to be an excellent option for review by the city, and this proposal would permit the city to meet its legal duties and other goals related to increasing housing diversity in Mill Valley.

According to its annual report last month, Mill Valley has produced only two deed-restricted units of affordable housing during six years of the current eight-year planning cycle, and this PSB proposal would provide an opportunity for the city to make real progress in addressing our housing crisis. This would help Mill Valley in many ways by providing more rental opportunities for local workers. Although the population of Mill Valley has hardly grown for almost 50 years, our traffic has skyrocketed -- a symptom of the severe housing shortage which harms the environment and blocks efforts to increase diversity, equity, and inclusion. Most city employees and local workers cannot live in Mill Valley, and that is bad for all of us.

The Housing Advisory Committee should recommend the city council conduct additional review and gather more input on the PSB site. I understand there are no specific design elements yet, and these and other related issues will be discussed and reviewed as part of the process going forward. I appreciate the efforts already invested by Mill Valley on this important proposal, as well as the future dialogue, and would like to thank you for your work on it.

Sincerely,

David Levin
160 Shelley Drive

Danielle Staude

Subject: FW: 5/25 Housing Advisory Committee Meeting

Ms. Staude,

As a resident of Enchanted Knolls for the past 30 years I strongly oppose the proposed 40-unit housing development adjacent to Hauke Park. As much as I support affordable housing in Mill Valley, the location of this proposal lacks foresight and sustainability. I have witnessed traffic congestion increase exponentially over the years and this development can only exacerbate what is already considered a serious issue for our neighborhood. It will impede emergency vehicles traveling to and from the Public Safety Building on Hamilton and dramatically impact access to and from the Enchanted Knolls neighborhood. Also, it is evident from reading the analysis that relocating the parking and bathroom facilities will mean developing the land across the street – land that is designated open space.

This development will negatively impact both residents of Enchanted Knolls and those seeking affordable housing. We all deserve better!

Thank you for your consideration.

Ellen Riaboff

Danielle Staude

Subject: FW: 5/25 Housing Advisory Committee Meeting

I am writing in regard to the 5/25 meeting concerning the Hauke Park location for a 40 unit, 4 story affordable housing building. I looked up the Housing Workshop from Jenner, CA. Why are we even considering their proposal? All of their potential sites in Mill Valley show a total lack of knowledge of the community, traffic patterns, open space, recreation areas and public safety. Apparently, they have done projects in Los Angeles and New York City and their focus appears to be on high density large buildings.

It won't work in Mill Valley. Just ask yourself where would you like to see a new 40 unit apartment building in Mill Valley – affordable or not.

Affordable housing in Mill Valley should be in small units spread throughout the city. This would have minimal impact and preserve the character of our neighborhoods and include everyone in our community.

Sincerely,

Peter Riaboff
Enchanted Knolls

Danielle Staude

From: Carlos Montalvan <montalvan@comcast.net>

Sent: Sunday, May 23, 2021 9:39 PM
To: Danielle Staude; John McCauley
Cc: Emily Montalvan
Subject: Enchanted Knolls Affordable Housing Project

CAUTION: External Sender

Dear Mayor McCauley and Ms. Staude,
I am writing in regards to the planned Affordable Housing project in Enchanted Knolls that will be discussed in the upcoming Planning Meeting May 25th. Hopefully you can answer my questions below, if not in the meeting, then via email back. The **bold questions** are the key ones, if you have to streamline answers for the meeting.

We live up the block on Keats Dr. and would be significantly impacted by a development of this scale. Undoubtedly many people will ask about the viability, parking, traffic, resources, etc. My question is about the people who would *actually* live there.

Since this project is meant to serve people seeking affordable housing, has anyone surveyed *them* to see *their* thoughts on how best to provide for their needs?

My first thought would be to interview people currently living in the affordable housing Mill Valley presently has. I would ask questions like:

- What drew you to living in Mill Valley?
- Do you feel integrated into the community as a whole?
- If not, is your housing situation a factor in that?
    - If it is a factor, what type of housing would make you feel more integrated?
        - A single large structure on one side of town?
        - Or smaller, more dispersed units throughout town?
- Does being close to public transit matter to you? Or do you drive a car no matter what?
- Do you work in Mill Valley, or do you have to commute to work outside of town?

These are just a start, but I 'm very curious what research the project planning team has done on the needs of exactly the type of people these units are meant to serve.

We talk about this type of housing serving teachers, firefighters, police, nurses, restaurant workers, etc. Have we talked to those types of potential residents?

- Can we ask all the teachers in Mill Valley, if given the opportunity to move to a 40-unit building by Hauke Park, would they?
- Can we ask all the police and firefighters if they would move to the new affordable housing?
- Would restaurant workers who currently commute, move from wherever they live now to Mill Valley?

If the survey comes back that people would prefer to be in a 4-story building on a side of town that isn't near transit, and would be known as the new "low-income" housing in Mill Valley, then I will be

surprised. But we should at the very least be asking the questions, so that our plans will actually serve people in the right way and not just check off a mandate from the state.

Thank You for your time and service to Mill Valley.
Respectfully,
Carlos & Emily Montalvan

---
montalvan@comcast.net
415.300.7901

Danielle Staude

From: Judith Staples <staplesjudith@gmail.com>
Sent: Sunday, May 23, 2021 10:38 PM
To: John McCauley
Cc: Danielle Staude
Subject: Housing Advisory Committee 5/25/21 Meeting - Hamilton Drive proposal

CAUTION: External Sender

Mayor John McCauley, Chair, Housing Advisory Committee and City Council Liaison
Danielle Staud, City of Mill Valley Planning Department

I would like to add my voice to those of our neighbors - the proposed development of a 40 unit, 4 story apartment building in the proposed location on Hamilton Drive is hard to fathom.

Firstly, as mentioned multiple times, Hauke park and the soccer field are heavily used and this proposal appears to suggest that the current parking will be completely removed with no explanation of where it will be relocated. Already the parking area overflows and on the opposite side of the park, on the dirt adjacent to the PG&E access road, upwards of 20 cars also park for soccer, Lacrosse and softball practice and games. Removing existing parking simply makes no sense in this location. This proposed development would add between 30 and 60 additional cars that will need parking on a daily basis - where will they park and where will the current parking that serves Hauke Park be located?

Secondly, a building of that size in that location will be completely incongruous. The police and fire station are low profile and relatively discrete, and to introduce a FOUR STORY, 40 unit building in this location does not seem to be well considered.

Thirdly, again, repeated many times is the traffic and congestion. Please reconsider this and the impact on the area.

Sincerely,

Judith Staples

Danielle Staude

From: Dolores OConnell <dolores_oconnell@sbcglobal.net>
Sent: Monday, May 24, 2021 12:35 AM
To: John McCauley; Danielle Staude
Subject: Proposed 40 unit development - 1 Hamilton Drive

CAUTION: External Sender

Although not formally notified, it has been brought to my attention that the Planning Dept of Mill Valley is considering the construction of a 40 unit apartment complex on the site adjacent to the fire department/public safety building currently used for a parking lot and restrooms which accommodate the usage of the sports fields, children's playground, community garden, bike and walking paths in the immediate area. It is also my understanding that the City plans to relocate a replacement parking lot containing approximately 50 spaces somewhere in the immediate vicinity, which will also serve the proposed 40 unit development. Given there are 30+ spaces to be replaced plus a probable 40 more required, this would appear insufficient only addicting to the current parking problem.

I live on Millay Place, within a block of the proposed site. Based on the current usage of the fields, playground, and other area amenities, even the existing parking spaces are inadequate; particularly on the weekends. Given the intense usage of Hauke park/fields, cars are parked up and down Kipling, Millay Place, and Roque Moraes - sometimes to the point where there are no available spaces for residents/resident guests. Furthermore, the traffic, particularly on weekends in this area is quite high. Adding 40 residential units would only compound this problem resulting in more traffic on a road that is heavily used by children walking/biking to school and field activities.

I am also concerned as to where the current parking area/restrooms are to be relocated. Where is elsewhere? The only vacant sites I see are designated bay lands. I certainly object to using bay open space, particularly given the environmental concerns and the disturbance/elimination of existing plant and animal habitat. I assume that a full Environmental Impact Report and Traffic Study have been ordered and will be in place before going forward with any further consideration of this project.

I also strongly object to this development given the current chronic and extremely serious draught situation in Marin County. Where do you propose getting the water to service these units? Is this the time to approve additional water hook-ups when County residents are already under strict restrictions on water usage? Projections are that at the severe draught situation could last for several years. Given the existence of global warming and changing weather patterns, it is unclear if and when the County will ever get back to normal water levels. Even without the other aforementioned factors, for this reason alone the proposed project should not be considered/approved.

Thank you for your consideration. Dolores O'Connell

Danielle Staude

From: Ryan Jones <ryanjones@ryanjonesart.com>
Sent: Monday, May 24, 2021 8:04 AM
To: Danielle Staude; John McCauley
Subject: Opposition to low income housing in E. Knolls

CAUTION: External Sender

Hi

I'm a resident of Enchanted Knolls and live on Shelley Dr. Recently me and my neighbors heard on Nextdoor of a proposal to put more low income housing in the community. My and all the neighbors in the vicinity vehemently oppose this addition to the neighborhood. There are already low rent units at the end of Shelley near Kipling with no parking and the residents park up and down the one lane street making it overcrowded and unsafe. Not to mention it has potholes and desperate needs to be repaved. On top of that, it makes the neighborhood just plain ugly. Part of what makes mill valley beautiful is the nature and the homes. Rows of cars clogging the streets doesn't add to this. Nor does more apartment buildings. E. Blithedale has a massive traffic problem as well which compounds the problem. As tax paying employees what recourse do we have to oppose the building and why weren't the residents asked at all? Seems like this should have been something the community should have voted on!

Thank you for your time. If we don't hear from you we will be assembling a petition to oppose the project.

Ryan Jones
Shelley Dr
510-220-S611

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Ryan Jones

www.ryanjonesart.com

instagram: www.instagram.com/ryanjonesart/
facebook: www.facebook.com/ryanjonesart
email : ryanjones@ryanjonesart.com
cell : 510-220-5611

Danielle Staude

From: Dane Hulquist <danehulquist@yahoo.com>
Sent: Monday, May 24, 2021 8:07 AM
To: Danielle Staude
Subject: housing project at Hauke Park

CAUTION: External Sender

Dear Ms. Staude,

I understand that the proposed housing project at Hauke Park will be discussed at the upcoming meeting on 5/25. I would like to submit the following questions, after reviewing the plans for the project.

1. The apartment block is being proposed on a small side street of an area that already has one of the most congested traffic situations in Mill Valley. Everyone I speak to in Mill Valley complains about the increasingly dire traffic situation on the E Blithedale corridor between Camino Alto and the 101. And Roque Moraes, which will serve the apartment block, gets regularly backed up all the way to the power station. What will be done to address the extra traffic that would come into the area, making the current situation even worse, not just for those in Enchanted Knowles but for everyone in Mill Valley that has to use that corridor?

2. The area around Hauke Park, especially Hamilton Drive, has very high pedestrian activity, especially with families and kids, due to the recreational activities and facilities right across the street. This doesn't seem to be addressed in the proposal. What will be done to protect those pedestrians with all the extra traffic?

3. Where are the new residents going to park, as well as the current Hauke Park visitors? On weekends, due to the Hauke Park activities, cars are parked on the streets all the way up Kipling and Roque Moraes, as the public parking lot in the proposed location already has limited space for the number of people that use the park.

4. Why isn't the city considering a location walking distance to public transit? The proposed location is an isolated, out of the way location. Being on or close to established transportation routes on Miller or the streets adjacent to the 101 would make a lot more sense for the residents.

Mill Valley needs more affordable housing, especially for the people who work in and serve our community but can't afford to live here. But the city should certainly look only at options that don't take us a step backwards on important issues that the council has already been working hard to improve, such as traffic, pedestrian traffic/safety, and encouraging more use of public transportation.

Thank you,
Dane Hulquist
13 year resident of Keats Drive

Danielle Staude

From: Ladonna Wood <ladonna4000@comcast.net>
Sent: Monday, May 24, 2021 8:43 AM
To: Danielle Staude; Urban Carmel; Tricia Ossa; Sashi McEntee
Cc: Ladonna
Subject: Proposed High Density Housing on Hamilton Dr.

CAUTION: External Sender

Dear Ms. Staude, Mr. Carmel, Ms. Ossa, Ms. McEntee,

As a resident of Enchanted Knolls, I am writing in opposition to the proposal to build affordable housing on a **small** parcel on Hamilton Dr., next to the Public Safety Buildings. This space could not be more ill-suited for this purpose, nor could it be a worse time to consider such a sizable development.

Mill Valley is a great place to live. But like many cities in Marin Co. we've seen our infrastructure and our resources- especially the fresh water supply, stretched beyond their limits. The seemingly never-ending drought has resulted in severe water rationing for all of our existing households. Just recently the IJ published the following:

"The Marin Municipal Water District might temporarily ban new service hookups for the first time in nearly three decades in response to historic drought conditions. Such a ban could impact future development in much of the county, potentially for several years, and at a time when the state is pressing for stepped-up housing production."

(Will Houston, Marin Independent Journal, May 19, 2021)

In the aftermath of the pandemic and CA wildfires, building costs have skyrocketed over the past year due to increased demand for labor, and the scarcity of materials. While the need for more affordable housing in Marin is absolute, now is not a reasonable time to begin such an ambitious project- namely, a multi-story, 40-unit complex, on Hamilton Dr.

The Hamilton Dr. location is highly problematic. (1) It is zoned as an "Open Area" in or very near the Marin County Baylands Corridor. This area contains sensitive wetlands and habitats for migratory birds, various insects and mammals, and native CA plants. (2) The proposed development would eliminate the only restrooms, as well as the heavily used parking lot (with charging stations for electric cars), which serve the visitors to the recreational fields and Hauke Park. (3) More traffic congestion will inevitably result in Hamilton Dr. becoming a two-way street. This will negatively impact pedestrians' and bicyclists' safety. Most of those who will be affected are children.

I read the memos prepared for the City by "The Housing Workshop" and was particularly alarmed by the following:

"The financial analysis provided herein for the PSB site indicates that if several current development regulations were relaxed (e.g, height limit to accommodate the assumed density bonus, and parking ratios so that surface parking could be provided instead of a more expensive garage), and the City contributed the site at zero cost to a non-profit affordable housing developer, the following findings and next steps are recommended.... "
(The Housing Workshop Financial Analysis memo, dated 3-12-21)

My question to both the Mill Valley Housing Advisory Committee and City Council is: How many, and which current development regulations might be "relaxed" , i.e., disregarded, in order to build affordable housing at the PSB (Hamilton Dr.) site? The residents of Mill Valley deserve complete transparency and input if any development regulations are relaxed.

Another section of the memo submitted by The Housing Workshop is particularly relevant:

"It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g., aging one-story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be reconsidered as potential housing or mixed-use sites during the City's upcoming Housing Element update process, because downtown infill locations typically create very desirable locations with services for multifamily projects." (The Housing Workshop memo, dated 2-10-21)

The four sites under consideration for affordable housing are not the only ones available. It is imperative that the City consider these downtown sites as alternatives to the Hamilton Dr. site. Interestingly, as stated in the memo, the Boyle Park site is identified as the best of the four currently under consideration.

In closing, I hope that you will consider my arguments against building a large affordable housing development on the Hamilton Dr. site.

Respectfully,
Ladonna Wood

Danielle Staude

From: Katharine Spencer <katharinespencer@hotmail.com>
Sent: Monday, May 24, 2021 9:09 AM
To: Danielle Staude
Subject: In support of Affordable Housing Proposal

CAUTION: External Sender

24th May 2021

Dear Ms. Staude and the Mill Valley Housing Advisory Committee,

As a resident of Kipling Drive, Mill Valley, I would like to express my support for the Housing Advisory Committee proposal to review the PSB site for affordable housing. I am acutely aware how difficult it can be for many of our local workforce to find any affordable accommodation in the area in which they work, and the PSB site appears to be a sensible option for review by the city.

As I understand it, Mill Valley has produced only two deed-restricted units of affordable housing during six years of the current eight-year planning cycle, and this PSB proposal would provide an opportunity for the city to make real progress in addressing our current housing crisis. I understand that people are concerned about increased traffic, but assuming this development would be reserved for local employees only, I imagine it might actually reduce traffic coming into Mill Valley since more people who work here could also live here?

One concern I have about the proposal is the density of units being suggested. Having read the accompanying reports it does appear that squeezing 40 units onto a site that is only 0.75 acres in size could result in extremely small units being offered which I do not believe is in the best interests of the people being invited to live there. I would therefore be keen to gain more understanding about why and how this density is considered to be appropriate?

However, overall I believe the Housing Advisory Committee should recommend the city council conduct additional reviews and gather more input on the PSB site.

Your sincerely,

Katharine Spencer
138 Kipling Drive

Danielle Staude

From: Katharine Spencer <katharinespencer@hotmail.com>
Sent: Monday, May 24, 2021 9:09 AM
To: Danielle Staude
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However, overall I believe the Housing Advisory Committee should recommend the city council conduct additional reviews and gather more input on the PSB site.

Your sincerely,

Katharine Spencer
138 Kipling Drive

Danielle Staude

From: Kristin Hulquist <kthulquist@gmail.com>
Sent: Monday, May 24, 2021 10:10 AM
To: Danielle Staude
Subject: Re: Affordable Housing at Hauke Park

CAUTION: External Sender

Ms. Staude,

I find Ms. Seiler's email below the best written letter of concern from the surrounding neighborhood of the proposed new parcel sale and outsized housing development. We have lived in Mill Valley for over a decade, and have seen traffic and congestion to continue to grow, rather than be solved in any meaningful way. The area around the safety building is already dramatically congested, at risk to small children using the sports fields and the parking situation is already insanity in the surrounding neighborhoods because of the amount of people coming to the fields. Because this location is isolated and not near public transportation, we believe the variance for limited parking for the new building is based on flawed analysis and should not be legal. Any development of this size must assume at least one, if not two cars, per resident, and provide parking for that as required for other building projects around the state.

We definitely believe in the need for low income housing, but believe Mill Valley must first solve it's most pressing congestion and traffic issues. We are very disappointed by the lack of any progress on traffic over the 13 years we have been here. We chose to live in Mill Valley for the proximity to SF and actively decided against anything off the Sir Francis Drake corridor. After spending considerable time north this past year, Mill Valley traffic is notably worse than Sir Francis Drake, even when it is under ongoing construction! As residents of Mill Valley, we increasingly avoid going downtown and spending money at our local businesses because the traffic getting in and out is such a deterrent. The local municipalities are getting much more of our spending dollars, because of ease of access, which is a shame.

God forbid we have a fire in Mill Valley, as it is sure to be catastrophic because residents already cannot get out, and it is increasingly difficult for emergency response vehicles to navigate the parking lot traffic on our only arteries out of town. It should be of immediate local importance to increase traffic flow and decrease congestion before adding a development of this scale. The current proposed site is simply not appropriate for a development of this size, and has already been loudly rejected by other neighborhoods in Mill Valley. Any proposed housing developments of this scale should be limited to Miller, which is commercially zoned and has adequate transportation.

Additionally, we believe there should be a moratorium on new construction and water hookups with the current drought and climate change issues. The county water services are about to freeze new hookups, and we believe they should. We need to conserve water for the raging fire seasons, which are going to be further amplified by the drought.

Thank you for noting our firm opposition to the location of this proposed development, and for addressing the very valid concerns of Mill Valley residents. We applaud your energies for investigating affordable housing options, and hope they can be redirected to more suitable locations along the Miller Street corridor.

Thank you,
Kristin Hulquist
Keats Drive

On May 21, 2021, at 11:40 AM, Jeralyn Seiling <seilingj@comcast.net> wrote:

Kelsey Rogers

From:	Martha Roush <mcroush@gmail.com>
Sent:	Monday, May 24, 2021 11:10 AM
To:	city clerk
Subject:	Affordable Housing project

RECEIVED
City of Mill Valley

CAUTION: External Sender

Mill Valley City Clerk-
I urge the City Council to move forward on workforce housing. Any city wants workforce housing to help the local workforce stay which strengthens the community. Affordable housing is absolutely necessary to reduce the housing crisis and stop segregation in Marin, the least diverse county in California. This is a good location and the project is long overdue.

Please Council, do the right thing and make Affordable Housing happen now. Thank you, Marti Roush

Kelsey Rogers

From: Cassie Anderson <cassandra.rose.anderson@gmail.com>
Sent: Sunday, May 23, 2021 12:13 PM
To: city clerk
Subject: E Comment for June 7th City Council Meeting

RECEIVED
City of
Mill Valley

CAUTION: External Sender

Dear City Council,

The 40-unit affordable housing proposal on Hamilton Drive is a wonderful idea! I'm pleased to see that the city already owns the land, parking alternatives have been identified, and that the city should be able to attract sufficient county, state and federal money to fund the entire development. **This is a win-win-win.** This project brings us closer to a more equitable and sustainable community. I support this project wholeheartedly and look forward to Mill Valley building its first completely affordable housing in over 20 years.

Thank you and let's do this,
Cassie Anderson
190 Miller Ave, Mill Valley

Kelsey Rogers

From: Lisa <lisaeigsti@gmail.com>
Sent: Sunday, May 23, 2021 7:29 AM
To: city clerk
Subject: Yes for affordable housing

RECEIVED

City of
Mill Valley

CAUTION: External Sender

Hi,

I'd like to voice my "yes" for affordable housing units to be built on Hamilton Dr.
Mill Valley really needs housing for people to be able to live where they work. This would lessen the horrible traffic as well as promote some sense of equity in our very white privileged community.

Thank you,

Lisa Eigsti

Sent from my iPhone

Kelsey Rogers

From:	Danny Altman <danny@airlift.fund>
Sent:	Saturday, May 22, 2021 4:04 PM
To:	city clerk
Subject:	local resident in favor of hamilton affordable housing

RECEIVED
City of
Mill Valley

CAUTION: External Sender

i live at 39 keats drive, a very short walk from the proposed development. my wife and i walk past there every day. how exciting that mill valley is planning on building affordable housing in our neighborhood. i understand that your consultants are reporting that this is the site that makes the most sense in all of mill valley so it would be a shame if it goes to waste!

danny altman
415 690 3664

Kelsey Rogers

RECEIVED

From: Andrea Windom <andreawindom@gmail.com>
Sent: Saturday, May 22, 2021 12:26 PM
To: city clerk
Subject: comments for June 7 meeting re: affordable housing

City of
Mill Valley

CAUTION: External Sender

Dear City Council Members,

I would like to register my support for the idea of building 40 affordable housing units on Hamilton Drive near Hauke Park. This will increase diversity and density for Mill Valley, and potentially could reduce traffic.

Thank you for your consideration.

Andrea Windom
117 Locust Avenue

Danielle Staude

From: Cheryl Longinotti <cslonginotti@comcast.net>
Sent: Monday, May 24, 2021 11:39 AM
To: Danielle Staude
Subject: I support affordable housing at the Hauke Park site

CAUTION: External Sender

The site in Hauke Park for housing is an excellent choice.

Essential services (grocery, middle school, bank) are within a short distance much of which is along safe and separate paths for comfortable walking and biking.

I am not a resident of Mill Valley but I am impacted by its traffic congestion and by the unavailability of housing for Marin workers.
The selection of Hauke Park site will be a smart step toward alleviating these problems.

Cheryl Longinotti

Danielle Staude

From: Ms Angela Gott <angelagott@yahoo.com>
Sent: Monday, May 24, 2021 11:58 AM
To: Danielle Staude
Subject: To : dstaude@cityofmillvalley.org I support affordable housing at the Hauke Park site

CAUTION: External Sender

May 24, 2021
To dstaude@cityofmillvalley.org
Re: need for affordable housing for workforce and boomer generation seniors (born 1946-1964 or even earlier) in Mill Valley.

Dear City of Mill Valley Planning Department & others within City of Mill Valley.

I am one of the lucky seniors living in Marin Housing, subsidized housing, in Strawberry built in 1971 by President Richard Nixon. My nightmare for obtaining affordable housing was finally over in 2017.

I am 70 years old and worked in Marin County at low wages since moving to CA in 1986. Despite having a college degree and advanced degrees, I only found part-time no benefits jobs. The best job I ever had, was working as a bookseller at Borders Books & Music. I had planned to work at Borders Books the rest of my life because of the generous benefits Borders Books gave me. Borders hired me in 2003 with a MLS in Library Science and a MS in Education-English for $7.50/hour at 32 hours a week. Borders Books went bankrupt in 2011 as I turned 60. It was extremely difficult to find any employment opportunities at age 60. The Marin County YWCA gave me access to computer training and job search skills and I finally found good ($12/hour no benefits part-time job 27 hours a week, solo staff position managing self-storage facility) in 2014 but it was a very rough 3 years between Borders Books and finding a new permanent job 3 years later.

With the ACA implemented January 1, 2014, I finally had healthcare access again at age 63 with Marin Community Clinic. When I turned 65 in 2016 I did not have enough income to keep my apartment AND pay out of pocket for getting on Medicare. (I was not going to draw Social Security until age 70 due the 32% more incentive to hold off until age 70) So I gave up my apartment. The rising rents were making it more and more difficult. Rent was taking almost everything I earned. You have a 7 month window to get on Medicare or lifetime penalties so I had to give up where I lived in order to get on Medicare. (I was not eligible for Medi-Cal once you turn 65 and get on Medicare due to having untapped 401 K retirement benefits from Borders Books) (Under the ACA you are eligible, but Medicare CA rules-- NO)

So I had managed to get on a Marin Housing wait list by showing up at 5 AM in February 2014 and was number 16 on the list that was opened for one week and 3,000 jumped on it when it was quickly closed again. I basically couch surfed for a year hoping my name would move up the list and I got into my forever home in June 2017. So I will be OK in old age. I would like other seniors to have what I have. It is so needed for Marin seniors, especially women who were discriminated against in pay their entire adult lives.

I just think people need to realize that Social Security is not enough for single boomer age women to live on and cover their rent amounts and that more subsidized housing needs to be built for the extremely low income boomer generation women who are way below $29,000 a year income. I worked for 53 years, most of those years being in the state of CA. I never married and never had kids so I always worked. My first Social Security check will arrive June 16 2021 now that I am 70 years old. I will get $1,254.00 each month. Because I have 30% subsidized rent, I will be able to live on this amount which is 32% higher because I waited 4 more years to begin to draw Social Security. That is how little the Social Security is for boomer generation earners. My first job only paid $1.55/hour. Most of my life I was paid very low wages because minimum wage was so low. People need to consider-- A young girl born between 1946 and 1964 was born into a family where more than likely her mother had a high school diploma, had married around age 19 or 20 and had started having kids because there was no access to either birth control or abortions in this country at that time --The "Pill" came into use around 1963 and you had to be married to get access to it which meant the husband had to sign off on it too. Husbands controlled the money and paid the bills. These women could not go to a doctor without her husband knowing. A lot of men in those days and/or their religions controlled their wives reproductive lives too. So these were the mothers born in the late 1920s and early 1930s who were giving birth to kids born 1946 to 1964. These were women who did not have their own credit until a law passed in 1975 gave them their own credit histories. So it is the boomer generation of women whose own mothers did not know how the world worked and had never worked outside the home. So a girl born in the boomer generation had a mother, had aunts, had older sisters and a grandmother or two who were all women who were housewives and supported by their husbands. Their status would only likely change when they became widows. The age was 65 for taking Social Security and the wife would be regarded as a dependent and they generally took it at age 62 and did not know or realize that they would lose part of it as a penalty-- lose 20%. In those days the men had pensions, had access to the VA for Medical, in addition to Social Security and the cost of living was a lot cheaper. In 1973, as a college student now in my senior year of college, I had my own furnished room, access to a bathroom and a kitchen and a living room with black and white TV, and utilities paid and lived with 4 other girls and I paid $27.50 a month for what I got access to. My dead ADOPTIVE mother's social security survivor's benefits from being self-employed 25 years and paying into social security came to $90/month A MONTH but as long as I was a FT student carrying 12 or more hours in college I got that $90/month until I turned 22 and this is how I managed to get through college. (Ronald Reagan ended this for college students in 1982) It is my generation though-- of women who are now OLD and we can't afford the rents as they are now without rental help, a subsidy to augment the low social security. Unless society builds senior housing for my generation these women will become homeless in old age. It is that simple.

My biological mother was born in 1929 and her mother was born in 1896 and these were modest families who lived through The Great Depression but they managed to buy modest homes and have them paid off by the time their husbands died and as widows they managed to live out their lives in their homes that were paid off. These homes have become multi-generational because adult children --some kind of network with a grandchild or cousin or sibling live in these paid off homes so that the matriarch has support and a roof over her head until the end of her days. But the boomers born 1946-1964-- their marriages did not last --this was the divorce generation and the live together first before marriage generation and why bother to get married at all generation -- and that was fine until Congress changed the rules of Social Security to create what is called "bonafide" marriage rule for the purposes of eligibility to collect Social Security -- this rule change came into being when those born in boomer generation were already emancipated and many were in marriages that would last 7 or 8 years. When the rule change came about, family court judges and divorce lawyers had no idea about an administrative social security administration rule change and knew little or nothing about how Social Security worked. Family Law did

not think about Administrative Law or Elder Law or Estate Planning Law and this rule change was NOT highly publicized but quietly done.

Congress created this "bonafide marriage" rule of 10 years when my generation had reached early adulthood and had married but did not know about the requirement to stay married for 10 years and it was this rule change that effectively worked to limit women's access to a former husband's social security benefits based on his work history. It did not limit his checks in any way but it saved the Federal Government a lot of money by limiting the access to former wives.
No one was thinking about "down the road" when these young women in their 20s with one or two kids already, desperately wanted a divorce due to their husband being a drunk or an abuser or drug addict or couldn't keep a job, etc. and they were miserable and just wanted out of a loveless marriage. Their parents and grandparents who had been married all their adult lives did not know about this rule either. So had these women known, had their lawyers known, had the family court judges known, then at least there was a "work around" called a legal separation to get the 10 years in, but NO, they were not told and no one knew and some of these women had 9 and 1/2 years into their marriage when they gladly got their divorce decree not realizing, no one realizing that down the road when they got to be 62 or 65-- not waiting for 10 years would mean they'd wind up homeless in old age. This is what is happening to women of my generation now. Their former husbands were paid much higher wages and they retired with much higher social security checks too. Their former spouses who had had to live without steady child support in many cases, who had had to work seasonal jobs or jobs which did not pay into social security found out that because their marriages lasted less than 10 years they now were not eligible for spousal support or widow survivor's benefits either -- These benefits did not diminish the former husband's social security at all- -not by even one cent and if he had gone on to marry other women and acquire new wives, these women did not have to share their husband's social security with former spouses either. No the only people who lost BIG TIME were the boomer generation of women who had no idea that getting out of a marriage before 10 years duration would come back to haunt them in old age which is happening to them NOW. Divorce lawyers and Divorce Judges all know about this 10 year rule now-- so women who came along later born in the 1970s and later have had the benefit of knowledge of this need to stay in a marriage 10 years and the way to do this is via a legal separation.

So it is the boomer generation of women who are caught in this nightmare of how social security rules have made them poor and it is the combination of pay inequality times 35 years, not knowing how Social Security worked, working for people who did not pay into social security for them.

Even their own spouses if self-employed and had their wives doing the phones, the paperwork, the receipts and tax forms, all the bookkeeping-- may have paid in their own social security for themselves but not for their wives and then if these marriages resulted in a divorce after 9 years-- and the woman did not know her husband who gave her a household allowance but had never made her an employee or paid into her social security-- if they had an uncontested divorce and "shared" the lawyer to save money and get out of the marriage they both wanted out of-- these women were not told all the facts about how a marriage ending before the 10 years would mean poverty in old age for them. I never married and never had kids so I always did IRAs and knew I would need to have more than social security in old age. If I went to work for a small employer who refused to give me social security and wanted me to work as an independent contractor, I would not take that job. I knew more how the real world worked but most women do not know this.

Women are subjected to this employer abuse a lot more than it is ever done to male employees. Women have to have 40 quarters to get Medicare Part A and they likely do not even know this either. It takes 10 years to get 40 quarters at 4 quarters a year so for some women it will take them 12 years or even longer

to get in those 40 quarters. How many women arrive at age 65 to find out they do not have enough quarters and will have to pay for Part A (Hospitalization) for Medicare ! ! ! ! So through a combination of variables women of the boomer generation are going to wind up with no pension, no VA benefits, no IRA or 401K retirement savings, and very low social security and which they made even worse by claiming at age 62 instead of waiting to age 66 or 67 so now they will lose 25% to 30% off an already low check FOR LIFE because they did not know how critical it was to wait. Women live longer than men and so they will live much longer lives in poverty in old age. What I am saying is that society needs to build these women housing or they will be homeless in old age. They have gotten the short end of the stick their entire lives. If they do not have an adult child able to house them or a very close friend, they are going to wind up homeless in old age. Marin County should interact with the local SSA (Social Security Administration) to do an assessment to get a sense of how many women living in Marin are collecting social security checks based on their work histories and not the work history of a current or former spouse. All the widows who "stepped up" to their husband's check when he died need to be subtracted out.

What Marin County needs to find out are what the women born between 1946-1964 are getting as an average social security check based on their own work histories. What age did they begin to take Social Security when their full retirement age was either 66 or 67 so they are getting a reduced check for life. It is based on 35 years of working so how many of these women even managed to do that as these are zero years and it lowers their benefits check.

Once Marin County learns how many women are affected and that their average check is just $500 a month or $600 a month for life and that is all they have as an income stream then maybe it will sink in how large this population is that needs subsidized senior housing. These women would do better to get on SSI (it is not that easy to get) as that pays about $900 a month now. But the point is these women are destitute. Housing needs to be built for these women. It is the right thing to do. I am extremely fortunate to have gotten into public housing with Marin Housing for old age at age 66. I am truly of the lucky Marin women of the boomer generation. Yes, my boomer generation got to go to college for free -- No, Ronald Reagan stopped that for boomers in CA when he was Governor of CA and took access to higher education out of the CA Constitution, but the rest of the country had it from Richard Nixon's Higher Education Assistance Act of 1972 &Amendments of 1973. Reagan stopped Richard Nixon's Higher Education Program for the rest of the country once Ronald Reagan became President and stopped free access to college for students by 1982.

None of happened to boomer generation women over the course of their lives is really their fault. I think Marin needs to recognize this and commit to help Marin's senior women find subsidized housing. The need is there, it is real, it is great, and Marin needs to help these women in old age now obtain subsidized housing. Mill Valley can do a lot to help this inequity in housing access so please be part of the solution. Thank you. Angela Gott, Strawberry Mill Valley resident in Kruger Pines Retirement Home on N Knoll Road.

Danielle Staude

From: Reg <regfilippi@yahoo.com>
Sent: Monday, May 24, 2021 11:47 AM
To: Danielle Staude
Subject: Affordable Housing

CAUTION: External Sender

Dear Ms. Staude:

I am a second generation Mill Valley resident and strongly support affordable housing but the location being considered is greatly flawed.

First and foremost, we are in a severe drought and water supply is a big issue. New water supplies need to be addressed.

2) Traffic -congestion is at the worst ever and Enchant Knolls is greatly impacted.

3) Hamilton needs to stay a "one-way"street or our neighborhood will become a major street.

4) Where in Mill Valley is there a building over three stories ? Four stories without parking????

5)The public safety Building is right there-it will impact the Mill Valley emergency team

6) Hauke Park is a busy family friendly area for all of Mill Valley and this huge development will impact the area

7) Public Transit does not serve the site.

8)The neighborhood will become a parking lot for the complex

9)major impact on the wetlands and wildlife

10) the nation is slowly recovering from a pandemic and we need to recover—between this development, the new bike lanes, and PG&E proposed large scale SCADA switch program, our neighbor will be seriously impacted.

Miller Avenue has Safeway, restaurants, shopping, and public transportation all within walking distance. We are sure there are much better locations that would not greatly impact a neighborhood like Enchanted Knolls.

From a concerned MV resident

Regina Garcia

Sent from my iPhone

Danielle Staude

From: Brian Grenko <brian.grenko@gmail.com>
Sent: Monday, May 24, 2021 12:06 PM
To: Danielle Staude
Subject: RE: Public Comment: Housing Committee Meeting #9

CAUTION: External Sender

Hi Danielle,

Pursuant to the discussion regarding the identification of City-Owned sites to leverage 100% Affordable Housing Projects, specifically the Public Safety Building (PSB) Hauke Field Parking Area, the 0.75 acre site on Hamilton Drive, we'd like to submit the following comments for the public record as we are not sure of the extent to which we will be able to voice our opinions during the meeting.

Our family is grateful to have called the Enchanted Knolls community of Mill Valley our home for the past five years. Like so many of our neighbors, we were attracted by the immense natural beauty and recreational opportunities our area has to offer, with close proximity to San Francisco. Securing a place to live in Mill Valley was onerous and vexing for us, so we appreciate how challenging the process remains for the many others who work (or perhaps rent) here. We also believe that our community will be unable to sustainably flourish without providing housing opportunities for people of different socioeconomic circumstances. Our community lacks diversity and will in many ways deteriorate if affordable housing remains elusive, so we support the City's initiative to pursue creative solutions to address the situation.

We reside on Millay Place just few doors up from Hauke Park and take advantage of its open space and amenities on a daily basis. Our children (aged 8 and 6) regularly play in the park and use the trails to commute to school each day. On most days, we see both the existing parking lot (in consideration for development) and the dirt parking lot at the bottom of our street at full capacity with overflow on local streets including ours. The situation is exacerbated on weekends when various sporting events are held, and some of our neighbors are unable to park on their own street. On many occasions we've seen traffic back up on Roque Moreas from East Blithesdale all the way to Millay Place. The intersection of Millay Place and Roque Moreas is already unsafe due to the blind corner that exists there coupled with the speeds of drivers rounding the corner. The fact that Hamilton Drive is limited to one-way (incoming) traffic serves as a constant reminder of how sensitive the neighborhood is to traffic issues and associated safety concerns. The current situation is already concerning juxtaposed to the need of fire and police personnel to quickly dispatch from the Public Safety Building.

In our opinion, while the PSB Site may be one of few City-owned sites that are capable of supporting housing, the impacts of a 40-unit residential complex on such a small footprint would be dramatic and untenable without major improvements to local infrastructure, specifically roads, parking and pedestrian access. While the existing parking lot could conceivably be relocated to the area that is currently accessed across from Millay Place, there is limited room due to the Baylands corridor and existing park space, and there may be issues with PG&E access to the Alto Substation (which they have just revegetated with large redwood trees). Perhaps more spaces could be added along Hamilton Drive to the East of Hauke Park as well. But even with these measures taken, where will all the people living in a new 40-unit complex park their cars?

Our family is very open to the idea of responsible development of city-owned land to support low-income housing, including the PSB lot. However in our opinion, the findings and recommendations of the PSB Site by the Housing Workshop to construct a 40-unit complex as stated in their memorandum dated March 12, 2021 are

egregious and would be irresponsible for the City to pursue. While a 40-unit complex may be desirable for developers and contractors and may be provide "bang for the buck", that sort of housing density is completely out of step not only for our neighborhood, but for the City of Mill Valley. Although we are not land development experts, based on our limited research and a comparison to at least five (5) other low-income housing complexes each located within a mile of our house, it appears to us that a housing complex of no more than 5-8 units could be achievable on the proposed PSB Site, provided other improvements (such as but not limited to new parking lots, additional stop signs and crosswalks along Roque Moreas e.g. Millay Place, parking restrictions in Enchanted Knolls etc.) are made.

If we agree as a community to prioritize making low-income housing available, let's not forget to prioritize the safety and needs of the people who actually live and have invested in the neighborhood.

Sincerely,

The Stevenson Grenko Family
Brian, Alicia, Jonah, and Naomi

Danielle Staude

From: Simon V <simsamsomred@gmail.com>
Sent: Monday, May 24, 2021 12:07 PM
To: Danielle Staude
Subject: Support of Hamilton Drive project

CAUTION: External Sender

Hello Housing Advisory Committee,

I'm writing in strong support of the proposed housing project on Hamilton Drive. It seems a perfect location for a larger housing project dedicated specifically to workforce housing, something that will help with Mill Valley's congestion and housing pressures.

Thanks,
Simon

Danielle Staude

From: Simon V <simsamsomred@gmail.com>
Sent: Monday, May 24, 2021 12:07 PM
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Thanks,
Simon

Danielle Staude

From: David Wygant <david.wygant@gmail.com>
Sent: Monday, May 24, 2021 12:56 PM
To: Danielle Staude
Subject: Comments regarding Affordable Housing at 1 Hamilton

CAUTION: External Sender

Hello,
My name is David Wygant, and I live with my family in the Enchanted Knolls neighborhood. I have been kindly invited to share comments in regards to the proposed 40-unit property located at 1 Hamilton Drive which is nearby where I live.

The primary goal of this committee is to protect and enhance the natural beauty and small-town character of Mill Valley. Many of my neighbors and I are concerned the proposal as currently defined will be an over-development of 1 Hamilton.

Every day, young children walk to our amazing schools, climb the playground, and play developmental sports in the pristine & peaceful park across the street at 1 Hamilton. People donate their time & energy to maintain the beauty of the Community Garden, where many people spend their evenings walking their friendly dogs and riding bicycles. This idyllic setting is what drew my family to the neighborhood well over a decade ago, and it is the maintenance of this natural beauty that has kept the neighborhood thriving.

Given its location, 1 Hamilton is essentially the front door of Mill Valley. It is what visitors first experience and it is how our town is perceived in the Bay Area. The silky golden hills that surround 1 Hamilton host gentle grazing deer in the shade of the majestic pine trees. While some Bay Area neighborhoods now center around high-end businesses, our unique community actually congregates in Hauke Park, Bayfront Park, and Friends Field between Hamilton Drive and our incredible Community Center. To over-develop this area would cause irrevocable damage to the natural beauty of Mill Valley and therefore cause a tremendous loss of community.

Potential impacts of this proposed property over-development include:

1.
2. **Pedestrian endangerment,**
3. especially kids, biking/walking to/from Tam HS and MVMS, or chasing the occasional errant soccer ball that rolls across Hamilton Drive.
4.
5.
6. **Unforgivable environmental impact**
7. on the sensitive & protected wildlife and birds near Hamilton Drive of Richardson Bay, which is Mill Valley's only natural water access.
8.
9.
10. **Traffic congestion**
11. blocking our courageous firefighters and police stationed at 1 Hamilton who would lose precious time needed in emergency situations. It would overload narrow neighborhood roads such as Roque Moreas and Kipling Drive which weren't originally meant to support
12. cars from high-density housing. It would also add to already the most congested traffic area in Mill Valley which is E. Blithedale between Camino Alto & 101.
13.

14.
15. **Noise, light, and air pollution.**
16. One benefit of this pandemic has been hearing the birds and seeing the stars again. It also provided a restful break from the commuters speeding through the nearby 1 Hamilton neighborhoods.
17.
18.
19. **Hamilton community feeling dissipates.**
20. By over-developing and over-populating the area, it will lose the "essence" of its community—one that values a slower pace of life where both families and nature thrive. Please don't drown out the joyful sounds of children's laughter or tower cold shadows
21. over the 1 Hamilton playground & sports fields.
22.

The area around 1 Hamilton has already done its part and supports hundreds of apartments in Shelter Ridge and Enchanted Knolls, so please don't exceed its currently maxed carrying capacity. It was previously decided that Hamilton Drive remains a one-way street, so the current proposal would likely eventually lead to overturning that widely agreed and wise decision. We will see a huge increase in angry commuter traffic vainly trying to save a few seconds cutting through to the 101 highway.

Rather than building new, a different approach would be to seek out affordable housing opportunities by re-zoning existing empty commercial/office properties that are likely permanent casualties of the pandemic. They may be located closer to public transportation and other valuable amenities than what's available near 1 Hamilton.

For the past 121 years, the good people of our town have worked hard to make Mill Valley what it is today. Over-development in the tight, fixed area of 1 Hamilton would be both irresponsible and a betrayal to the legacy of Mill Valley's earliest visionaries.

In summary, please do not cram over- development into 1 Hamilton. Rather than the expedient solution, look for more spacious areas, or even better, utilize existing properties, within Mill Valley.

Thank you for listening to the Mill Valley residents directly impacted by this proposal, and for your support and your service to our community.

David Wygant

Danielle Staude

From: Kevin McGrath <kevin@weavermcgrath.com>
Sent: Monday, May 24, 2021 1:35 PM
To: Danielle Staude
Cc: John McCauley; Jeralyn Seiling; Paula Weaver
Subject: Housing advisory Committee 5/25.2021 Meeting Comments

CAUTION: External Sender

Hello Ms. Staude:

I live on Kipling Drive in Enchanted Knolls. I wish to associate myself with the comments expressed so well by other neighborhood residents about the proposal to construct a multi-unit structure adjacent to the public safety building (PSB). Rather than repeat their comments, I wish to add only the following:

1. The proposal to develop the PSB site should be reconsidered in light of other projects in the area. I believe that a design review application is pending for development of 25 residential units at 575 Blithedale Avenue (corner of Camino Alto). The combined impact of that development and the nearby PSB development on traffic between Camino Alto and Hwy. 101 would be severe. It is already gridlocked on weekday afternoons, and may grow worse with the reopening of schools with resulting parent-drop-off and pickup traffic. No doubt advocates of this project will propose opening Hamilton Drive to two-way traffic to relieve this pressure. That will convert Kipling Drive into thoroughfare which already carries dangerous traffic due to the absence of speed enforcement. I once witnessed a neighbor's dog be struck and killed. This will be a "lose lose" scenario.

2. I would urge the Committee to give more consideration to the city-owned parking lot at 411 Miller Avenue. The site analysis states that this parcel could be developed into a smaller project. This is on a Golden Gate Transit bus route and would not be out of character in that neighborhood. The only objection appears to involve a FEMA flood zone designation on a portion of the parcel, but the analysis suggests that grant money may be available to cover the cost of the necessary studies. Removal of that designation would also benefit local business. This would be a "win win" scenario for all concerned.

Thank you for your consideration of these comments.

Kevin J. McGrath
Weaver McGrath LLP
Attorneys At Law
3030 Bridgeway, Suite 130
Sausalito, CA 94965
(415) 332-2202 t.
(415) 332-3567 f.

PLEASE NOTE MY NEW EMAIL ADDRESS: kevin@weavermcgrath.com

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Danielle Staude

From: Danielle Lundgren <daniellelundgren@gmail.com>
Sent: Monday, May 24, 2021 1:42 PM
To: Danielle Staude
Subject: Affordable Housing Proposal near Hauke Park

CAUTION: External Sender

Dear Ms. Staude and City of Mill Valley:

I am the owner of 185 Roque Moraes Dr. and I am opposed to the current proposal to place affordable housing next to the Hamilton public safety building. This proposal:

1. Harms the small-town character of the Enchanted Knolls area which has recently suffered a great loss in character with the cutting down of vegetation surrounding the PG&E distribution center and power transmission lines. A four-story building in this area does not fit in with the surrounding single family zoning of 1.5 acres per lot and 0.75 acres per lot.

2. Uses land that is zoned as Open Space that is near a protected wetlands area. A more thorough environmental impact assessment needs to be made.

3. The reduction in parking reduces access to the park, fields and recreational area. It will also create a parking crisis in the surrounding neighborhood, especially given that not enough parking is allocated for this project.

4. Relocating the bathrooms and parking will likely take away from recreational space and threaten the protected wetlands even more. The bathrooms are a critical asset to the park.

5. The increase in traffic in this area would be a major problem.

Overall, too many of Mill Valley's core values are being threatened by this project. Furthermore, Enchanted Knolls bears a disproportionate share of the City's not-so-charming features, including the PG&E distribution center and transmission towers, the Police Station, the large Fire Department and views of the wastewater treatment facility. It does not seem fair to burden this section of Mill Valley even further.

Sincerely,
Danielle Lundgren

Danielle Staude

From: Helen Pacula <delcardo@att.net>
Sent: Monday, May 24, 2021 1:43 PM
To: John McCauley; Danielle Staude
Subject: AT&T building, RE: Housing Advisory Committee 5/25/21 Meeting

CAUTION: External Sender

Dear Mr. McCauley and Ms. Staude,
Regarding the possible acquisition of the AT&T building on Blithedale: It is an historical building that fits the desire to retain the small town charm which is the cornerstone of Mill Valley; Would it be possible to modify the interior of the building to accommodate the housing need? It already has abundant parking, is within walking distance of recreation, schools, shopping and transportation.
Sincerely,
Helen Pacula

Danielle Staude

From: Amelia LaPlante <ameliadevine@gmail.com>
Sent: Monday, May 24, 2021 2:07 PM
To: Danielle Staude
Subject: Housing Advisory Cmte 5/25/21 - Mtg comments

CAUTION: External Sender

Dear Housing Advisory Committee,

The Hauke Field parking lot is not an appropriate site for housing.
There are many reasons that my fellow neighbors will speak on further. For me, a mother with three young children, the added congestion will lead to increased safety issues.
The Hamilton/Roque Moraes street is already a dangerous area with low visibility due to the hill and curves, coupled with people rushing home after exiting the freeway. Despite the nearby crosswalk, families often cross the street from the playground parking area (which is always full) and I've often seen cars slam on their brakes as they speed down the hill.
The existing Hauke Field parking lot is an essential need for this area. During sports season (nearly year round now), the parking lots are both full and people are parking on neighboring streets. I did not see a full report on how heavily utilized these parking areas already are and that needs to be examined.
Please listen to your taxpayers and not designate Hauke as a housing site. Thank you for your consideration.
Amelia LaPlante

Danielle Staude

From: Amelia LaPlante <ameliadevine@gmail.com>
Sent: Monday, May 24, 2021 2:07 PM
To: Danielle Staude
Subject: Housing Advisory Cmte 5/25/21 - Mtg comments

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The existing Hauke Field parking lot is an essential need for this area. During sports season (nearly year round now), the parking lots are both full and people are parking on neighboring streets. I did not see a full report on how heavily utilized these parking areas already are and that needs to be examined.
Please listen to your taxpayers and not designate Hauke as a housing site. Thank you for your consideration.
Amelia LaPlante

Danielle Staude

From: Mill Valley Beautiful <millvalleybeautiful@gmail.com>
Sent: Monday, May 24, 2021 2:08 PM
To: Cheryl Reiss; gbatroff@hotmail.com; Kelly Drury; max@maxperrey.com; kirkjknauer@gmail.com; gigi_eric@hotmail.com; Jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; rodib@yahoo.com; craigviolin@sbcglobal.net; judith@p-r-g.com; Kthulquist@gmail.com; sbatroff@hotmail.com; riaboff@comcast.net; gkatz00 @yahoo.com; David@techcontracts.com; seilingj@comcast.net; joanprigian@hotmail.com; jgassman@gmail.com; kspencxr@gmail.com; Steve Jaber; jhdevitt@yahoo.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; Staci_Nicholas@yahoo.com; tom.benoit@comcast.net; csheyder@gmail.com; Autria.christensen@gmail.com; ahmad@nanawall.com; Jill_Lebsock@gap.com; clebsock@hausfeld.com; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; kjrosenblatt@gmail.com; Carriesher@yahoo.com; Nana Meyer; anicholas@yahoo.com; Danielle Staude; Paul Sidorenko; ebindelglass@hotmail.com
Cc: Sashi McEntee
Subject: Mill Valley Beautiful Letter re: Hauke Park
Attachments: Questions for City of MV_5_23_21.docx

CAUTION: External Sender

Dear Ms Staude,

We'd like to make the following comments in opposition to the housing development being proposed for Hauke Park.

The proposal ignores the single family zoning adjacent to the parcel, and ignores the aesthetic value of the open space and Hauke park. On Page 4 of the Housing Advisory Committee Memorandum, you reference the zoning of the nearby Shelter Bay and Enchanted Knolls properties as justification for the rezoning of this parcel to 29/units per acre. The parcel being considered for development fronts Hauke Park, and is otherwise surrounded by single family zoning. It is not adjacent to Shelter Bay or the condominiums at Eucalyptus Knolls. This proposed project is completely out of character for the location, will have numerous negative impacts and should be dropped from consideration immediately.

We disagree with the finding in The Housing Workshop report that developing this parcel is justified since it is "located within larger open space areas, sited to be on frontage roads so as not to disturb recreation/open space enjoyment." Constructing a large multi unit building on a parcel less than one acre will be massive and will destroy the aesthetic of the park. The Consultant report suggests 22-39 units for the site. Even 22 units would be a massive building, completely out of scale for the neighborhood and the park.

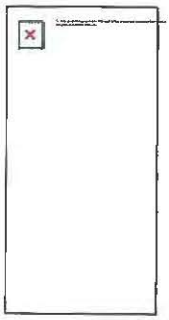
The footnote (1) on page 4 of The Housing Workshop report offers excellent advice:
"It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g. aging one story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be considered as potential housing or mixed-use sites during the City's upcoming Housing Element update process, because downtown infill locations typically create very desirable locations with services for multifamily projects. These kinds of projects also serve to activate streets, bring new shoppers, and contribute to a vibrant village center."

Just because the city owns the parcel, doesn't mean that it should be developed. If a private party owned the 1 Hamilton parcel, and came into the city with this proposal, it's unlikely it would ultimately be approved for rezoning to this many units.

As you know, there is new ADU legislation passed within the last year to allow up to two additional units per parcel, on nearly every single family lot in Mill Valley. Few are aware of this, due to the pandemic happening concurrently, but this will have a huge impact on Mill Valley in the coming years. It will add density to the single family neighborhoods. There are many other proposals working through the state legislature that could have additional huge impacts on Mill Valley. These impacts and other potential impacts from impending legislation at the state level, are new and should be considered.

There is an excellent Marin IJ article from May 17, 2021 written by Alan Jones from the Tam Design Review Board, that I think makes some important points:

Pause housing, zoning legislation for thorough examination
https://enewspaper.marinij.com/?publink=15fdf442c_1345d79



Pause housing, zoning legislation for thorough examination

By Alan Jones There is a flurry of bills flooding the state Legislature ..

enewspaper.marinij.com

Quoting this article:

- "Higher density should be located where it does not cause the destruction of sensitive natural resources. Evisceration of the California Environmental Quality Act, removal of lot coverage maximums and removal of tree protection ordinances and stream setbacks will have a tremendously negative impact on the environment."

- "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."

- "New higher density should not be overlaid indiscriminately over our existing, flawed, suburban model of development. Ubiquitous single-family zoning may be a deterrent to affordability, but ubiquitous densification is not the answer. Across the board densification only builds on our existing unsustainable development pattern and must be discouraged and avoided."

- "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."

- "New higher density must have or provide infrastructure to support it. Bills that exempt developers and the state from paying for the infrastructure upgrades new density requires are subsidizing private developers and shifting costs to the taxpayers."

- "Higher density should not destroy the property investments of the working and middle class. By allowing higher density everywhere, properties of very high value will remain unchanged, and investment now focused in the poorest areas will fall away. Housing developers will tend toward 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 on these communities will be the most destructive."

- "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 and affordable housing, but should not be imposed upon. Carefully studied and thoroughly thought out community plans and public input should not be disregarded."

The proposal to develop the city owned Hauke Park parcel, fails on most, if not all of these quoted points. These points should be considered before allowing High Density housing anywhere in Mill Valley.

Our families chose to live in Mill Valley and not Los Angeles or even San Francisco. This is a small town with small town character. Just because the city owns this Hauke Park parcel, doesn't mean that it should be developed into high density housing.

I respectfully request that the city drop this proposal immediately, and look at more suitable alternatives.

Thanks for your consideration of these points.

We have also attached a list of questions. Please respond when you have a moment.

Sincerely,

Mill Valley Beautiful
Gary Batroff
Cheryl Reiss
Brad Drury

Danielle Staude

From: Linda Rames <ljrames@gmail.com>
Sent: Monday, May 24, 2021 2:16 PM
To: Planning
Subject: Low income housing at Hauke Park

CAUTION: External Sender

We find it hard to believe the city of Mill Valley would choose this time to consider building any housing in Mill Valley, let alone 29-39 units partially in a public park.
As we are sure you know, Hauke Park is widely used by the youth of Mill Valley as well as mothers and young children and older residents. Parking is difficult at this location, so the planning department wants to make it worse by adding resident parking which is guaranteed to spill into the spaces for the park? Traffic in this neighborhood is constant so planning wants to add more angst for the residents? What can you be thinking?

Marin County is now in the first stage of a full blown drought. No one knows how long it will last. In the 1976-77 drought there was a serious lack of water for two years, and a moratorium was placed on new water hookups. There is still a significant lack of water in Mill Valley. We have learned to be careful of our usage, but to consider building during this time seems foolhardy at best and really stupid at worst. Hopefully, MMWD will invoke a moratorium on new hookups, but they might not. Do you think the residents of Mill Valley would be happy with more housing while contending with less water?

If the planning commission and planning department insist on looking for places to develop during a drought, we strongly suggest that any action you consider should be decided by vote. This issue is too important to be decided by the city council.

Linda & Robert Rames
owners 206-208 Miller Avenue

Danielle Staude

From: Rebekah Helzel <rsh197@icloud.com>
Sent: Monday, May 24, 2021 2:43 PM
To: Danielle Staude
Subject: 100% in support of affordable housing

CAUTION: External Sender

I am writing today to show my support for the affordable housing project being considered near Hauke Park, next to the Police station.
Mill Valley is desperately in need of housing for moderate/low wage workers.. If workers have to commute from the north they are stuck in traffic both ways only to find low paying jobs available. Teachers, EMT and Fire fighters should be close by local businesses should be able to find workers. If Equity, Diversity and inclusion are values of the city then this should be a no brainer.

The location, close to transportation, paths and freeway access would rate this highly with Tax Credit Financing.

The Chamber of Commerce should be speaking out in support of this project alongside businesses trying to serve this community.

Don't let us down. Be strong and lead against a barrage of non sensical Nimbyism.

Thank you, Rebekah Helzel
Mill Valley Resident

Danielle Staude

From: `Hans Fallant <hans_fallant@comcast.net>
Sent: Monday, May 24, 2021 6:25 PM
To: Planning
Subject: Hauke Park

CAUTION: External Sender

Just returning from a road trip we were shocked by the news about the ill conceived Hauke Park development.Many of our neighbors have expressed serious concerns and objections
and we do agree with all of them without repeating them at this point however we wish to add our thoughts.
We have lived on Shelley Drive for 42 years and in that time we experienced many changes in Mill Valley ,not always desirable ones, here and there some great ones, but life went on.
Now comes this absolute stunner which in our opinion constitutes a grave transgression committed by a local government into peoples lives. In all our years in Mill Valley have with seen
only one greater transgression in the county, the unseemly apartment "factory" in Corte Madera which already is turning into a nightmare for the people living there and in the area. We have
road traveled through many parts of this country and have seen too often misdeeds of extremely unsightly construction of buildings visual focal points in otherwise nice little towns. Always
we would be thinking that luckily we won't have things like this in Mill Valley.until got this dose of realty.Our point is; that we do not elect people to perform their civic duties for their electorate
but also be good steward of the land in which we live and where the next generation will live. We do encourage you to accept that responsibility and be good stewards and manage the land
responsibly and smartly.. Sadly it appears that there is a remarkable lack of sensitivity and emontional involvement by this committee to even make this kind proposal. Clearly this will
not proceed without significant legal challenges.

Sincerely

Eleonore and Hans Fallant

Danielle Staude

From: Margaret Fisher <fishermarn@aol.com>
Sent: Monday, May 24, 2021 6:04 PM
To: Danielle Staude
Subject: MV Housing Advisory Committee Agenda Item #4 - Support for Affordable Housing on Hamilton Drive

CAUTION: External Sender

Dear Mill Valley Housing Advisory Committee:

We need affordable housing in Mill Valley for all sorts of employed people: store clerks, health care workers, teachers, restaurant wait staff, child care workers, nonprofit employees, young professionals, etc. However, as you know, there is not an adequate supply of affordable workforce housing in Mill Valley, or in Marin for that matter. Seniors on fixed incomes, families with children and young adults, including many who have lived in Mill Valley all their lives, are being priced out. This just adds to traffic and environmental problems.

Mill Valley's last affordable housing building was completed **over 20 years ago!**

The city owned property on Hamilton Drive, as I understand it, is the best identified location to build affordable housing in MV, both for financial viability, as well as being a practical and attractive site for residents. The financial advantage for our City is that we should be able to get sufficient government funds to finance the entire development, with just having to supply the existing land.

All of the public parking and the public restroom could be relocated to the public safety building site or on the same road --**while keeping the use of Hauke Park intact.**

I urge you to recommend this to the City Council. I also encourage my fellow community members to support it as well. Research shows that there is either no impact or a positive impact on property values. A diverse community is a healthy community. We should not lose this opportunity to use the federal, state and county money to build affordable housing, while it is available to us.

20 years is long enough between results. As one Mill Valley resident recently stated, "We can be on the same side of the table; keep our park and get people into affordable places to live in our city."

Here is an opportunity to keep Hauke Park AND offer workers affordable housing.

Thank you for your dedication to this effort and to our community!

Margaret Fisher
70 Helens Lane
Mill Valley, CA 94941

Danielle Staude

From: Beth Rutchik <btrutch@neoma.com>
Sent: Monday, May 24, 2021 6:31 PM
To: Danielle Staude
Subject: Housing Advisory Cmte - Comments 5/25/21 Mtg

CAUTION: External Sender

Ms Staube & Housing Advisory Committee,

Hamilton Drive is the right development opportunity for Mill Valley. The location is a preferred site — accessible to public transportation and many services including Hauke Park, community garden, Bay Trail, Friday Farmers Market, schools and the Mill Valley Community Center.

Affordable housing is a critical component of the CIty's DEIR commitments. It's time for Mill Valley to say Yes. It's time to have firefighters, mail delivery people, teachers — those who work in our community, live in our community. This also cuts down traffic & serves as a climate change action with less commuting vehicles coming into Mill Valley from out of town.

I am giving support & full encouragement of this proposed affordable/workplace housing development.

Thank you for your consideration.

Beth Rutchik
3 Saint Jude Road
Mill Valley, CA

Danielle Staude

From: Carlin Long <carlinslong@gmail.com>
Sent: Monday, May 24, 2021 5:14 PM
To: Danielle Staude
Subject: construction

CAUTION: External Sender

I am a resident of Eucalyptus Knoll condominium complex and live near the site for the proposed housing development next the the Public Safety Building on Hamilton Drive.

I do not want the City of Mill Valley to develop this area for low-income housing and put a parking lot for this development in the Hauke Park/ Bayfront Meadow Open Space. Many residents use this park land for recreation and enjoyment. I do not want this taken away. I suggest you find another area to develop.

I am also shocked that the City is considering adding more housing considering the water crisis we find ourselves in.

Carlin S Long, MD

Danielle Staude

From: Kinzie Buckley <kinzie.buckley@gmail.com>
Sent: Monday, May 24, 2021 5:00 PM
To: Danielle Staude
Subject: Proposed new development

CAUTION: External Sender

Hi,

While I understand the need for and support affordable housing in Marin and specifically mill valley, why use a park to build the housing? Why not use the space of abandoned stores like the old KFC or Girapolli? I'm guess it's because it's private land but is there no way to secure that instead of destroy a park?

Sent from my MySpace

Danielle Staude

From: Melinda Miller <qazser@pacbell.net>
Sent: Monday, May 24, 2021 4:58 PM
To: Planning
Subject: affordable housing in Mill Valley

CAUTION: External Sender

Hello,
For whatever it's worth, I just want to say that I support any efforts you make to provide affordable housing in Mill Valley. I am a long time homeowner since 1980 and a reformed NIMBY. I know you will get all kinds of impassioned push back of all sorts but I have come to understand that Mill Valley needs to do it's share. The Hawke park site seems very reasonable to me but we need to make it work somewhere.

Thanks,
Melinda Miller
225 Sycamore Avenue
Mill Valley 94941

Danielle Staude

From: Gabrielle Tierney <gigi_eric@hotmail.com>
Sent: Monday, May 24, 2021 4:55 PM
To: Danielle Staude; John McCauley
Subject: Questions for Hauke Park Affordable Housing Project

CAUTION: External Sender

Mayor and Ms. Staude,

I wanted to add additional questions for the committee to consider:

-Why does this have to be rental? It would be ideal to provide affordable for sale homes with adequate parking for low income people to build equity.

-Why is providing less parking equitable for people renting or buying a two bedroom home? Two income families or roommates will most likely have two cars - more if there are two parents and a working young adult living within. In adequate parking makes their lives more difficult which is the opposite of what DEI is intended to do. We don't have nearby urban garages. We have limited street parking near this project. This is not located near public transportation. We don't have to build this according to the bottom of the barrel, minimum standards of the State.

-There was a significant portion of the staff report which mentions providing for a local labor force and providing for community members. How do we reserve these units for grocery store clerks, hospital workers, teachers, police, fire or other local workers who would be part of the fabric of our local community?

-Has Habitat for Humanity been considered as a consultant or developer? They are experts at what they do. I know for their For Sale project in Redwood City, they performed a lottery on the applications and placed an emphasis on local workers. How can we do th -Why is viability defined as the least expensive option driving a very high density project adjacent to single family homes? Where do you place value on a less dense project designed to bridge look and feel to the adjacent neighborhood? The fact that the State allows for a density bonus is irrelevant if it doesn't work at this location and in Mill Valley. Value should also be derived by providing adequate parking for new renters/owners as well as citizen using the parks and rec. I'd rather pay a little more taxes to have a well designed project, well integrated in the neighborhood than one that was expedient, cheap and causes parking issues for all. The staff report talks about the other parcels we could sell. Would that reduce the density of this project? I realize it would make it more expensive but "affordable" in Marin County IS more expensive. We will never be and shouldn't have to be the low cost provider. I assume our affordable housing would be more expensive than other suburban neighborhoods around California.

Thank you for considering my questions and thoughts.

Gabrielle Tierney

5/24/2021

MILL VALLEYANS: RIGHT PRINCIPLE / WRONG SOLUTION

- RIGHT PRINCIPLE

HOORAY. MILL VALLEY CITY HALL HAS FINALLY WAKENED UP TO THE DESPERATE NEED FOR AFFORDABLE, INCLUSIONARY HOUSING. THEY HAD TO FEEL THE PAIN OF HAVING TO IMPORT WORKERS, CAUSING TRAFFIC, AND THE INSECURITY FROM NOT HAVING EMERGENCY WORKERS AND CARETAKERS BE YOUR NEIGHBORS BECAUSE THEY CANNOT AFFORD TO LIVE HERE. MILL VALLEY HAD LOST ITS HOUSING BALANCE!

- BETTER SOLUTIONS

SOME PEOPLE SAW THIS GROWING PROBLEM. THE MILL VALLEY AFFORDABLE HOUSING COMMITTEE HAVE BEEN WORKING FOR MANY YEARS TO BRING SOLUTIONS TO CITY HALL THAT SHOWED NO INTEREST — FAR REACHING SOLUTIONS BETTER THAN THE PSB PROPOSAL. LOOK AT THEIR PLANS FIRST!

ASIDE FROM BETTER SITES, ON THE PSB SITE — WHICH EARLY ON WAS PLANNED AS THE CITY'S COMMUNITY FARM GARDEN WITH FULL DAY SUN — HOUSING ON THE SLOPE WOULD SAVE THE FLAT AREA FOR BETTER USE, AND CREATE ARCHITECTURALLY A MORE NATURAL LAND FORM.

- I LOVE THE GREAT ENTHUSIASM FROM ALL OUR HOUSING ADVOCATES, THE FAIR MINDED — JUST LOOK BEFORE YOU LEAP!

DART CHERK

DOVETAIL SUSTAINABLE COMMUNITY DESIGN
DART CHERK ARCHITECT 522 CASCADE DR MILL VALLEY CA 94941 (415) 388 8622 edcherk@gmail.com

Danielle Staude

From: Susie Godin <sgodin56@pacbell.net>

Sent: Monday, May 24, 2021 4:23 PM
To: John McCauley; Danielle Staude
Cc: Susie Godin
Subject: Godin/Housing Advisory Committee 5/25/21 Meeting Comments

CAUTION: External Sender

Subject: Housing Advisory Committee 5/25/21 Meeting Comments

Mayor John McCauley, Chair, Housing Advisory Committee and City Council Liaison
Danielle Staud, City of Mill Valley Planning Department

The Public Safety Building/Hauke Field Parking lot is not a feasible housing site. I base this conclusion on the following staff and consultant's reports and findings: Pg. 8 of the consultant's report clearly states that this site requires special biological assessment studies to protect habitat for plants and animals. We should have these studies prior to proceeding. The consultant further states, "Until further biological and survey studies can be conducted it is assumed the identified housing site could provide...feasible project. It is dangerous to assume something before actual studies/facts. Pg. 8 states: "Current restrooms and parking area for Hauke Field may need to be relocated elsewhere on the PSB site". Just where is "elsewhere"? The only "elsewhere" are bay lands that are clearly indicated on the site legend. Pg.4 indicates that this location is feasible "in terms of location, size of parcel, topography/slope, ability to accommodate existing uses in the area, allowable access". None of these "terms" are clarified. The location is out of character for the neighborhood and will require increased building height; will require variances, zoning changes, an 80% increase in allowable density, encroachment on bay lands, questionable/unknown parking redesign, impact the current uses of the fields, and will increase traffic on a a road that is heavily used by children walking/biking to school and field activities. I urge committee members to visit this site when field activities are taking place. All fields are fully used; parking is full and cars are parked on neighboring streets. The issue of making Hamilton a two way street past the Public Safety Building will surely come up. You will recall a past City Council member advocated for making Hamilton a two way street to appease drivers who wanted a "short-cut" to the freeway via neighborhood streets that were never designed for traffic other than local neighborhood traffic. I am alarmed with the staff report outlining the proposed process which doesn't consider community input until after the project is approved. Clearly this is being forced upon the community with no input until after the project is approved. This property belongs to the community; it doesn't belong to developers. Currently on Roque Moraes Drive (the street leading into Hamilton Drive) there are ten apartment buildings with multiple rental units. Additionally, there are another four apartment building in the Enchanted Knolls neighborhood. Within 440 yards of this proposed site there is Shelter Hill (Miwok Village) with 76 affordable apartments. Within short walking distance there is Mercy Housing with 24 supportive housing units; The Redwoods provides a "affordable community..for diverse group of elders"; Mill Creek Apartments provides Sec. 202 Supportive Housing. My point is that all of these developments have followed zoning, parking, environmental requirements and have community support. Why are we waving these time tested requirements for this new project? I urge you to adhere to your Committee's Goal 1.0: Maintain and enhance the quality and affordability of existing housing and ensure new development is compatible with Mill Valley's small town character and many environment, community neighborhood and scenic attributes. Listen to the community now and not designate the Public Safety Building/Hauke Field Parking lot as a housing site.

Thank you for your service to our community.

Marin Environmental Housing Collaborative

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Lisel Blash,
Housing Specialist

P.O. Box 9633
San Rafael CA 94912
www.MarinMEHC.org
MarinMEHC@gmail.com

May 24, 2021

Mill Valley Housing Advisory Committee
26 Corte Madera Avenue
Mill Valley, CA 94941

Committee Members:

The Marin Environmental Housing Collaborative (MEHC) is a consortium of advocates building support for projects and policies that advance affordable housing as well as environmental integrity and social justice.

MEHC applauds Mill Valley for taking the initiative to incentivize the development of affordable housing downtown by dedicating city-owned land for this purpose. The creation of the Housing Advisory Committee to proactively seek opportunities for solutions to the housing crisis could serve as a model for the rest of Marin.

This project is especially important for Mill Valley, where few local workers can afford to live. Mill Valley has done extremely well in encouraging the development of accessory dwelling units (ADUs), and in developing shared housing opportunities, both of which are both important tools for addressing our current housing crisis. By creating additional dedicated and deed-restricted affordable housing, Mill Valley will round out its portfolio, providing housing that may be more accessible to families with children and lower income tenants.

Creating this housing downtown will give residents access to transportation, services, jobs, and the cultural amenities Mill Valley has to offer. The addition of this development to Mill Valley will likely provide the city with local workers, increased cultural diversity, and a sense of civic pride.

MEHC fully supports this effort and will continue to encourage Mill Valley and other Marin residents to support it as well.

Sincerely,

Robert Pendoley
Chair

Danielle Staude

From: Sacha Bunge <sbunge@sfsu.edu>
Sent: Monday, May 24, 2021 3:41 PM
To: Danielle Staude
Subject: Support for Affordable Housing Plan - HAC meeting, May 25, 2021

CAUTION: External Sender

Re: Agenda item on Housing Advisory Committee meeting, May 25, 2021

Dear Housing Advisory Committee,

I want to express my strong support for the proposal to build 40 units of affordable housing on Hamilton Drive in Mill Valley.
This is definitely the right development opportunity, right now, to start addressing the serious, longstanding inequities in housing in Mill Valley. The lack of housing diversity in Mill Valley causes segregation and inequities and we desperately need more housing that is affordable for those that work in and serve our town. This particular site wouldn't only offer housing that is affordable, but also a quality, healthy, and attractive location close to local amenities and public transportation. The plan has been extensively studied, analyzed, and reviewed by experts. The city will be able to attract sufficient funds to finance the entire development by using this piece of city owned land. The subcommittee has found ways to relocate all of the public parking as well as the public restrooms in the area.

I urge the HAC to strongly recommend this plan to the Mill Valley City Council and to empower the Council to immediately move to selecting a nonprofit affordable housing development partner to start working on community outreach, project design and details.

Together we can do the right thing and start making Mill Valley a more inclusive town!!

Regards,

Sacha Bunge
Resident of Mill Valley for 27 years
909 Vernal Way
Mill Valley

Danielle Staude

From: Julianna G. Hayes <jgassman@gmail.com>
Sent: Monday, May 24, 2021 3:04 PM
To: Mill Valley Beautiful
Cc: Cheryl Reiss; gbatroff@hotmail.com; Kelly Drury; max@maxperrey.com; kirkjknauer@gmail.com; gigi_eric@hotmail.com; Jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; rodib@yahoo.com; craigviolin@sbcglobal.net; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; riaboff@comcast.net; gkatz00 @yahoo.com; David@techcontracts.com; seilingj@comcast.net; joanprigian@hotmail.com; kspencxr@gmail.com; Steve Jaber; jhdevitt@yahoo.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; Staci_Nicholas@yahoo.com; tom.benoit@comcast.net; csheyder@gmail.com; Autria.christensen@gmail.com; ahmad@nanawall.com; Jill_Lebsock@gap.com; clebsock@hausfeld.com; Sandra Mardigian; gillianemblad@gmail.com; Daniel Karner; hans_fallant@comcast.net; kjrosenblatt@gmail.com; Carriesher@yahoo.com; Nana Meyer; anicholas@yahoo.com; Danielle Staude; Paul Sidorenko; ebindelglass@hotmail.com; Sashi McEntee
Subject: Re: Mill Valley Beautiful Letter re: Hauke Park

CAUTION: External Sender

Dear Mrs. Staude and McEntee -
We agree with the comments you have already received from our neighbors over the concerns of the proposed construction. We would like to add a broader point. Each neighborhood has its own challenges, but ours already has a major one; our relationship with PG&E and the Alto sub-station.

The razing of so many trees and plants made that once partially-hidden substation, not only an eyesore, but the focal point of our entire neighborhood. That, with the additional PG&E work this summer (with unknown consequences), has devalued our property values and quality of life in Enchanted Knolls. We, quite literally, took one for the team of Mill Valley. We ask that you not also burden this neighborhood with less parking, a large building that does not match the aesthetic of the neighborhood, and more crowds near our park.

Please find a location with access to public transport, a wider street, less impact on homes, and more space (ie Miller Ave).

Sincerely,
Julianna and Mark Hayes
49 Keats Dr.

On Mon, May 24, 2021 at 2:08 PM Mill Valley Beautiful <millvalleybeautiful@gmail.com> wrote:

> Dear Ms Staude,
>
> We'd like to make the following comments in opposition to the housing development being proposed for Hauke Park.
>
> The proposal ignores the single family zoning adjacent to the parcel, and ignores the aesthetic value of the open space and Hauke park. On Page 4 of the Housing Advisory Committee Memorandum, you reference the zoning of the nearby Shelter Bay and Enchanted Knolls properties as justification for the rezoning of this parcel to 29/units per acre. The parcel being considered for development fronts Hauke Park, and is otherwise surrounded by single family zoning. It is not adjacent to Shelter Bay or the condominiums at Eucalyptus Knolls. This proposed project is completely out of character for the location, will have numerous negative impacts and should be dropped from consideration immediately.

Danielle Staude

From: kjaber@pacbell.net
Sent: Monday, May 24, 2021 2:57 PM
To: Danielle Staude
Subject: Hauke Park Affordable housing

CAUTION: External Sender

Good afternoon committee members. I believe that my neighbors have hit most of the major points on this potential project. I would like to reiterate that there are a number of areas/buildings on Miller and downtown that could and should be repurposed into smaller buildings of AHA units. I realize that you are a small committee, but we have to be more creative as a town. If you are willing to 'waive the parking requirements' at the Hauke Park area when there is already not enough parking in the afternoons and weekends; then certainly you can work with the town's building owners to provide them incentives to build some AHA units.

I believe someone suggested selling the space at Hauke Park for a few high end units; then the City could use funds from the sale and use it to help repurpose some other buildings around town. Karen Jaber

Danielle Staude

From:	J B Davoren <davoren@comcast.net>
Sent:	Monday, May 24, 2021 7:03 PM
To:	Planning
Subject:	Comments on Hamilton Drive/Bayfront/Hauke Park housing proposal
Attachments:	Dear Advisory Committee Members.docx

CAUTION: External Sender

Please see attached letter regarding our comments on the aforementioned proposal.

Ben & Lisa Davoren
109 Eucalyptus Knoll St
Mill Valley VA 94941

Dear Advisory Committee Members,
We are writing to express our extreme concern with the proposed development near the Hamilton Public Safety Building. We have read the consultant's report on the proposal. We are owners at Eucalyptus Knoll on Hamilton Drive.

Our primary concern is traffic. On weekends and during any of the many spring, summer, and fall sports activities, there is a steady stream of traffic that is already at the limit for the area, with a complicated 4-way intersection immediately adjacent to the playground structure where small children may cross two streets without clear lines of sight. On nice weather weekends where people are trying to get to the beach, traffic is completely stopped and backed up on Hamilton from the intersection with Roque Moraes and Kipling all the way to Redwood Highway. This can complicate the exit for fire engines etc. trying to get by which is ultimately a life-safety issue. This proposal would increase the amount of traffic to and from this area to an unsafe extent. There is no mention of considering making Hamilton two-way in the proposal, but we are nevertheless concerned that this may become part of the discussion. This would substantially decrease the safe use of Hauke Park, the community garden, and our own neighborhood.

Our second concern is the related issue of parking. The existing lot, especially during peak sports pickup and dropoff times, is inadequate for the need that already exists. The overflow lot by the PG&E substation is inadequate to deal with traffic as it is. The proposal for the development explicitly excludes the building of a garage and requests a variance in the number of parking spaces per unit, a decrease from 2 spaces per unit to 1.5. This will dramatically impact the parking along Hamilton up towards the intersection with Seaver, and into the neighborhood surrounding the public safety building and Hauke Park. It makes no sense to exclude a parking garage should any development proceed.

Our third concern is that this proposal clumps more affordable/low income housing together on this eastern edge of Mill Valley. Our other neighborhood low-income housing, Shelter Ridge is just around the hill on Hamilton from this proposal and is very poorly maintained. It is not an exaggeration to say that it is surrounded by piles of garbage which have expanded over the past year on a weekly basis. Please see attached photos taken this afternoon of the areas adjacent to the 3 dumpsters.

Danielle Staude

From: Penny White <pennywhite224@gmail.com>
Sent: Monday, May 24, 2021 7:11 PM
To: John McCauley; Danielle Staude
Subject: Housing committee 1 Hamilton Drive

CAUTION: External Sender

I am disappointed that the Housing Committee saw fit to notify only a few homes around 1 Hamilton Drive about the feasibility of new housing . Surely this project will affect all of Enchanted Knolls and the surrounding neighborhood. Certainly more honesty and community input is needed.

Here are just a few of my concerns:
1.The building is out of character for the neighborhood in size and height.
2.No parking. Hauke Park is the most used park in Mill Valley. During peak times there is an overflow of cars into the surrounding streets.
3.Hamilton is a small one way street for safety and to stop a short cut to the freeway. The idea of making Hamilton larger has been rejected several times by the past City Council. The street was designed for a small neighborhood. Public safety for the hundreds of children who use the park should be the first concern..
4. Why is this project being quietly rushed through? Is it being built by private developers?It certainly appears that Mill Valley building requirements are not being followed.

I will be following the zoom meeting to see if any other concerns are addressed.

Sincerely,
Penny White

Danielle Staude

From: Danielle Staude
Sent: Monday, May 24, 2021 7:51 PM
To: Daphne de Marneffe
Subject: RE: 1 Hamilton Drive project -- comments and questions

Hi Daphne,

See my responses below.

(1) On p. 8 of the Site Analysis, there is a picture to the right with a yellow outlined area, and a picture to the left with a black outlined area marked "Parcel PSB". I wanted to make sure that the proposed site is only the yellow outline area, and no part of the park across the street.
> The focus is on the yellow area. There may be some opportunity to redesign the police/fire parking or other creative design solutions. There is no intention change the sports fields or park area.

(2) The materials suggest that parking spaces for park and sports traffic would be conserved. Where will they be put?
That is why we need a non-profit housing developer to help design the project and look at creative solutions. See above answer as well.

(3) Will this be affordable housing in perpetuity, or does it revert to market rate at some point?
In perpetuity.

(4) What if any changes in traffic engineering will accompany this construction? For example, will Hamilton become a 2 way street? What are the plans for traffic congestion in that area?
Circulation will need to be addressed as part of designing the project, including where to place parking and driveways. It may be an opportunity to address some of the concerns raised by the community also about safety of children crossing streets/access to fields and park area.

(5) Are any changes to the park, playing fields, or meadow proposed as part of this plan?
At this point we are in a conceptual phase. The intent is to utilize the area in yellow, with potential opportunities as I mentioned in #1 above.

(6) How will potential residents apply for and be given preference for this affordable housing?
It can depend on funding. Affordable housing projects can target/focus on certain populations, such as seniors, family housing, homeless or workforce (as an example). The City is interested in workforce housing, and will look for a non-profit developer that can help the City work on financing for that to happen. Then it will allow the city to set priorities on the workforce.

To the City of Mill Valley Housing Advisory Committee

To get 40 units on the steep land north of the fire station would require 3-4 stories with minimal parking underneath. This area is one of single family homes and the units would block the views of some homes and increase traffic at the intersection of Hamilton and Roque Moraes, which is heavy at commute times from cars coming off Highway 101.

About 10 years ago, the Enchanted Knolls Homeowner's Association donated $1000 to the City to make the land across the street from the Community Garden into a Park. This would be a perfect site for low income housing. Being level, units would be 2 stories high, or less, have lots of room for parking, views, and room to have a meeting space in the center of the units.

Bruce Wrisley, 135 Kipling Drive (since 1960)

Danielle Staude

From: Danielle Staude
Sent: Monday, May 24, 2021 7:51 PM
To: Daphne de Marneffe
Subject: RE: 1 Hamilton Drive project -- comments and questions

Hi Daphne,

See my responses below.

(1) On p. 8 of the Site Analysis, there is a picture to the right with a yellow outlined area, and a picture to the left with a black outlined area marked "Parcel PSB". I wanted to make sure that the proposed site is only the yellow outline area, and no part of the park across the street.
> The focus is on the yellow area. There may be some opportunity to redesign the police/fire parking or other creative design solutions. There is no intention change the sports fields or park area.

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In perpetuity.

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It can depend on funding. Affordable housing projects can target/focus on certain populations, such as seniors, family housing, homeless or workforce (as an example). The City is interested in workforce housing, and will look for a non-profit developer that can help the City work on financing for that to happen. Then it will allow the city to set priorities on the workforce.

Danielle Staude

From: Jim Devitt <jhdevitt@yahoo.com>
Sent: Monday, May 24, 2021 8:28 PM
To: John McCauley; Danielle Staude
Cc: hans_fallant@comcast.net
Subject: Fw: Hauke Park

CAUTION: External Sender

Mayor McCauley and Danielle Staud, Forwarding the excellent comments from a 42 years resident of Enchanted Knolls. Please listen carefully to our concerns. Thank you, Jim Devitt

----- Forwarded Message -----
From: `Hans Fallant <hans_fallant@comcast.net>
To: "jhdevitt@yahoo.com" <jhdevitt@yahoo.com>
Sent: Monday, May 24, 2021, 4:03:10 PM PDT
Subject: Hauke Park

Just returning from a road trip we were shocked by the news about the ill conceived Hauke Park development.Many of our neighbors have expressed serious concerns and objections
and we do agree with all of them without repeating them at this point however we wish to add our thoughts.
We have lived on Shelley Drive for 42 years and in that time we experienced many changes in Mill Valley ,not always desirable ones, here and there some great ones, but life went on.
Now comes this absolute stunner which in our opinion constitutes a grave transgression committed by a local government into peoples lives. In all our years in Mill Valley have with seen
only one greater transgression in the county, the unseemly apartment "factory" in Corte Madera which already is turning into a nightmare for the people living there and in the area. We have
road traveled through many parts of this country and have seen too often misdeeds of extremely unsightly construction of buildings visual focal points in otherwise nice little towns. Always
we would be thinking that luckily we won't have things like this in Mill Valley.until got this dose of realty.Our point is; that we do not elect people to perform their civic duties for their electorate
but also be good steward of the land in which we live and where the next generation will live. We do encourage you to accept that responsibility and be good stewards and manage the land
responsibly and smartly.. Sadly it appears that there is a remarkable lack of sensitivity and emontional involvement by this committee to even make this kind proposal. Clearly this will
not proceed without significant legal challenges.

Sincerely

Eleonore and Hans Fallant

Jim could you forward this letter to the committee I was unable to get the correct email ad
thank you very much

To: Danielle Staude, Senior Planner, Mill Valley Planning Department May 24, 2021

The Public Safety Building/Hauke Field parking lot is not a feasible housing site. The location is out of character for the neighborhood.

It will involve encroachment on bay lands, wild habitats and sensitive wetlands, unknown parking redesign, impact the current use of fields, and increase traffic on a road that is heavily used by children walking/biking to school, as well as dog walkers and many field activities.

There are team practices many days of the week including soccer, lacrosse, etc.

Parents need to park in that lot next to the fire station to drop off children who also all need access to the two restrooms across from the fields.

All fields are fully used on the week-end. That lot is full and cars are parked all over the neighboring streets.

Hamilton is a one-way street and should remain that way. It was never designed as a short-cut to the freeway via neighborhood streets. It was designed for local neighborhood traffic.

The only notice our community received was just sent to people who live 500 feet from the site. Neighbors on our street, Millay Place, did not even know about this proposal. The property belongs to the community. It doesn't belong to the developers.

We have lived on Millay Place for many years and have observed our area becoming more and more congested. We have difficulty turning from Roque Moraes into our street due to the traffic. The committee needs to witness the traffic, especially on week-ends with sports activities and be aware of the existing daily gridlock on East Blithedale Ave. going into/out of town.

Any future higher density plans should be located near mass transit and provide adequate on-site parking.

For these reasons I feel that the Public Safety Building/Hauke Field parking lot does not work for the proposed affordable housing site.

Thank you,

Elizabeth Ewing

Danielle Staude

From: Dave Delatorre <dave@singlenetproperties.com>
Sent: Monday, May 24, 2021 9:40 PM
To: jmmcauley@cityofmillvalley.org; Danielle Staude
Subject: Proposed Affordable Housing Project at 1 Hamilton drive

CAUTION: External Sender

Hello Ms. Staude and Mr. McCauley – My name is David Delatorre and I live at 44 Millay Place in Mill Valley as well as own a second property here in Mill Valley at 45 Plymouth Avenue. My family purchased the 44 Millay Place property in 1972 before there was ever a Hauke Park at the bottom 44 Millay Place. The addition of Hauke Park and community baseball and multi-sport fields & facilities that have been developed around Hauke Park are some of the finest in the SF Bay Area and should be considered the Crown Jewels of Mill Valley recreational community.

Hauke Park Parking Issues - As you may know Hauke Park and the recreational facilities are hugely successful and draw a large number of parents and their kids. On Saturdays when there are multiple sports being played the "parking is overwhelmed" and there are usually 40-50 cars that "over-flow" into the neighborhood streets of Roque Moraes, Kipling, and Millay streets every weekend. All of the parking on Tuesdays and Thursdays seems to be used up too and against cars are flowing into Roque Moraes and Kipling during peak practice times between 3 PM and 6 PM. The loss of the 20-30 existing parking spaces where the proposed housing project will go will further "push cars up" Roque Mores, Kipling, and Millay streets. I am fairly certain that the proposed housing project will not "100% self-park" and many of those residents will flow out to Roque Moraes and Kipling further negatively impacting the neighborhood.

Bad Site For Affordable Housing - My main objection to the proposed development is that it is in the "middle of nowhere" and there are no services or anything to support a low-income housing project nor its residents at this location. I have been in the commercial real estate industry for over 30 years and have a fair amount of development and re-development experience. Based upon my experience low-income housing needs to be in "the urban core" of a city or community and not "no man's land". Lower-income residents need "easy and walkable access" to public transportation, grocery stores, restaurants & coffee shops, doctors offices, and community gathering places. The proposed Hamilton drive offers none of those features and amenities for a lower- income housing demographic. Where are you proposing that these residents will buy groceries from and be able to find nearby dining choices?

Lack of Access - Since the majority of these residents will not have vehicles is the city of Mill Valley going to include running a "shuttle service" to take these residents to the grocery stores, to the nearest restaurant which is 4-5 blocks away, or their doctors offices which are probably on Miller Avenue or the downtown core? How do you expect these residents who are on limited incomes and the majority will probably not have vehicles to access services and restaurants? Are you expecting these elderly and lower income residents to carry 4 bags of groceries from Safeway across the middle school, the dog park, and back home? What if they want a cup of coffee? Where do they go?

Support Smart Affordable Housing Development - Please be advised that I support the development of low-income housing here in Mill Valley but this is about the worst of a location that anyone could ever propose for a low income housing project because of it's lack of access to anything. Please also be advised that have also read the comprehensive report produced by the city for Mill Valley for the low-income projects that were evaluated for city owned land parcels too. While I think that trying to develop the "city owned" parcels is admirable I think they all suffer from similar problems of having "bad locations" for affordable housing projects. I would encourage the city of Mill Valley to work to add their low-income projects along Miller Avenue from Tam High School to the 7-11 property and in the downtown Mill Valley core area by allowing existing owners to add second and third story residential over their commercial units and in their parking lots.

Put The People At The Core - That will put the low income residents closer to where they need to be and have walkable access to grocery stores, restaurants, retail services, doctors, and community gathering points. It will also add "streetscape" to these neighborhoods and put more residents closer to the services they need as well as liven up the Miller Avenue corridor and downtown MV core. This is where people belong (low income or not) and not out in a meadow in the middle of nowhere with no access to public transportation or services.

Public & Private Partnerships - I would encourage the city to develop a public/private partnership with the 4-5 key land owners along Miller Avenue and in the Downtown Core area to come up with new zoning and development regulations to facilitate "smart in-fill development" throughout those areas of the city on Mill Valley. I am also a good friend of Jim Wickham too and would love to share my further thoughts on helping Mill Valley develop affordable housing.

Thank you for your consideration in this regard.

Dave Delatorre
Single Net Properties
(619)247-8585 (cell)

Dave@singlenetproperties.com – E mail

Lawrence B Helzel
102 Sycamore Avenue
Mill Valley, CA 94941
(415) 302-3471

May 25, 2021

Danielle Staude,
Senior Planner
City of Mill Valley
26 Corte Madera Ave
Mill Valley, CA 94941

Dear Ms Staude: Via email: dstaude@cityofmillvalley.org

I am writing in support of affordable housing project proposed on Hamilton Drive near the public services building.

It is precisely because our town is surrounded by open space—From Richardson Bay to Mt Tam to the Watershed and GGNRA—that we should take the opportunity to repurpose a parcel of city owned property *within our city limits* to be used for much needed workforce housing. We are blessed with more open space per capita than most any community in the Bay Area. Those NIMBY's that oppose any and all development are not being sensitive to the economic realities of our community. i.e. it is precisely the scarcity of developable property due to the open space surround that has driven the value of private property to such astronomical heights. It is only with 'free' land that any new housing initiative can be affordable.

In a past career, I served as a City Councilman for 5 years in a small town with a workforce housing crisis. The town's workforce was forced to commute from more than 25 miles away because there was no affordable housing available anywhere close to their workplace. This town, too, was surrounded by open space—State, National Forest and BLM land. Our Council heard the loud cries to 'save our open space', when the reality was that one could walk literally 15 minutes in any direction and be in a forest!

We stood in solidarity with the needs for housing and found ways to use small undeveloped, unused parcels of City, County, and School District property for affordable housing. Today, this community funded via bond issue a new city hall and public services complex. They are redeveloping the former City Hall and Fire/Police Station to 56 affordable housing units.

I urge you to stand up tall to support the desperate need for affordable housing in Mill Valley. The substantial economic benefits to the community far outweigh the cries of the NIMBY's.

Lawrence Helzel

Danielle Staude

From: Anna Biggio <sonoioann@gmail.com>
Sent: Tuesday, May 25, 2021 8:21 AM
To: John McCauley; Danielle Staude
Subject: Housing Advisory Committee 5/25/21 Meeting Comments

CAUTION: External Sender

Dear Mayor McCauley and Danielle Staude,
We live at 125 Roque Moraes Drive, right across the street from Hauke Park.
We don't believe that the safety building as well as the Hauke parking lot are feasible for a housing site. This is a neighborhood park where kids come and play games. We can see the kids of all ages running around playing their sport. If you take away the parking lot where are parents going to park? The surrounding streets are filled with cars when the games are playing. The other day our daughter came to visit and there was no parking on Roque Moraes so she ended up paking in our driveway. When she left she had a hard time getting out of the driveway because of all the cars which were parked everywhere on Millay. There are already a lot of cars on Hamilton and Roque Moraes. The stop sign at the corner of Roque Moraes and Hamilton most of the cars don't even slow down. Everyone drives way too fast. I *'m surprised no-one has gotten hit.* Sometimes the traffic is bumper to bumper from East Blithedale all the way down Hamilton. Our cars parked in front of our house have been hit 5 times from drivers going too fast and not paying attention. If they can hit our parked cars imagine what they can do to a little child darting out into the street. Instead of eliminating parking more parking should be made for parents who come and watch their kids play sports. By moving the bathrooms where are kids going to go to the bathroom, it will be inconvenience for kids as well as adults. From our house we can see kids going to the bathroom in the bushes or behind trees. That's not very sanitary for kids to play around.
We have lived here for 45 years and there are plenty of condos and apartments in the area and we don't need any more which will bring in more traffic. We are not against low income housing but please find another place to build.
Please come by when the games are going on and you will see for yourself how it is.
I hope you will take everything into consideration before approving the units.
Thank you for your consideration.
Dave and Anna Biggio
Thank you for listening to us.

Danielle Staude

From: Doug Nelson <doug514@gmail.com>
Sent: Tuesday, May 25, 2021 8:39 AM
To: Danielle Staude
Subject: Housing Committee Meeting Comment: Hauke Park Proposal

CAUTION: External Sender

Hello Danielle:
Please include these comments for the Housing Committee Meeting #9.

As a former Chair of the Parks & Recreation Commission, I object to including park land in the study of City-owned properties to be considered for housing development. The premise that City park land is "free" and available for development is a bad one and sets a very bad precedent. I fully support higher density and affordable housing in Mill Valley but not on park land when there are other options, particularly under-utilized commercial properties. The fact that these properties are privately-held should not preclude them from consideration for redevelopment into housing or mixed-use.

Using park land for housing is not free. It comes at a cost to current and future generations. These lands were set aside as parks as an endowment in perpetuity, not as land waiting for a better idea. The Hauke Park parking and restroom area is part of the park and those uses would need to be relocated elsewhere in Hauke Park, taking land away from recreational uses.

It has been rationalized that this is just a small part of a park, but this sets a very bad precedent that will haunt us in the future. If this is a good idea, what about a piece of Bayfront Park or Boyle Park, or another piece of our parks endowment for a needed use?

I ask you to consider other opportunities for housing, particularly under-utilized commercial properties. If housing is an important enough issue to address, we should seek the best opportunities that may include the cost of acquiring land. Park land is not free land.

Thank you,
Douglas Nelson
514 E. Blithedale Ave., Mill Valley.

Sent from my iPad

Danielle Staude

From: Michael Benson <airvibrations@gmail.com>
Sent: Tuesday, May 25, 2021 8:56 AM
To: Danielle Staude
Subject: Housing Advisory Comment - Affordable Housing - Mill Valley

CAUTION: External Sender

Hello,

As a Mill Valley resident I feel strongly that increasing our capacity for affordable housing is the right thing to do. A few points to consider:

- Mill Valley has not added any significant affordable housing units in two decades
- Offering local affordable housing may help ease traffic congestion around Blithedale ave
- Increasing affordable housing solutions will help make Mill Valley a more socio-economically diverse community

I urge our community and local leaders to continue to create opportunities to make Mill Valley a more welcoming place for people across the socio-economic spectrum.

Thank you,
Michael Benson
Mill Valley Resident

Danielle Staude

From: Christine Reich <christinemreich@gmail.com>
Sent: Tuesday, May 25, 2021 9:15 AM
To: Danielle Staude
Subject: Hamilton Drive Proposal

CAUTION: External Sender

For the residents of Enchanted Knolls a proposal of more housing in our already very congested neighborhood seems inconsistent with good reasoning. First, the obvious, we already have enough low-income houses surrounding this area. Second, the traffic as it is now is almost impossible. Perhaps, most importantly, our parks are full to capacity with children and dog walkers and bikers crossing and recrossing not only Hamilton but also Roque Moraes. This occurs daily as children are going to and from school, to and from the sports fields. The parking situation on every weekend is horrendous with cars lining the streets in front of our houses and crammed into every available space around the parks. Check with the local police station for verification or, better yet, come on over and see it for yourselves. More housing and more cars would cause accidents and indeed endanger our children and all of us!

Please consider carefully before proceeding with this untenable plan.

Thank you, Christine and Hans Reich
40 Millay Place

MILL VALLEY HOUSING ADVISORY COMMITTEE MEETING
May 25, 2021
OPEN SESSION

PHILIP R. HINDERBERGER, PRESIDENT,
COMMUNITY HOUSING FOUNDATION MILL VALLEY

Mr. Chairman, members of the Housing Advisory Committee my name is Philip R. Hinderberger, 19 Glen Drive Mill Valley and I'm here tonight to introduce the Community Housing Foundation Mill Valley.

The Community Housing Foundation Mill Valley was formed this year in response to the plea by the Mill Valley City Council for help to find solutions reversing the serious and steady loss of residents who want to live and work in Mill Valley.

Unfortunately the loss of our local workforce has been an ongoing problem for many years caused primarily by the erosion of the supply of middle income housing due to the extraordinary rise in the price of single family homes.

Economists have dubbed this the "missing middle" housing gap which is threatening to hollow out our local workforce, long the the beating heart of our small town. Although all our local workers are affected, the primary impact is felt by our middle income families who earn too much to be eligible for government housing subsidies but don't earn enough to afford a single family detached home-long the American dream.

This is not just a Mill Valley problem or even a Bay area problem but a national problem that warrants mobilizing all levels of government, business and community nonprofits to find innovative solutions to preserve what middle income workforce housing that remains and expand the supply primarily through innovative programs to better utilize our existing housing stock.

The local community members who founded the Community Housing Foundation Mill Valley were inspired by the 2017 Housing Summit Report and the work of the Housing Advisory Committee that convincingly demonstrated the scope of the missing middle housing gap in Mill Valley.

Among the most compelling facts demonstrating the tremendous need for more workforce housing in Mill Valley that were instrumental in our decision to form the Community Housing Foundation Mill Valley:

Only 9% or approximately 400 of our diverse workforce live in Mill Valley primarily because of the limited supply of suitable housing options.

The remaining 91% or 4,200 of our local workers – largely roles in the service and retail industries –are held by people who live outside the City.

About 1400 of our local workers travel more than 50 miles each work day coming in and going out of Mill Valley during busy commute hours immensely adding to our traffic problems.

Mill Valley housing costs continue to rise far outpacing our local worker' median income. For example, in 2017 a local worker needed a family income of at least $117,000 per year to rent a two-bedroom apartment and at least $289,000 to purchase a modest home. That prices out many of our local workers in retail jobs, teachers, firefighters, police officers, clergy and even some medical professionals.

Although there are deed restricted housing options in Mill Valley for the elderly, disabled and other disadvantaged groups, there is absolutely no dedicated workforce housing in Mill Valley today.

Based on these challenging findings, the Mill Valley City Council created the Housing Policy Framework to guide the efforts of its Housing Advisory Committee.

I'm here today to announce our support for Mill Valley's Housing Policy Framework. We look forward to collaborating with the Housing Advisory Committee and other groups of a like mind to finds innovative workforce housing solutions that have broad community support, fit comfortably into our neighborhoods and preserve Mill Valley's small town spirit.

Thank you Mr. Chairman for the opportunity to address the committee.

Respectfully submitted,

Philip R. Hinderberger, President

Community Housing Foundation Mill Valley

Danielle Staude

From: RICHARD FELTON <richanezka@comcast.net>
Sent: Tuesday, May 25, 2021 9:56 AM
To: Danielle Staude
Subject: Hamilton housing development

CAUTION: External Sender

Housing Committee,

I am writing to you to express my opposition to the proposed development on 1 Hamilton Drive.
I am a 40 year resident of this neighborhood who has seen dramatic growth in recent years in the usage of Hauke Park and adjacent baseball and soccer fields. These fields and parks attract hundreds, if not thousands, of children, seniors, and local residents on a weekly basis which creates very significant pedestrian and vehicular traffic.

Any increase in traffic due to high density housing directly across the street and adjacent to the Fire Department will imperil the children and residents of the neighborhood. In addition, the emergency response of police, fire, and ambulances will be severely impacted in both directions on Hamilton Drive and through the intersection of Roque Moraes, Kipling, and Hamilton, especially if the City opens Hamilton to two-way traffic south of the police station.

I urge you to reconsider plans to create such a large scale development at 1 Hamilton Drive.
Perhaps the project can be located on the frontage road area adjacent to the101 Freeway where there is access to public transportation and the density can be accommodated.

Thank you for considering our concerns.

Sincerely,

Richard Felton
54 Millay Place
Mill Valley

Danielle Staude

From: Hannah Politzer
Sent: Tuesday, May 25, 2021 9:59 AM
To: Danielle Staude
Cc: Kelsey Rogers
Subject: FW: Affordable Housing in Mill Valley

Hi Danielle,

Please see below for a Housing Advisory Committee communication.

Thanks,
Hannah

Hannah Politzer
Interim Deputy City Clerk
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
Phone: (415) 388-4033
Email: hpolitzer@cityofmillvalley.org
Web: www.cityofmillvalley.org

From: Linda Blum <Linda.Blum@comcast.net>
Sent: Monday, May 24, 2021 5:56 PM
To: city clerk <cityclerk@cityofmillvalley.org>
Subject: Affordable Housing in Mill Valley

CAUTION: External Sender

To: Housing Advisory Committee
I'd like to make two points, of the many, that are important to me supporting the proposal for affordable housing in Mill Valley:

Like most, or I should say all, residents of Mill Valley, I am in favor of the city doing much more to mitigate the traffic disaster of E. Blithedale.
If more employees in Mill Valley could live here...they wouldn't be adding the congestion by commuting here.

As I stroll through the streets, enjoy the parks, and do my shopping *locally*, I am always saddened by the *sameness*.
It is especially distressing as I watch the kids playing in the school yards.
If affordable housing becomes more available, our community would no doubt benefit greatly by some diversity.

Please consider these benefits and others as you move forward toward your decision.
THX Linda Blum

Linda Blum
P: 415-383-9382 ~ C: 415-596-8909 ~ F: 415-383-3335
linda.blum@comcast.net

I'm reading a book about anti-gravity. I just can't put it down.

Danielle Staude

From: June Cooperman <juneellenc@aol.com>
Sent: Tuesday, May 25, 2021 1:49 PM
To: city clerk; Danielle Staude
Cc: eyefish9@arksf.com; bernardcatalinotto@gmail.com; rebecca@rbrackman.com
Subject: MVCAN supports Affordable Housing Proposal at 1 Hamilton

CAUTION: External Sender

Dear Members of the Mill Valley Housing Advisory Committee and City Council,

As the leadership team of Mill Valley Community Action Network, we are writing to express our strong support for the proposed affordable housing development at 1 Hamilton Drive in Mill Valley, as outlined in the city staff report presented May 25, 2021.

MVCAN has several hundred members who live in 94941 and believe in the necessity of adding a substantial number of units to Mill Valley's housing stock in order to address values of equity, the environment, and the enrichment and diversity of our community.

Moving forward on the 1 Hamilton Drive project will represent one important step in this larger effort.

Sincerely,

MVCAN Core Team

June Cooperman
Danny Altman
Rebecca Brackman
Bernard Catalinotto

Danielle Staude

From: Al Grumet <al.grumet@gmail.com>
Sent: Tuesday, May 25, 2021 1:57 PM
To: Danielle Staude
Cc: Matt Franklin; Urban Carmel; Sonia Lee
Subject: Comment letter: Housing Advisory Committee Meeting #9

CAUTION: External Sender

May 25, 2021

To: Housing Advisory Committee

We wish to thank the Housing Advisory Committee for its diligence in pursuing affordable housing opportunities in the City of Mill Valley. Affordable housing presents inevitable trade-offs, and the committee has gone about this process in the right way. We applaud the committee for its rigorous and thoughtful approach to selecting a site that maximizes value for our residents and sets the project up for success.

We are appreciative that the selected site has many of the attributes favored by Greenbelt Alliance for the development of affordable housing projects. The site is close to local amenities, schools and public transportation, which will make good use of existing resources, infrastructure and public transportation systems. If the proposed development of the site proceeds, we urge the Housing Advisory Committee, Planning Commission and City staff to adhere to the other Greenbelt Alliance guidelines for climate-smart development. For example, it would be critical to employ green building solutions, including all-electric space-heating, water-heating and cooking infrastructure (*i.e.,* no natural gas), and ample electric-vehicle charging infrastructure. We also encourage the City to minimize impacts on local traffic and the disruption of the community's access to, and enjoyment of, the park.

Thank you for your leadership on this important priority for our community and we look forward to supporting this project.

Regards,

Al Grumet and Sonia Lee, 433 Lovell Avenue, Mill Valley

Danielle Staude

From: Eileen Fisher <eyefish9@arksf.com>
Sent: Tuesday, May 25, 2021 3:05 PM
To: Danielle Staude; city clerk
Cc: June Cooperman; Rebecca Brackman; Bernard Catalinotto
Subject: Support for Affordable Housing at 1 Hamilton Dr.

CAUTION: External Sender

Dear Members of the Mill Valley Housing Advisory Committee,

As a long time resident of Mill Valley and one that is concerned with the lack of diversity and former red-lining and deed-restricted access in Mill Valley, I whole-heartedly approve of the plans to create an affordable housing complex near Hauke Park. I understand that planning has just been initiated for this site and will need more time and investment, but the current recommendations look excellent and is a golden opportunity to redress wrong and create an asset to our community.

My best,

Eileen Fisher
321 Vista Linda Dr.

Danielle Staude

From: David Tollen <david@SycamoreLegal.com>
Sent: Tuesday, May 25, 2021 3:18 PM
To: Planning
Subject: Housing Committee Meeting #9

CAUTION: External Sender

Questions:

1. With traffic at the east end of East Blithedale a major problem, why is the committee planning a housing development close to that spot—a location that will increase that traffic—with no public transportation close by? Has the committee hired an independent consultant to assess the impact on traffic?
2. Why is the committee locating a major housing development in a place that blocks traffic around a children's park (Hauke), when Mill Valley has significant land connected to the golf course and tennis courts? This seems to favor high income activities, golf and tennis, over a park for people of all income levels. Does the committee have a report on how it chose Hauke Park over parcels fully dedicated to golf and tennis?
3. Has the committee performed a full analysis of the environmental issues related to adding the city's largest building (apparently) next to wetlands? Has it consulted independent environmental experts, and if so, where is the report?
4. Why is the committee planning to build a large housing unit on a site with a steep grade? Reports of the grade so far sound incorrect. Has the committee retained an independent expert to confirm the grade? If so, where is the report?
5. Why is the committee planning a housing complex without providing parking for all units? Has the committee assessed the impact on local parking, and if so, where is the report?
6. Why has the committee moved this project through the process with so little information provided to the neighborhood? How has this reached this stage without the neighbors being asked to weigh in?
7. In weighing its decisions, has the committee considered the harm done to the Hauke Park neighborhood by the City's destruction of redwoods and other vegetation in front of the power station? Has the committee sought independent expert opinions on the impact of this double impact to the neighborhood? If so, where is the report?

David W. Tollen
Author of *The Jericho River* and other works
Mill Valley, California
415-385-4396
https://PintsOfHistory.com/
david@techcontracts.com

Danielle Staude

From: Anne Devero <adevero2010@gmail.com>
Sent: Tuesday, May 25, 2021 3:18 PM
To: Danielle Staude
Cc: Anne Devero-Rosenfeld
Subject: I support affordable housing at the Hauke Park site

CAUTION: External Sender

The Bay Area housing crisis unfairly burdens low- and middle-income renters in Marin and Mill Valley, creating stress and housing instability. We should all be worried about the children in our community who have the potential to be traumatized because their parents are continually stressed about losing their housing especially during this pandemic. The trauma that these children may experience have long-term effects and will affect their health and their ability to learn in school. We must protect the children by providing safe, stable and affordable housing.

Anne Devero-Rosenfeld
adevero2010@gmail.com
415-529-0714

Danielle Staude

From: dward1144@aol.com
Sent: Tuesday, May 25, 2021 3:15 PM
To: Danielle Staude
Subject: ADDITIONAL CONCERNS TO EARLIER MEMO RE PROPOSED AFFORDABLE HOUSING ON HAMILTON mv

CAUTION: External Sender

MS STAUDE Part 2

1) My wife & I am are unable to access the link for the zoom meeting this afternoon at 5pm. Could you email a link? the one on the orange mailer is two lines long NEED a link Thanks

2) We wish to express our most serious concerns about this proposal (this reflects our neighbors as well) For all of us who have contributed time & money to establish and maintain the BAY FRONT MEADOW we are absolutely opposed to putting any parking spaces in this last pristine area of Mill Valley,

3) In addition we oppose any plan that would turn the one way feature of Hamilton into a 2 way street. The current arrangement on the small section
of Hamilton allows Police Fire & Emergency Rescue vehicles fast, unimpeded access to 101 and all the hotels, restaurants, and other businesses on the frontage road. TWO way access will prompt greater Mill Valley drivers to try to avoid traffic on Blithdale leading to SO 101 If these are features of the proposal they will damage a corner of Mill Valley that already provides multiple service for the entire town.

DAVID & RENEE WARD
1 EUCALYPTUS KNOLL

Danielle Staude

From: Sean <defbybunga@gmail.com>
Sent: Tuesday, May 25, 2021 3:50 PM
To: Danielle Staude
Subject: re: Hauke Park site

CAUTION: External Sender

I share your concern that traffic in MV is far from convenient. When each person in our family unit has their own vehicle, and out-of-city people come to our house most days to work, it creates congestion that we never saw a couple decades ago, even though the population has remained the same.

When the fact is that new affordable housing stock was required yesterday, both by our teachers and by our state legislature, Hauke Park is a compromise that solves more traffic problems than it creates. The Hauke Park units won't necessitate outside workers to maintain large yards. And they are close enough so that kids can walk or bike to school, and shopping and recreation are all accessible without a car at the Community Center and Whole Foods. I can't think of a site that better tackles our traffic and affordable housing problems at the same time.

Sean

Danielle Staude

From: Alvaro Pastor <alfiepastor@gmail.com>
Sent: Tuesday, May 25, 2021 6:31 PM
To: Planning
Subject: MV Affordable Housing Proposal

CAUTION: External Sender

To the City Council,

I am a resident of Mill Valley and I support the proposal for more affordable housing in our community. Having socioeconomic diversity in Mill Valley, including our schools, workforce and neighborhoods is essential to a thriving community. As a parent of biracial children I support the effort to create a diverse community to raise my children and I strongly support the affordable housing proposal and ask that the housing committee move this proposal forward to the City Council for consideration.

Regards,
Alvaro Pastor

c: 415 710-9574
e: alfiepastor@gmail.com

Danielle Staude

From: Jim Welte <jim@millvalley.org>
Sent: Tuesday, May 25, 2021 5:04 PM
To: Danielle Staude
Subject: my comment (speaking for myself) on the PSB housing proposal

CAUTION: External Sender

I applaud the Housing Advisory Committee's efforts to create more housing opportunities in Mill Valley. Our community needs diversity in all its forms – economic, racial, occupational and more – to be sustainable and "walk the walk" of diversity, equity and inclusion. If those goals aren't your priority, here's another way of looking at this issue: Want to spend less time stuck in traffic? Let's create opportunities for the people who work in Mill Valley, that serve as the economic engine of our community, that police our streets, teach our kids, to live here instead of adding to the car congestion. Let's aim higher as a community.

Cheers,

Jim Welte
Executive Director
Mill Valley Chamber of Commerce
415.342.8230
jim@millvalley.org
85 Throckmorton Ave.
Mill Valley, CA 94941

Danielle Staude

From: Naima Dean <naimadean33@gmail.com>
Sent: Tuesday, May 25, 2021 4:23 PM
To: Danielle Staude
Subject: Affordable Housing Committee

CAUTION: External Sender

Please include comment in this evenings meeting and in public record.

To whom it may concern:

I would like to urge the commission to move forward with plans to build an affordable housing complex in Mill Valley to help equalize the income gap that prevents working class individuals and families from living in and benefiting from all Mill Valley has to offer. The site is a great location, close to local services and public transportation.
This opportunity is a must for the betterment of and to bring about equity to our Mill Valley community.

On this eve where we pause in memory of George Floyd, it imperative that we, as citizens look toward change, creating more inclusive societies, globally.

Thank you for you work and consideration.

Naima S. Dean

Danielle Staude

From: Ingrid Woods <ingridw@pacbell.net>
Sent: Tuesday, May 25, 2021 4:14 PM
To: Danielle Staude
Subject: One Hamilton Site

CAUTION: External Sender

Dear Ms. Staude and Committee Members,

The proposed development of housing at One Hamilton ignores the negative impact on neighborhood and community residents and the general public. Other interested residents have voiced concerns about safety , environmental impact on wetlands and areas adjacent to the bay, traffic congestion, lack of public transparency and input, and the fact that the project would be yet another project which impacts property values. Anyone near the denuded PG&E substation location has plunging property values and a future with decades of ugly towers and minimal plantings to hide the facility.

There are some points perhaps not yet addressed by feedback from the community.

1. The corridor along Hamilton with open space and playing fields serves as a primary route for residents and recreational users to funnel into MV from Strawberry and the whole Shelter Hill, Miwok, Sunrise Point, and Enchanted Knolls areas. School children walk and ride bikes to reach Middle School, Tam, and Edna Maguire. There are only three points of entry into this entire neighborhood, so safety is of great concern for residents and the general community using the area.

2. The land in this area acts as a filter for drainage into the Bay and as a natural habitat for wildlife including the endangered Marsh Mouse and Clapper Rail. More people, autos, and construction threatens nature's ability to regenerate and protect species. For humans, the beauty or being able to walk, hear, and see the wonder of Marin and to enjoy one of the last wild natural meadows needs to be protected.

3. The hundreds of park users, especially on late afternoons and weekends jam up traffic, fill parking spots up both sides of adjacent streets and potentially could delay emergency vehicles from passing. Having lived in this here for many years, the speed with which the emergency vehicles and staff can travel has been reduced considerably as they must slow for people and narrow passageways between cars. When traffic is totally stopped there is not even the alternative of another street because of the narrow width and parked cars. For residents with blocked driveways, it means waiting until late in the day to go anywhere.

Please reconsider this proposal. Other areas and configurations may be better solutions.

Thank you.

Sincerely,
Ingrid Woods
67 Millay Place
Mill Valley

Danielle Staude

From: Mary Barone <tmbarone@comcast.net>
Sent: Tuesday, May 25, 2021 4:09 PM
To: Danielle Staude
Subject: Yes on affordable housing!

CAUTION: External Sender

To the Housing Advisory Committee;
As a 64 year resident of 3 generations in Southern Marin, and from a family of educators, I strongly support affordable housing in Mill Valley and Marin for our local workers. Yes, we have a drought, and over the top NIMBYism, but with 20 years passing since the last housing approved, it is high time to find solutions. The proposed Hamilton Drive site is a great, well thought out alternative.
Please move forward with this proposal.

Thank you.

Mary Barone
759 Bay Road
Mill Valley, CA 94941
415-380-8477
tmbarone@comcast.net

Danielle Staude

From: Hannelore Barnes <hanne@hannebarnes.com>
Sent: Tuesday, May 25, 2021 4:01 PM
To: Danielle Staude
Subject: Support for Hauke Park 100% Affordable Housing

CAUTION: External Sender

Dear Danielle,

I am writing to express my full support for the proposed location at Hauke Park where the current parking, bathrooms, and EV stations are.

I will further elaborate my support during the public comment period of the meeting but some brief areas of specific support are

1. The location is close to public transit and convenient for bike commuting to Mill Valley.
2. The site allows higher height limits and will not block views for existing homes above.
3. The current conditions for dropping off kids, crossing a busy road to access the bathrooms, and finding a parking spot are less than ideal. Improving these elements, used daily by after school programs, is a win/win. In fact, I have just returned today from dropping my daughter there at Fromer Soccer so I am very familiar with the challenges of the existing conditions.
4. Mill Valley desperately needs more affordable housing. This is a great opportunity to show the larger community, resistant to denser housing, that it can be done with little impact and vastly improve our community.

Thank you, Hanne

hannelore barnes
Resident of Mill Valley 1974-94, 2005-current.
415 519 7555

Danielle Staude

From: rebecca <rebecca@rbrackman.com>
Sent: Tuesday, May 25, 2021 4:00 PM
To: Danielle Staude
Subject: Hamilton Drive Affordable Housing Proposal

CAUTION: External Sender

Housing Advisory Committee Members,

As a long time Mill Valley resident, I am writing in strong support of the latest well- researched City Staff affordable housing proposal. It represents a significant contribution toward the effort to begin to provide some long needed affordable workforce housing for so many who commute long distances to work and provide essential services to residents of Mill Valley as well as addressing the historical lack of diversity and equity in our community. It will be of great benefit to Mill Valley. I hope that you will approve it and advance it to the City Council.

Sincerely,

Rebecca Brackman

Danielle Staude

From: Sean <defbybunga@gmail.com>
Sent: Tuesday, May 25, 2021 3:50 PM
To: Danielle Staude
Subject: re: Hauke Park site

CAUTION: External Sender

I share your concern that traffic in MV is far from convenient. When each person in our family unit has their own vehicle, and out-of-city people come to our house most days to work, it creates congestion that we never saw a couple decades ago, even though the population has remained the same.

When the fact is that new affordable housing stock was required yesterday, both by our teachers and by our state legislature, Hauke Park is a compromise that solves more traffic problems than it creates. The Hauke Park units won't necessitate outside workers to maintain large yards. And they are close enough so that kids can walk or bike to school, and shopping and recreation are all accessible without a car at the Community Center and Whole Foods. I can't think of a site that better tackles our traffic and affordable housing problems at the same time.

Sean

Danielle Staude

From: Nadine Levin <nadineilevin@gmail.com>
Sent: Wednesday, May 26, 2021 8:23 AM
To: Danielle Staude
Subject: Support for PSB Proposal

CAUTION: External Sender

Hello Ms. Staude,

I grew up near the Public Safety Building with my younger brother and parents, and I wanted to express my **strong support** for the Housing Advisory Committee proposal to review the PSB site for affordable housing. This lot would provide desperately needed housing to people who are typically excluded from housing in the Bay Area, let alone the much more wealthy Marin area.

I went to Tamalpais High School (graduated in 2011) and lived in the Bay Area for 5 years after graduating from undergrad. To be honest, I was humiliated to say that I was from Marin because of the common NIMBY-ism and blatant racism/exclusionary practices of our local government. I wish I grew up with people from different backgrounds and perspectives than me. I want to be proud of the town I grew up in because it has truly embraced the inclusive and revolutionary BLM ideology it pretends to spout as a "hippie" town. If we finally have affordable housing, we will become a more diverse and improved community.

Please move forward with recommending that the city council should conduct additional review and gather more input on the PSB site. I appreciate the work you've done so far on this.

Thank you,

Nadine Levin
160 Shelley Drive

Danielle Staude

From: David Wygant <david.wygant@gmail.com>
Sent: Wednesday, May 26, 2021 7:18 AM
To: Danielle Staude
Subject: Re: Housing Advisory Committee Meeting

CAUTION: External Sender

Hi, my name is David Wygant, and my family & I live at 108 Kipling Drive in Enchanted Knolls.

Thank you for inviting the public to listen and share additional comments regarding the proposed 40-unit building at Hauke Park. In my opinion, the seriousness of the raised issues necessitate a different approach than what's been taken to date.

By relying on arbitrary shortcuts (and seemingly ignoring more important ones) within the blind cells of a spreadsheet, the consultant is ignoring common sense & reality. You might as well hire an Upwork freelancer a thousand miles away making subjective decisions. Filters can be useful initially to narrow down extremely large data sets to a manageable number like the thousands, but not from the hundreds to a few choices. Her approach provides the perception of a fair & logical process, but it's just a thin veneer. Consequently, you are left with an overly limiting, suboptimal solution. Her four outputs suggesting to build on top of recreation areas reveal her fallacy. If she had easily included recreation areas as an exclusionary criteria, she would have been left without any choices. Please dispense with the analyst and hire an expert.

For example, we live in Mill Valley where the slope in many places exceeds 15%. Sure, it adds cost, and that needs to be part of the final consideration, but it shouldn't narrow the universe prematurely. It's just the reality of having to build within Mill Valley. Given the strong Developer and non-profit demand, please challenge the assumptions she was making. Another one was requiring FEMA approval, which she thought was a deal-killer. So what? Half of Sausalito lives on stilts.

One approach would be to ask a Developer to look at a map of Mill Valley and take an afternoon tour in their truck. They could give you an initial list of viable sites that could accommodate a 40-unit building. Then, understand the issues for each site and whether they can be overcome. Does it need to be public land? Can that swamp behind Goodman's be drained? Can we build on Horse Hill overlooking 101? Many times affordable housing is built near a highway, so it's a good place to start.

We all believe in the need for affordable housing, but will a 40-unit building really make a meaningful dent, or is it just symbolic? What's the real problem? One suggestion would be to ask yourself "why" five times to help you identify the root issue, which will then make the solution self-evident. Einstein spent 99% of his time defining the problem, and just 1% on the solution. For example, start with brainstorming what are all the ways that would help thousands (or even millions) of people, even if the ideas are ridiculous. There are also lots of very smart people living in Mill Valley, so just give them a way to submit ideas to a carefully defined problem.

For example, I rent an in-law unit in my house to a senior. However, most people in Mill Valley don't do that. Why not? My guess is that the reduced personal utility exceeds the perceived financial reward. However, if the financial motivation could be improved, e.g., a property tax break, maybe that would persuade Mill Valley homeowners to open up thousands of rooms.

Another example is cash distribution. The Pandemic showed that it can work at scale. Rather than spending money on infrastructure for 40-units, you could use that same money to subsidize rent for hundreds or possibly even thousands of eligible people.

Most people support affordable housing. Unfortunately that widespread support may mean that the wrong solution is pursued, especially if there's only a single option to choose from. Please be open and humble, and learn from the mistakes of the approach to date. It's a challenging problem, so good luck and thank you for your service.

On Tue, May 25, 2021 at 9:22 PM Danielle Staude <dstaude@cityofmillvalley.org> wrote:

Hello,

Thank you for your comments and attending the Housing Advisory Committee Meeting. Written comments will be included in the City Council packet for the June 7, 2021 meeting. I will e-mail the link to the Council materials when they are available.

A recording of the meeting is available via this link:

https://us02web.zoom.us/rec/share/3KDcdZk5U4AssuQjGrrzIQim1WkAw8_GobVUahNse_OqDQijGVLZ3nl_QYQFCMaI.2jFrASNgmQYcqK-M?startTime=1621987259000

Sincerely,

Danielle L. Staude

Senior Planner

City of Mill Valley

26 Corte Madera Avenue

Mill Valley, CA 94941

(415) 388-4033

www.cityofmillvalley.org

Danielle Staude

From: Ellen Riaboff <riaboff@comcast.net>
Sent: Tuesday, May 25, 2021 10:40 PM
To: Danielle Staude
Cc: John McCauley
Subject: Re: Housing Advisory Committee Meeting

CAUTION: External Sender

Thanks, Danielle. During tonight's hearing one of the committee members mentioned that the Hauke Park site was being considered as a possible location in September of last year. I live less than 500 feet away on the corner of Keats Drive and Roque Moraes, however, I never received a written notice from the City of Mill Valley that this review was taking place. Thus far the only notice I received was last Friday for tonight's meeting.

From: Danielle Staude <dstaude@cityofmillvalley.org>
Date: Tuesday, May 25, 2021 at 9:22 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: Housing Advisory Committee Meeting

Hello,

Thank you for your comments and attending the Housing Advisory Committee Meeting. Written comments will be included in the City Council packet for the June 7, 2021 meeting. I will e-mail the link to the Council materials when they are available.

A recording of the meeting is available via this link:
https://us02web.zoom.us/rec/share/3KDcdZk5U4AssuQjGrrzlQim1WkAw8_GobVUahNse_OqDQijGVLZ3nl_QYQFCMal.2jFrASNgmQYcqK-M?startTime=1621987259000

Sincerely,

Danielle L. Staude
Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
(415) 388-4033

www.cityofmillvalley.org

Danielle Staude

From: Jeralyn Seiling <seilingj@comcast.net>
Sent: Wednesday, May 26, 2021 11:55 AM
To: Danielle Staude
Cc: Jim Devitt; Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gabrielle Tierney; Gary Batroff; Tom & Toni Benoit; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; Paula Weaver; Kevin McGrath; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; Ellen Riaboff; david@techcontracts.com; joanprigian@hotmail.com; Julianna G. Hayes; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; Carolyn Heyder; autria.christensen@gmail.com; ahmad@nanawall.com; jill_lebsock@gap.com; Christopher L. Lebsock; Sandra Mardigian; Gillian Emblad; Daniel Karner; hans_fallant@comcast.net; carriesher@yahoo.com; Nana Meyer; Allison Harding; Toni Brayer; Danielle Lundgren; brianwilliamson31@gmail.com; melissahw49 @gmail.com; Vicki & Wayne Buder; Gene & Karen Sechser; Mark Hayes; Richard Garcia; Regina Garcia; Simon Casey; Greg Mullin; Jessica Mullin; Patrick Mullin; Patrick McCarthy; Vanessa Jennings; jon.schick@gmail.com; brit4ital@comcast.net; stephanie.lynde@comcast.net; npatrakis1@gmail.com; stephanie@sbfinearts.com; mbreitbard@yahoo.com; Emily Montalvan; Carlos Play; Rodi Broullon; Tom Benoit; sjaber@pacbell.net; Gabrielle and Eric; Joy Guidi Wygant
Subject: Hauke Park Affordable Housing

CAUTION: External Sender

Dear Ms. Staube: *can I ask you to please forward this email to the members of the Mill Valley City Council and Housing Planning Committee? Thank you.*

Last night's housing committee meeting concerning the 4 story, 40 unit Hauke Park affordable housing project was yet another affront to Enchanted Knolls residents.

Coming on the heels of the **city-approved** clear cutting of 130 trees that for 30+ years screened the electrical substation from view, we are now faced with another *no-notice* action by the City. This time we are being forced to accept a massive project completely out of scale for the neighborhood – a project that will exacerbate the unaddressed traffic problem we already face.

Despite prior incompetent City action that destroyed much of the beauty of the neighborhood by baring the substation, we are asked to take it on faith that vague *future studies* will assure that the project fits into the landscape and character of the neighborhood. We are also asked to believe that traffic from 40 additional homes spilling onto Roque Moreas and into the E. Blithedale bottleneck is a problem the City will be able to solve, even though the City has had no effective solutions to the gridlock for the last 15+ years.

It is inexplicable why the committee insists that it makes sense to conduct *future studies* on site suitability and traffic only **after** final selection of the site, ***and after*** contracting with a developer.

I have the following specific comments about the actions of the housing committee:

- It appears the committee made its decision on the site **prior to the meeting**. During comments **prior** to the committee vote, committee member Greg Hildebrand stated *'we didn't make this decision lightly.'* **This indicates the decision was made prior to the meeting, which is a violation of the Brown Act** - legislation designed to assure open and transparent local government. In combination with the deficient notice to the community, this creates a disturbing picture of the City's process.
- Many of the committee's other actions and remarks similarly suggest a pre-determined outcome. The Mayor opened the meeting with a lengthy tribute to an affordable housing advocate, using the pejorative 'NIMBY'. In addition, although the emails to the committee were vastly **opposed** to the project, pro-project speakers were selected to speak first, including some professional housing advocates. This only changed after I used the 'chat' feature of Zoom to question the sequence of speakers. (Ms. Staude responded that she selected speakers as she saw them, which I take to mean not in order of speaker requests.)
- The committee member's remarks prior to the vote seemed prepared in advance, and signaled that they had already made up their minds about the site. In fact, it seemed very much like they have had their thumbs on the scale throughout this process, carefully orchestrating and restricting input to guarantee the outcome they want. Many committee members extolled features of the Hauke Park site that they believe make it 'perfect' for the project, even though some of these features are pure fantasy - - such as the proximity to public transit (maybe as the crow flies...) and walkability. Many of us came away feeling like we just watched a commercial for affordable housing. I strongly suggest that if you were unable to attend, you listen to the remarks made by one eloquent speaker about the duty of stewardship owed by the committee members. **Trying to solve the housing crisis without addressing the impact on the neighborhood and on traffic is not the representation we deserve and expect.** We expect more creative solutions. Making Mill Valley unlivable is not the way to address the housing problem.

- Several committee members insisted that this is the first cut and just a preliminary assessment. Yet this is the only site under consideration. **Out of dozens of sites, the committee narrowed the choices to ONE site prior to the meeting, yet continues to insist this is preliminary.** The committee has completely rejected any solution that does not involve City-owned land, which means that, as one speaker put it, we are left trying to jam a square peg into a round hole. Nothing makes this point more than the current proposal of cramming 40 units onto 0.75 acres. The sheer size of the project relative to the size of the lot guarantees a big-box structure. This is like dropping a Costco into Mill Valley. The committee members insist this can be designed to fit the landscape, but it does not take an architect to know that fitting 40 units (some of which are 3 bedroom) onto 0.75 acres is going to result in a tall box out of proportion to the lot. (The consultant even mentioned that development partners would likely propose adding even more units!!)
- I strongly object to the way the committee has framed this issue – as NIMBYs v. the enlightened. I have yet to hear a single neighborhood member object on the basis that the proposal is for low-income housing. **In fact, at least one speaker emphasized (and many of us agree) that we would have the same objection to building 40 luxury homes: traffic, traffic, traffic.** We are captives in our own neighborhood, trying to find ways around the bottleneck and arranging our days around how much time we need to allow to get places due to the traffic. Not to mention cringing at the speeding cars on Kipling and Longfellow during rush hours as E. Blithedale drivers seethe in frustration at dead-stopped traffic, and seek alternate routes to 101.
- As one speaker pointed out, almost all of the pro-project speakers live **outside the neighborhood**, and some even live **outside Mill Valley**. Yet the committee discounted this. In fact, the committee based its decision on a number of assumptions that only someone who does **not** live in the neighborhood would find reasonable. For example, the committee members assume that residents will walk and bike to the grocery store, public transportation, schools and other services such as dry cleaners. This is worth examining because it seems to be a main basis for the Hauke Park site selection. I wonder if the committee is aware that:
    - it is a difficult walk from the Public Safety Building (PSB) to E. Blithedale. You must walk up and over a significant grade on Rogue Moreas, and along a section with no sidewalks. Making this trek with groceries is something only someone who does not do the family grocery shopping would suggest. There is currently almost no pedestrian traffic along RM for that reason.

- the walk to Camino Alto is also problematic; you must walk over a large and sometimes wet field, dirt path, and bridge, and across a multi-use path. That path was the site of so much use and so many bicycle and pedestrian accidents that the City had to install a round-about. I suggest the committee members spend some time at Hauke Park and record the number of residents they see carrying groceries or dry cleaning along that route (or the Roque Moreas route). I submit that number is **zero**. **Yet the committee seems to assume that the residents of low-income housing will behave differently than every other resident of Mill Valley, and will immediately adopt a vehicle-free lifestyle.** I submit that just coaching soccer at Hauke Park (as a couple of committee members did) does not give you and understanding of what we face daily.
- the walk to Edna Maguire school is similarly unrealistic. The idea that parents are going to walk their kids f(or allow their kids to walk) from the PSB along the length of Roque Moreas (up and over grade), along a section with no sidewalk and beside gridlocked morning traffic, across a major gridlocked intersection, and all the way to the end of Lomita (and back) before heading to work themselves is ridiculous. Parents who work need their cars to get to work, and will drop their children at school before heading to their own jobs. This notion that parents will be available to walk their kids to school assumes a stay-at-home parent and is a throwback to 1950. I wonder how many of the housing committee members walked their own kids to school. I suggest the committee members try the walk in the morning and see for themselves. I had three children who attended Edna Maguire, the middle school and Tam High, and I can tell you **it is totally unrealistic to assume that, unlike everyone else in town, the residents of an affordable housing project will shun their cars and walk everywhere.** This assumption really smacks of privilege and is totally tone-deaf to working parents.

- It is true that the project will be within reasonable walking distance to the middle school, but is that sufficient reason to locate a FOUR story, 40 unit project in the middle of a single family neighborhood with roads that were not designed for such a dense use? **Miller Avenue and many other sites are also within walking distance to the middle school, and with sidewalks.**
- One of the neighborhood's most pressing concerns is that the project will increase pressure to open Hamilton to two-way traffic. **In fact, one speaker last night already suggested this!** Will the City recommit to keeping Hamilton one-way? As I and many others have stated, opening Hamilton to two-way traffic will cut our neighborhood off on all sides with high traffic routes to and from 101.
- **Although this project will have a profound impact on the neighborhood, we were not notified of last night's meeting.** Apparently, only homes within 500 feet of the vacant lot were notified, and only a week before. This certainly adds support to the comments of one Mill Valley resident who wrote to the committee and referred to this as a "stealth" process.

  One committee member referenced a prior meeting to suggest that there were other opportunities for input. **However, we received no notice of that meeting either!** I submit that these ***no-notice meetings*** are not the way to build the community support we all recognize is vital to the success of any housing project. The current path of a pre-determined outcome without neighborhood input, and without serious consideration of community issues is rather a way to build community mistrust and anger.

- Many of us would like to hear about the traffic 'mitigation' measures that the committee seems to think will be able to address the traffic gridlock at the heart of neighborhood objections. It would go a long way toward addressing community opposition for the City to identify some of those traffic solutions now, rather than ***after*** the project is approved and the City has contracted with (and paid!) a development partner. The latter sequence was identified by the consultant as the ONLY available path, and this view was endorsed by the committee members without any challenge. It appears that this backwards approach is designed to make it more difficult for the community to have input.
- The consultant retained to evaluate the site stated that housing project assessment is her profession, yet her *Linked In* profile states she is equal parts *'web designer'*. This calls into question the quality of some of her 'expert' assumptions, such as the notion that no development partner would be interested in a project with less than 40 units. This assumption is a major basis for the project, yet there is nothing at all backing this up anywhere that I could find. **Can you tell us how many developers were approached about their willingness to partner on a smaller project?** Can you tell us more about the consultant and the process? In particular:

- did anyone, consultant or committee members, visit the neighborhood during high traffic hours to see the back-up on Roque Moreas, or the E. Blithedale bottleneck? It is simply not sufficient to say that you will look at all that later. **The only possible reason to delay that part of the assessment is to curtail community input.**
- did anyone visit during a sports practice or event at Hauke Park to assess the parking and pedestrian safety? Same comment regarding the backward process of addressing community concerns only AFTER the project is underway.
- how much is the consultant being paid, and were all conflicts of interest disclosed?

- Another assumption is that a 40 unit building is necessary in order to house an on-site manager, which is a requirement per the consultant. Why must every housing project have an on-site manager no matter what size? This seems like circular reasoning: a large project needs an onsite manager and therefore we need a large project so we have extra space for an onsite manager.
- Not one committee member mentioned the impact on fire safety routes or emergency response time. Rather, committee members cited statistics of unknown date and origin for the proposition that 40 additional homes will add only a few cars to local streets. **Please provide sources for such statistics. They defy common sense.**
- At least 4 of the 5 committee members indicated they are in real estate development, some in affordable housing. How does the City plan to keep this process free of conflicts of interest and cronyism?

Can you please assure that all residents who submitted emails and letters, or attended the meeting, will receive advance notice of all City meetings, postings, etc. relative to the Hauke Park proposal.

Thank you.

Sincerely, Jeralyn Seiling, J.D.

Danielle Staude

From: Lee Skutch <leeskutch@sbcglobal.net>
Sent: Thursday, May 27, 2021 3:53 PM
To: Planning
Subject: Housing

CAUTION: External Sender

How can you possibly build more housing in Mill Valley?! The East Blithedale corridor is already so congested that it's hard to imagine more traffic. Besides we are in the middle of a serious drought and face severe fire dangers!!! How are we going to get out of town in case of a fire?

How many city council members actually live in Mill Valley? It is known that council members are in the pockets of outside developers. Mill Valley is bursting already!

Thank you for your consideration not to build any more housing.

Robert and Lee Skutch
Tamalpais Park

Danielle Staude

From: Carrie Sherriff <carriesher@yahoo.com>
Sent: Thursday, May 27, 2021 11:50 PM
To: Planning
Subject: No no no on hauke park. Is there anyone in planning that thinks this is a bad idea? Like to know who. Thanks

CAUTION: External Sender

Carrie Sherriff Broker
Carrie Sherriff Real Estate

carriesher@yahoo.com

415 328-6416

Danielle Staude

From: Carolyn Heyder <csheyder@gmail.com>
Sent: Thursday, May 27, 2021 3:32 PM
To: Danielle Staude
Cc: Jim Devitt; Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gary Batroff; Tom & Toni Benoit; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; jhds@sbcglobal.net; christine@christinedonohue.com; anita.scott@gmail.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; Paula Weaver; Kevin McGrath; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; Ellen Riaboff; david@techcontracts.com; joanprigian@hotmail.com; Julianna G. Hayes; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; Carolyn Heyder; autria.christensen@gmail.com; ahmad@nanawall.com; jill_lebsock@gap.com; Christopher L. Lebsock; Sandra Mardigian; Gillian Emblad; Daniel Karner; hans_fallant@comcast.net; carriesher@yahoo.com; Nana Meyer; Allison Harding; Toni Brayer; Danielle Lundgren; brianwilliamson31@gmail.com; melissahw49@gmail.com; Vicki & Wayne Buder; Gene & Karen Sechser; Mark Hayes; Richard Garcia; Regina Garcia; Simon Casey; Greg Mullin; Jessica Mullin; Patrick Mullin; Patrick McCarthy; Vanessa Jennings; jon.schick@gmail.com; brit4ital@comcast.net; stephanie.lynde@comcast.net; npatrakis1@gmail.com; stephanie@sbfinearts.com; mbreitbard@yahoo.com; Emily Montalvan; Carlos Play; Rodi Broullon; sjaber@pacbell.net; Gabrielle and Eric
Subject: Meeting Change to June 21st / Public Input

CAUTION: External Sender

Jim Devitt <jhdevitt@yahoo.com>,
Suzanne Bohan <sbohan@stanfordalumni.org>,
Paul Sidorenko <psidorenko@gmail.com>,
Kelly Jane Rosenblatt <kjrosenblatt@gmail.com>,
"A. Rosenblatt" <alexrosenblatt1@gmail.com>,
Andreas Nicholas <anicholas@yahoo.com>,
Beth Newman <munnbeth@gmail.com>,
Glenn Thompson <glenn94941@yahoo.com>,
Kathy Bakhshandeh <ksbakh@gmail.com>,
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"brianwilliamson31@gmail.com" <brianwilliamson31@gmail.com>,
"melissahw49@gmail.com" <melissahw49@gmail.com>,
Vicki & Wayne Buder <thebuders@comcast.net>,
Gene & Karen Sechser <gksechser@aol.com>,
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Richard Garcia <rjgarciadds@yahoo.com>,
Regina Garcia <regfilippi@yahoo.com>,
Simon Casey <simoncasey01@gmail.com>,
Greg Mullin <gwmullin@gmail.com>,
Jessica Mullin <jdhollenbacher@gmail.com>,
Patrick Mullin <patrickcmullin@gmail.com>,
Patrick McCarthy <p.c.mccarthy@comcast.net>,
Vanessa Jennings <vanessa.a.jennings@gmail.com>,
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"stephanie.lynde@comcast.net" <stephanie.lynde@comcast.net>,
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Carlos Play <montalvan@comcast.net>,
Rodi Broullon <rodib@yahoo.com>,
"sjaber@pacbell.net" <sjaber@pacbell.net>,
Gabrielle and Eric <gigi_eric@hotmail.com>

Dear Ms. Staude:

I have noted the new date (June 21) for the meeting and also noted that one of the reasons for the time change is to allow for further community input.
To that end, I fully support Jeralyn Seiling's May 26th email to you that she has asked be forwarded to the full council. Many of us in Enchanted Knolls feel she eloquently pointed out the salient concerns about 1 Hamilton and our frustration at being excluded from the process in its initial stages. I would like to reiterate the points in my previously submitted email that this is not the site for such a project. Too many existing requirements and zoning have to be waived or changed to allow for the construction of a 40 unit high rise building on this unsuitable site. The City Council should seriously consider looking at other options BEFORE voting to select a developer for this site. Several sites could be re-examined, including 411 Miller. I heard Urban Carmel state at the meeting he was in favor of revisiting this option. The consultant admitted that this was her favored site. It was only when it was discovered to be on flood plain that it was tossed aside. That whole area is on a flood plain, and yet it is a thriving part of downtown. That designation does not preclude a project being built there. It is still doable. It meets all the other criteria for the affordable housing component - unlike the 1 Hamilton site - and costs and FEMA concerns should not preclude reconsidering it. But this is not the only other option to consider. Other sites were mentioned at the meeting. There is also the possibility of approaching privately-owned properties whose businesses are shuttered (KFC, Gira Polli to name a couple).

Doing the right project at the right time in the right location should be the goal here. However, this process has been pushed forward by outside consultants to select a site without prior independent and crucial environmental, traffic, parking and other studies, and before seeking meaningful input from the Mill Valley community - the community the Council represents.
I respectfully ask that you submit this email to the council for consideration at the June 21st meeting and not proceed with this site until other options have been thoroughly explored.
Sincerely,
Carolyn Heyder
86 Longfellow Road.

Danielle Staude

From: David Tollen <David@techcontracts.com>
Sent: Thursday, May 27, 2021 3:09 PM
To: Anita Scott; Joan Prigian
Cc: Jeralyn Seiling; Danielle Staude; Jim Devitt; Suzanne Bohan; Paul Sidorenko; Kelly Jane Rosenblatt; A. Rosenblatt; Andreas Nicholas; Beth Newman; Glenn Thompson; Kathy Bakhshandeh; Staci Nicholas; Alan Chui; Wei Wei Chui; Doug Newman; Gabrielle Tierney; Gary Batroff; Tom & Toni Benoit; Rodi; Steve Jaber; Joy and David Wygant; Penny White; Mill Valley Beautiful; Gail Katz; Cheryl Reiss; Kelly Drury; Sashi McEntee; max@maxperrey.com; kirkjknauer@gmail.com; Jhds@sbcglobal.net; christine@christinedonohue.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; Paula Weaver; Kevin McGrath; judith@p-r-g.com; Kristin Hulquist; sbatroff@hotmail.com; Ellen Riaboff; Julianna G. Hayes; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods; Carolyn Heyder; Autria.christensen@gmail.com; ahmad@nanawall.com; Jill_Lebsock@gap.com; Christopher L. Lebsock; Sandra Mardigian; Gillian Emblad; Daniel Karner; hans_fallant@comcast.net; Carriesher@yahoo.com; Nana Meyer; Allison Harding; Toni Brayer; Danielle Lundgren; brianwilliamson31@gmail.com; melissahw49@gmail.com; Vicki & Wayne Buder; Gene & Karen Sechser; Mark Hayes; Richard Garcia; Regina Garcia; Simon Casey; Greg Mullin; Jessica Mullin; Patrick Mullin; Patrick McCarthy; Vanessa Jennings; jon.schick@gmail.com; brit4ital@comcast.net; stephanie.lynde@comcast.net; npatrakis1@gmail.com; stephanie@sbfinearts.com; mbreitbard@yahoo.com; Emily Montalvan; Carlos Play; Rodi Broullon; Tom Benoit; sjaber@pacbell.net; Gabrielle and Eric; Joy Guidi Wygant
Subject: RE: Hauke Park Affordable Housing

CAUTION: External Sender

It seems the decision had been made long before this week's meeting—and before anyone in the neighborhood got involved. Public comment sessions are required by law, but I've never see one make a difference.

I think stopping or reducing this traffic/Hauke mess will require more than public comments and letters, though they remain important. I think the neighborhood will need political organization. (It might also need litigation.) It would help to involve people outside the neighborhood who don't want even worse traffic or who rely on Hauke Park. (The fact that the committee has chosen to preserve golf and tennis over a public park will incense many.) It seems many in the government would be happy to solve the city's affordable housing problem at a heavy cost to one neighborhood (which they already struck with tree-cutting) and one park—and even at the cost of worse traffic for half the town. The neighborhood needs to connect with the better civil servants—and to pressure the worse ones.

The start of a long battle ...

/David

David W. Tollen
Author of *The Jericho River* and other works
Mill Valley, California
415-385-4396
https://pintsofhistory.com/
david@techcontracts.com

From: Anita Scott <anita.scott@gmail.com>
Sent: Thursday, May 27, 2021 2:25 PM
To: Joan Prigian <joanprigian@hotmail.com>
Cc: Jeralyn Seiling <seilingj@comcast.net>; Danielle Staude <dstaude@cityofmillvalley.org>; Jim Devitt <jhdevitt@yahoo.com>; Suzanne Bohan <sbohan@stanfordalumni.org>; Paul Sidorenko <psidorenko@gmail.com>; Kelly Jane Rosenblatt <kjrosenblatt@gmail.com>; A. Rosenblatt <alexrosenblatt1@gmail.com>; Andreas Nicholas <anicholas@yahoo.com>; Beth Newman <munnbeth@gmail.com>; Glenn Thompson <glenn94941@yahoo.com>; Kathy Bakhshandeh <ksbakh@gmail.com>; Staci Nicholas <staci_nicholas@yahoo.com>; Alan Chui <awchui@hotmail.com>; Wei Wei Chui <eastwell99@hotmail.com>; Doug Newman <velodoug@gmail.com>; Gabrielle Tierney <gigi_eric@hotmail.com>; Gary Batroff <gbatroff@hotmail.com>; Tom & Toni Benoit <tom.benoit@comcast.net>; Rodi <rodib@yahoo.com>; Steve Jaber <sjaber@pacbell.net>; Joy and David Wygant <joy_guidi@yahoo.com>; Penny White <mill31@comcast.net>; Mill Valley Beautiful <millvalleybeautiful@gmail.com>; Gail Katz <gkatz00@yahoo.com>; Cheryl Reiss <cherylbreiss@gmail.com>; Kelly Drury <braddrury@me.com>; smcentee@cityofmillvalley.org; max@maxperrey.com; kirkjknauer@gmail.com; Jhds@sbcglobal.net; christine@christinedonohue.com; gunnel.strom@comcast.net; craigviolin@sbcglobal.net; Paula Weaver <paula@weavermcgrath.com>; Kevin McGrath <kevin@weavermcgrath.com>; judith@p-r-g.com; Kristin Hulquist <kthulquist@gmail.com>; sbatroff@hotmail.com; Ellen Riaboff <riaboff@comcast.net>; David Tollen <David@techcontracts.com>; Julianna G. Hayes <jgassman@gmail.com>; kspencxr@gmail.com; samanthac.monge@gmail.com; davidmlevin@yahoo.com; Ingrid Woods <ingridw@pacbell.net>; Carolyn Heyder <csheyder@gmail.com>; Autria.christensen@gmail.com; ahmad@nanawall.com; Jill_Lebsock@gap.com; Christopher L. Lebsock <clebsock@hausfeld.com>; Sandra Mardigian <smardigian.kilili.self.help@gmail.com>; Gillian Emblad <gillianemblad@gmail.com>; Daniel Karner <dbkarner@att.net>; hans_fallant@comcast.net; Carriesher@yahoo.com; Nana Meyer <nana@nanameyer.com>; Allison Harding <allison.harding@gmail.com>; Toni Brayer <almom2@comcast.net>; Danielle Lundgren <daniellelundgren@gmail.com>; brianwilliamson31@gmail.com; melissahw49@gmail.com; Vicki & Wayne Buder <thebuders@comcast.net>; Gene & Karen Sechser <gksechser@aol.com>; Mark Hayes <markhayessf@gmail.com>; Richard Garcia <rjgarciadds@yahoo.com>; Regina Garcia <regfilippi@yahoo.com>; Simon Casey <simoncasey01@gmail.com>; Greg Mullin <gwmullin@gmail.com>; Jessica Mullin <jdhollenbacher@gmail.com>; Patrick Mullin <patrickcmullin@gmail.com>; Patrick McCarthy <p.c.mccarthy@comcast.net>; Vanessa Jennings <vanessa.a.jennings@gmail.com>; jon.schick@gmail.com; brit4ital@comcast.net; stephanie.lynde@comcast.net; npatrakis1@gmail.com; stephanie@sbfinearts.com; mbreitbard@yahoo.com; Emily Montalvan <emilymontalvan@hotmail.com>; Carlos Play <montalvan@comcast.net>; Rodi Broullon <rodib@yahoo.com>; Tom Benoit <tom.benoit@comcast.net>; sjaber@pacbell.net; Gabrielle and Eric <gigi_eric@hotmail.com>; Joy Guidi Wygant <joy_guidi@yahoo.com>
Subject: Re: Hauke Park Affordable Housing

Sent from my iPhone

> On May 26, 2021, at 2:12 PM, Joan Prigian <joanprigian@hotmail.com> wrote:
>
> Thank you for writing this amazing email! So well stated, and so spot on!!!
>
> So frustrating and disappointing to hear about the actions of our elected "representatives".
>
> > On May 26, 2021, at 11:54 AM, Jeralyn Seiling <seilingj@comcast.net> wrote:

Dear Ms. Staube: *can I ask you to please forward this email to the members of the Mill Valley City Council and Housing Planning Committee? Thank you.*

Last night's housing committee meeting concerning the 4 story, 40 unit Hauke Park affordable housing project was yet another affront to Enchanted Knolls residents.

Coming on the heels of the **city-approved** clear cutting of 130 trees that for 30+ years screened the electrical substation from view, we are now faced with another *no-notice* action by the City. This time we are being forced to accept a massive project completely out of scale for the neighborhood – a project that will exacerbate the unaddressed traffic problem we already face.

Despite prior incompetent City action that destroyed much of the beauty of the neighborhood by baring the substation, we are asked to take it on faith that vague *future studies* will assure that the project fits into the landscape and character of the neighborhood. We are also asked to believe that traffic from 40 additional homes spilling onto Roque Moreas and into the E. Blithedale bottleneck is a problem the City will be able to solve, even though the City has had no effective solutions to the gridlock for the last 15+ years.

It is inexplicable why the committee insists that it makes sense to conduct *future studies* on site suitability and traffic only **after** final selection of the site, ***and after*** contracting with a developer.

I have the following specific comments about the actions of the housing committee:

- It appears the committee made its decision on the site **prior to the meeting**. During comments **prior** to the committee vote, committee member Greg Hildebrand stated *'we didn't make this decision lightly.'* **This indicates the decision was made prior to the meeting, which is a violation of the Brown Act** - legislation designed to assure open and transparent local government. In combination with the deficient notice to the community, this creates a disturbing picture of the City's process.
- Many of the committee's other actions and remarks similarly suggest a pre-determined outcome. The Mayor opened the meeting with a lengthy tribute to an affordable housing advocate, using the pejorative 'NIMBY'. In addition, although the emails to the committee were vastly **opposed** to the project, pro-project speakers were selected to speak first, including some professional housing advocates. This only changed after I used the 'chat' feature of Zoom to question the sequence of speakers. (Ms. Staude responded that she selected speakers as she saw them, which I take to mean not in order of speaker requests.)
- The committee member's remarks prior to the vote seemed prepared in advance, and signaled that they had already made up their minds about the site. In fact, it seemed very much like they have had their thumbs on the scale throughout this process, carefully orchestrating and restricting input to guarantee the outcome they want. Many committee members extolled features of the Hauke Park site that they believe make it 'perfect' for the project, even though some of these features are pure fantasy - - such as the proximity to public transit (maybe as the crow flies...) and walkability. Many of us came away feeling like we just watched a commercial for affordable housing. I strongly suggest that if you were unable to attend, you listen to the remarks made by one eloquent speaker about the duty of stewardship owed by the committee members. **Trying to solve the housing crisis without**

addressing the impact on the neighborhood and on traffic is not the **representation we deserve and expect.** We expect more creative solutions. Making Mill Valley unlivable is not the way to address the housing problem.

- Several committee members insisted that this is the first cut and just a preliminary assessment. Yet this is the only site under consideration. **Out of dozens of sites, the committee narrowed the choices to ONE site prior to the meeting, yet continues to insist this is preliminary.** The committee has completely rejected any solution that does not involve City-owned land, which means that, as one speaker put it, we are left trying to jam a square peg into a round hole. Nothing makes this point more than the current proposal of cramming 40 units onto 0.75 acres. The sheer size of the project relative to the size of the lot guarantees a big-box structure. This is like dropping a Costco into Mill Valley. The committee members insist this can be designed to fit the landscape, but it does not take an architect to know that fitting 40 units (some of which are 3 bedroom) onto 0.75 acres is going to result in a tall box out of proportion to the lot. (The consultant even mentioned that development partners would likely propose adding even more units!!)
- I strongly object to the way the committee has framed this issue – as NIMBYs v. the enlightened. I have yet to hear a single neighborhood member object on the basis that the proposal is for low-income housing. **In fact, at least one speaker emphasized (and many of us agree) that we would have the same objection to building 40 luxury homes: <u>traffic, traffic, traffic</u>.** We are captives in our own neighborhood, trying to find ways around the bottleneck and arranging our days around how much time we need to allow to get places due to the traffic. Not to mention cringing at the speeding cars on Kipling and Longfellow during rush hours as E. Blithedale drivers seethe in frustration at dead-stopped traffic, and seek alternate routes to 101.
- As one speaker pointed out, almost all of the pro-project speakers live **outside the neighborhood**, and some even live **outside Mill Valley**. Yet the committee discounted this. In fact, the committee based its decision on a number of assumptions that only someone who does **not** live in the neighborhood would find reasonable. For example, the committee members assume that residents will walk and bike to the grocery store, public transportation, schools and other services such as dry cleaners. This is worth examining because it seems to be a main basis for the Hauke Park site selection. I wonder if the committee is aware that:
    - it is a difficult walk from the Public Safety Building (PSB) to E. Blithedale. You must walk up and over a significant grade on Rogue Moreas, and along a section with no sidewalks. Making this trek with groceries is something only someone who does not do the family grocery shopping would suggest. There is currently almost no pedestrian traffic along RM for that reason.
    - the walk to Camino Alto is also problematic; you must walk over a large and sometimes wet field, dirt path, and bridge, and across a multi-use path. That path was the site of so much use and so many bicycle and pedestrian accidents that the City had to install a round-about. I suggest the committee members spend some time at Hauke Park and record the number of residents they see carrying groceries or dry cleaning along that route (or the Roque Moreas route). I submit that number is <u>zero</u>. **Yet the committee seems to assume that the residents of low-income housing will behave differently than every other resident of Mill Valley, and will immediately adopt a vehicle-free lifestyle.** I submit that just coaching

soccer at Hauke Park (as a couple of committee members did) does not give you and understanding of what we face daily.

- the walk to Edna Maguire school is similarly unrealistic. The idea that parents are going to walk their kids f(or allow their kids to walk) from the PSB along the length of Roque Moreas (up and over grade), along a section with no sidewalk and beside gridlocked morning traffic, across a major gridlocked intersection, and all the way to the end of Lomita (and back) before heading to work themselves is ridiculous. Parents who work need their cars to get to work, and will drop their children at school before heading to their own jobs. This notion that parents will be available to walk their kids to school assumes a stay-at-home parent and is a throwback to 1950. I wonder how many of the housing committee members walked their own kids to school. I suggest the committee members try the walk in the morning and see for themselves. I had three children who attended Edna Maguire, the middle school and Tam High, and I can tell you **it is totally unrealistic to assume that, unlike everyone else in town, the residents of an affordable housing project will shun their cars and walk everywhere.** This assumption really smacks of privilege and is totally tone-deaf to working parents.

- It is true that the project will be within reasonable walking distance to the middle school, but is that sufficient reason to locate a FOUR story, 40 unit project in the middle of a single family neighborhood with roads that were not designed for such a dense use? **Miller Avenue and many other sites are also within walking distance to the middle school, and with sidewalks.**

- One of the neighborhood's most pressing concerns is that the project will increase pressure to open Hamilton to two-way traffic. **In fact, one speaker last night already suggested this!** Will the City recommit to keeping Hamilton one-way? As I and many others have stated, opening Hamilton to two-way traffic will cut our neighborhood off on all sides with high traffic routes to and from 101.

- **Although this project will have a profound impact on the neighborhood, we were not notified of last night's meeting.** Apparently, only homes within 500 feet of the vacant lot were notified, and only a week before. This certainly adds support to the comments of one Mill Valley resident who wrote to the committee and referred to this as a "stealth" process.

  One committee member referenced a prior meeting to suggest that there were other opportunities for input. **However, we received no notice of that meeting either!** I submit that these ***no-notice meetings*** are not the way to build the community support we all recognize is vital to the success of any housing project. The current path of a pre-determined outcome without neighborhood input, and without serious consideration of community issues is rather a way to build community mistrust and anger.

- Many of us would like to hear about the traffic 'mitigation' measures that the committee seems to think will be able to address the traffic gridlock at the heart of neighborhood objections. It would go a long way toward addressing community opposition for the City to identify some of those traffic solutions now, rather than ***after*** the project is approved and the City has contracted with (and paid!) a development partner. The latter sequence was identified by the consultant as the ONLY available path, and this view was endorsed by the committee members without any challenge. It appears that this backwards approach is designed to make it more difficult for the community to have input.

- The consultant retained to evaluate the site stated that housing project assessment is her profession, yet her *Linked In* profile states she is equal parts *'web designer'*. This calls into question the quality of some of her 'expert' assumptions, such as the notion that no development partner would be interested in a project with less than 40 units. This assumption is a major basis for the project, yet there is nothing at all backing this up anywhere that I could find. **Can you tell us how many developers were approached about their willingness to partner on a smaller project?** Can you tell us more about the consultant and the process? In particular:
    - did anyone, consultant or committee members, visit the neighborhood during high traffic hours to see the back-up on Roque Moreas, or the E. Blithedale bottleneck? It is simply not sufficient to say that you will look at all that later. **The only possible reason to delay that part of the assessment is to curtail community input.**
    - did anyone visit during a sports practice or event at Hauke Park to assess the parking and pedestrian safety? Same comment regarding the backward process of addressing community concerns only AFTER the project is underway.
    - how much is the consultant being paid, and were all conflicts of interest disclosed?
- Another assumption is that a 40 unit building is necessary in order to house an on-site manager, which is a requirement per the consultant. Why must every housing project have an on-site manager no matter what size? This seems like circular reasoning: a large project needs an onsite manager and therefore we need a large project so we have extra space for an onsite manager.
- Not one committee member mentioned the impact on fire safety routes or emergency response time. Rather, committee members cited statistics of unknown date and origin for the proposition that 40 additional homes will add only a few cars to local streets. **Please provide sources for such statistics. They defy common sense.**
- At least 4 of the 5 committee members indicated they are in real estate development, some in affordable housing. How does the City plan to keep this process free of conflicts of interest and cronyism? '

Can you please assure that all residents who submitted emails and letters, or attended the meeting, will receive advance notice of all City meetings, postings, etc. relative to the Hauke Park proposal.

Thank you.

Sincerely, Jeralyn Seiling, J.D.

Kelsey Rogers

From: Ryan Jones <ryanjones@ryanjonesart.com>
Sent: Friday, May 28, 2021 6:44 AM
To: city clerk; city manager; Planning
Subject: Opposition to new housing in E. Knolls

CAUTION: External Sender

Hi

I'm a resident of Enchanted Knolls and live on Shelley Dr. Recently me and my neighbors heard of the proposal to put more low income housing in the community. My and all the neighbors in the vicinity vehemently oppose this addition to the neighborhood. There are already low rent units at the end of Shelley near Kipling with no parking and the residents park up and down the one lane street making it overcrowded and unsafe. Not to mention the street has huge potholes and desperate needs to be repaved for several years now. On top of that, it makes the neighborhood just plain ugly. Part of what makes mill valley beautiful is the nature and the homes. Rows of cars clogging the streets doesn't add to this. Nor does more apartment buildings. E. Blithedale has a massive traffic problem as well which compounds the problem. Instead of focusing on more pressing needs like fire danger, traffic congestion and basic road maintenance, the city is now adding to the problem! As tax paying citizens what recourse do we have to oppose the building and why weren't the residents asked at all? Seems like this should have been something the community should have voted on!

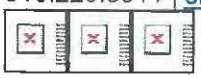
Thank you for your time. If we don't hear from you we will be assembling a petition to oppose the project.

Ryan Jones
Shelley Dr
510-220-5611

--
Ryan Jones

www.ryanjonesart.com

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--
RYAN JONES
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Danielle Staude

From: geesenomore@yahoo.com
Sent: Friday, May 28, 2021 11:37 AM
To: Planning
Subject: Proposal 1 Hamilton, MV

CAUTION: External Sender

I'm opposed to the proposal to develop low income housing at 1 Hamilton Dr., MV.

Thank you.
-Sigrid Boehm

Housing Advisory Committee, City Council, and City Staff,

I am a 29-year resident and homeowner in the Enchanted Knolls neighborhood, and I attended the Housing Advisory Committee Meeting on 5/25/21. I also read "Analysis of Tax-Exempt Sites for Affordable Housing Development" prepared by The Housing Workshop.

I have no objection to the development of a low-income housing project in the Hauke Park parking lot. However, the project should fit within the existing housing density limits established by the City and expected by residents. The existing density limits are described in the excerpt below from the Housing Workshop document.

> *A review of Mill Valley's zoning designations indicates that the City's most dense category of residential development caps out at 29 dwelling units per acre, with these opportunities generally located in the downtown center. This density typically translates into a 3-story multifamily building with surface parking.*

I have a strong objection to a project with the density described below.

> *For 100% affordable housing projects (including housing for very low, low, and moderate income households), the California Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with a substantial "density bonus" of an 80% increase in density. For Mill Valley's current most dense residential zone category, this would yield projects with a density of 52 units per acre (1.8 X 29).*

I understand California Density Bonus works in many communities in the state where large, underutilized, flat parcels exist near city amenities. However, the California Density Bonus is very problematic for Mill Valley for all the reasons described in the Housing Workshop document.

Given the goal to add many more low-income housing units in Mill Valley, the city needs to 1) be more creative in finding ways to utilize smaller lots that do not meet the criteria of large developers and 2) ensure the projects maintain densities reasonably consistent with existing city standards. This approach will be more expensive, but it will be the most equitable and sustainable approach. To pay for it, all options should be explored, including grants, land sales, development fees, property tax assessments, sales tax, and private donations.

Imposing a very high-density project in Hauke Park is highly inappropriate and will disproportionately place a burden on the nearby neighborhoods.

Sincerely,
David Kennedy, 26 Keats Dr.

Danielle Staude

From: David Wygant <david.wygant@gmail.com>
Sent: Friday, May 28, 2021 9:24 AM
To: Danielle Staude
Subject: Re: Update: City Council hearing for 1 Hamilton Drive - JUNE 21, 2021

CAUTION: External Sender

Hi Danielle, that 1 Hamilton has already been decided on is disappointing to hear, and it questions the transparency, openness, and fairness of the process. I continue to have faith in the Mayor and the City of Mill Valley, but if proper due process isn't followed, then it could invite journalistic scrutiny and legal action.

If 1 Hamilton has already been selected, then the Committee is actually excluding community feedback & input. For most of the public, the meeting from May 25 was the first time we heard of this just a few days before, and some people who live near the proposed building weren't even aware of that meeting. I would humbly ask that the Committee defer their decision of site selection until sometime after June 21 in order to consider more complete feedback & input. They should also respond to the specific concerns already forwarded, which I'm skeptical has been properly processed and considered in such a short period of time.

Also, the Committee should at least have a 2nd site choice being reviewed in parallel to compare, and especially in case 1 Hamilton doesn't work out.

Thank you, David

On Thu, May 27, 2021 at 11:32 AM Danielle Staude <dstaude@cityofmillvalley.org> wrote:

Hello,

You are receiving this e-mail because you registered for the May 25th Housing Advisory Committee. Thank you for your interest in the Committee and its agenda items. At the meeting, the Committee heard a staff presentation followed by a presentation from a housing consultant on the sites and financial feasibility analysis conducted to identify publicly owned sites that could be sold or used to build a dedicated affordable housing project in Mill Valley. Oral and written comments were received at the meeting--thank you for those that have contributed to the conversation. After closing the public hearing, the Committee determined that the sites analysis was sufficient for City Council to consider next steps in partnering with a non-profit developer to pursue an affordable housing project at 1 Hamilton Drive.

Please note that City Council will hear the item at its June 21 City Council meeting. The item was originally scheduled for June 7th but has been moved to the 21st to allow more time for community input.

Please feel free to share this e-mail and the information below:

Questions for City of Mill Valley – 5/24/21

Neighborhood impact

- The clear cutting of 130 trees on the PG&E substation site has reduced the beauty and property values for some home by as much as $200,000 according to a local real estate expert. Mill Valley's former City Manager, Jim McCann, admitted that this work was poorly performed by PG&E under the City of Mill Valley's poor supervision. The substation area will never again look as good as it once did, and now PG&E is planning more detrimental work to the neighborhood with new transmission towers. Has the City Council taken into account their role in this problem as well as the entirety of recent negative impacts to this neighborhood?

Other site options

- It seems like "limited reduction in recreational opportunities" was the main criteria used to narrow the site list from 4 options to 1. How does the City of Mill Valley justify subsidizing a golf course at $700k/year? Golf is a declining sport with a questionable environmental record (water waste, pesticides, etc.) and low levels of diversity, equity and inclusion. How much water does the golf course use/year in constantly drought-stricken Marin County?
- The Mt. Tam United Methodist Church requires more consideration. It's closer to the Miller Avenue corridor. Also, if it's a good enough area to put a 1000-student school, it should be good enough to put affordable housing. Also, isn't the sewage treatment plant currently being upgraded to reduce odors?

Potential flaws in the plan

- There's a significant chance that cultural resources will be found on that site once construction begins. Cultural resources were found 100 yards away on the PG&E substation project site last week. What is the city's plan if those resources are uncovered?
- There are an average of 2 bedrooms per unit proposed, yet only 1.5 parking spots per unit. How many people in Mill Valley today with 2-bedroom apartments have less than two parking spots?
- There are about 48 parking spots currently at the PSB, with about 75% utilization. How is the city proposing to create 46 new parking spots at the PSB? It seems like 20 would be the maximum that could be created.
- Rough topographical maps show the site can't be more than 10 feet above sea level. Has an accurate measurement been taken? Are rising sea levels being accounted for?
- The area behind the current Hamilton parking lot has around a 50% slope. How did the consultant come up with an "average slope" of 10%? Is "average" slope misleading? Did anyone go to the site and check the consultant's calculations?

Clarification

- What does this note from the Feb 10 report entail and mean?: "Needs design study to confirm suitable building pad with sufficient distance from Bayland Corridor boundary."

Hannah Politzer

From: Susan Baker <susanbaker711@gmail.com>
Sent: Saturday, May 29, 2021 10:15 PM
To: city.clerk; city manager; Planning
Subject: Housing Advisory Committee - Affordable Housing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

Hello,

I'm a homeowner in Mill Valley (361 Cascade Dr.) and have lived in Mill Valley since 1993. I treasure every day that I'm allowed to live in this paradise-on-earth!

I'm writing to express concern about the development of a 100% affordable housing project at 1 Hamilton Drive.

I understand and applaud the desire to increase low cost housing options in our community so that essential workers, young people and seniors (among others!) can reside here. When I first moved to Mill Valley there was much greater income diversity than there is now, and I think it's changed the character of the town.

However, there is a critical issue that has not been adequately addressed in recent years that has significantly degraded the quality of life in Mill Valley - the TRAFFIC. There is no other town in Marin that suffers as much from congestion as Mill Valley, and it continues to get worse every year. Many of us aren't even commuting right now, but the traffic is horrendous throughout much of the day. It is not only extremely frustrating to have to wait in a line of cars 20-40 minutes just to get out of the town, but the environmental impact is horrible and we are at risk of not being able to evacuate in the event of a fire or other natural disaster.

I do not believe that our town officials have adequately studied the traffic situation to come up with remedies. It seems that there is an assumption that the problem is due to too many people and cars, and nothing can be done. There has not been a serious attempt to explore and experiment with possible solutions. There has not been a rigorous set of experiments to test alternatives to see if the congestion can be mitigated.

Until the traffic situation is addressed, I think it is unwise to add new housing units and additional traffic into the mix at this location.

The goals of the General plan are 1) protect and enhance the natural beauty and small-town character of Mill Valley while also 2) encouraging diversity of housing, income levels and lifestyles. With traffic backed up for a mile on Blithedale at several times during the day, it is detracting from the 'natural beauty and small-town character of Mill Valley'. I believe the traffic is also causing a higher incidence of driver aggressiveness and carelessness - in my time living in Mill Valley, I've never so many reports of hit and runs and people and children being at risk from drivers.

I respectfully suggest that we put our energies first toward fixing the traffic flow - I refuse to believe there aren't creative solutions! - and then turn to increasing the housing stock.

Thank you for reading,

Susan Baker

Susan Valentine Baker
Cell: (415) 601-3113
susanbaker711@gmail.com





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Danielle Staude

From: David Wygant <david.wygant@gmail.com>
Sent: Saturday, May 29, 2021 4:39 PM
To: Danielle Staude
Subject: Re: Update: City Council hearing for 1 Hamilton Drive - JUNE 21, 2021

CAUTION: External Sender

Thanks Danielle for the response. Your initial message only said 1 Hamilton not Edgewood.

My perception is that the Committee didn't do a competent job, such that they arrived at a sub-optimal choice. It's good to hear that the Council will receive the public comments and will hopefully ask the Committee to revisit their assumptions and re-do their analysis.

Thank you for your continued support.

On Fri, May 28, 2021 at 10:05 AM Danielle Staude <dstaude@cityofmillvalley.org> wrote:
Hi David,

I will share your comments with City Manager. The committee was responsible for reviewing the site and the financial feasibility analysis. Council is actually the hearing body that will determine if a site should be considered/selected to build on. The analysis provides the Edgewood site as the second qualifying site. The Committee did deliberate and responded verbally to many of the concerns before making a recommendation. The Council staff report will also highlight public comments/concerns.

Sincerely,
Danielle

From: David Wygant [david.wygant@gmail.com]
Sent: Friday, May 28, 2021 9:24 AM
To: Danielle Staude
Subject: Re: Update: City Council hearing for 1 Hamilton Drive - JUNE 21, 2021

CAUTION: External Sender

Hi Danielle, that 1 Hamilton has already been decided on is disappointing to hear, and it questions the transparency, openness, and fairness of the process. I continue to have faith in the Mayor and the City of Mill Valley, but if proper due process isn't followed, then it could invite journalistic scrutiny and legal action.

If 1 Hamilton has already been selected, then the Committee is actually excluding community feedback & input. For most of the public, the meeting from May 25 was the first time we heard of this just a few days before, and some people who live near the proposed building weren't even aware of that meeting. I would humbly ask that the Committee defer their decision of site selection until sometime after June 21 in order to consider more complete feedback & input. They should also respond to the specific concerns already forwarded, which I'm skeptical has been

properly processed and considered in such a short period of time.

Also, the Committee should at least have a 2nd site choice being reviewed in parallel to compare, and especially in case 1 Hamilton doesn't work out.

Thank you, David

On Thu, May 27, 2021 at 11:32 AM Danielle Staude <dstaude@cityofmillvalley.org<mailto:dstaude@cityofmillvalley.org>> wrote:
Hello,

You are receiving this e-mail because you registered for the May 25th Housing Advisory Committee. Thank you for your interest in the Committee and its agenda items. At the meeting, the Committee heard a staff presentation followed by a presentation from a housing consultant on the sites and financial feasibility analysis conducted to identify publicly owned sites that could be sold or used to build a dedicated affordable housing project in Mill Valley. Oral and written comments were received at the meeting--thank you for those that have contributed to the conversation. After closing the public hearing, the Committee determined that the sites analysis was sufficient for City Council to consider next steps in partnering with a non-profit developer to pursue an affordable housing project at 1 Hamilton Drive.

Please note that City Council will hear the item at its June 21 City Council meeting. The item was originally scheduled for June 7th but has been moved to the 21st to allow more time for community input.

Please feel free to share this e-mail and the information below:

* City Council will consider the item at its June 21st meeting.
* All comments received to date will be part of the City Council materials. Additional comments may be sent to me as well.
* A staff report will be provided before the meeting, and I will send it to this e-mail group.
* All Housing Advisory Committee materials, including comments and a link to the zoom video are available here: https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/housing_/housing_advisory_committee/default.htm

Sincerely,

Danielle L. Staude
Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
(415) 388-4033

www.cityofmillvalley.org<http://www.cityofmillvalley.org/>

Danielle Staude

From: lainiefisch@comcast.net
Sent: Monday, May 31, 2021 9:26 PM
To: Danielle Staude
Subject: RE: Update: City Council hearing for 1 Hamilton Drive - JUNE 21, 2021
Attachments: Marin IJ 05.30.21.pdf

CAUTION: External Sender

Dear Ms. Staude,

Attached are Marin IJ.com reader comments published yesterday in response to the IJ's May 30 article about the state housing mandate, linked here: https://www.marinij.com/2021/05/30/marin-housing-mandate-prompts-1-6m-outlay-for-consultants/.

Please share these comments with the MV Housing Advisory Committee and the MV City Council prior to the June 21 meeting regarding the proposed affordable housing project at 1 Hamilton Drive. I wholeheartedly agree with the comments, and with the many impassioned arguments voiced by the community at the May 25 Housing Committee meeting, in opposition to the proposed development on Hamilton.

I have lived in Mill Valley since 1982 and have watched our streets have become dramatically more congested with traffic over the years. Many at the May 25 meeting described it as gridlock. It's critical that we take climate change, and the resulting drought and fire danger, into consideration before allowing local government to charge ahead with a reckless plan at 1 Hamilton that would result in further decline of our quality of life in Mill Valley. Clearly, cramming another 40 housing units into a residential and parkland neighborhood with no public transportation in the immediate vicinity is certainly not going to solve Mill Valley's traffic problem.

Mill Valley Police and Fire Department vehicles need to be able to exit the Public Safety Building on Hamilton at a moment's notice to handle emergencies. I hope the City will keep Hamilton a one-way street for that reason. And I hope the Housing Committee and MV City Council will consider the much more rational option of converting an already-existing commercial property in a less-congested area of Mill Valley into affordable housing.

Sincerely,

Elaine Fischman, Homeowner
555 Seaver Drive
Mill Valley, CA 94941

From: Danielle Staude <dstaude@cityofmillvalley.org>
Sent: Thursday, May 27, 2021 11:32 AM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: Update: City Council hearing for 1 Hamilton Drive - JUNE 21, 2021

Hello,

You are receiving this e-mail because you registered for the May 25th Housing Advisory Committee. Thank you for your interest in the Committee and its agenda items. At the meeting, the Committee heard a staff presentation followed by a

2021.05.30 – Reader comments in Response to Marin IJ article entitled "Marin housing mandate prompts $1.6M outlay for consultants"

https://www.marinij.com/2021/05/30/marin-housing-mandate-prompts-1-6m-outlay-for-consultants/

"Luckily, California is currently losing population (hooray!), some big tech is moving out. We're stuck with persistent if not permanent COVID, the extreme, over-inflated cost of housing and Megadrought. The overlords are ignoring this big dry, which is already considered equal to the worst in the last 1200 years, and we're just getting started. Marin has already hit peak housing density, IMHO, and if we have another monster drought year in 2022, some municipalities may have to truck in water. Of course, developers are salivating over desal or a deus ex machine pipeline, or both. But east bay residents aren't going to want to share their scarce water, and already Sonoma County has cut back their allocation to Marin. It should be plain as dry dirt, there's no way to mandate an unsustainable housing push, if we do, we're fools and we're damned. But it's not us, of course, it's the ringleaders and Big D development profiteers. Yes, as Frank says it's time to lawyer up..."

"Thank you Marin IJ for alerting Marin residents as to what the State Legislature is trying to do to unincorporated Marin. Please write up what the State is requiring each of our 11 incorporated cities & town to approve also.

In 1971 Marin prepared the Countywide Plan. It was entitled "CAN THE LAST PLACE LAST? Preserving the Environmental Quality of Marin". If the State Legislature has its way, Marin's environmental quality won't last.

If CA Senate President Pro-Tem Toni Atkins has her way, we won't recognize Marin and her 11 incorporated cites & towns in 10 years. She a huge conflict of interest as her spouse is a consultant to major developers and is making millions of dollars as a result of new housing requirements. It's time for Marin & our 11 incorporated cities & towns to lawyer up!"

"Wiener, Atkins and Gavin et al....They've built a house of cards. SB35, SB9 SB10, SB1120 ad infinitum. Their house of cards is built on the foundation that California's local communities and citizens will meekly agree that single family neighborhoods are racist and must be eliminated; that citizen sheeples will agree that four and split-lot eight unit developments with no parking will be totally compatible in single family neighborhoods; that "streamlining new high density developments with "density bonuses" and minimal parking will work great in your community; that concerns about design review, infrastructure, water supply and traffic impact should no longer be considered in the permit approval process. Our leaders in this duplicitous, unending regional power grab are soon to experience their own special "last supper". Citizen and community backlash will soon crush this underhanded house of cards."

"STOP the INSANITY! Last I looked, Marin lost 1000 residents and California lost more. I can't wait till we run completely out of water. I guess all those thousands of new homes will just drink dirt. Sounds good to me.

Let's see - no water, no roads, no workers, no building supplies, skyrocketing building supplies costs - should be a cakewalk! YAY - I love affordable housing! YAY!
I would prefer it if we just used the money to sue the state and ABAG. Proabably would be better spent."

"...Marin should use the money instead to sue ABAG for the huge excessive quota."

"Yep...We have always been at odds with ABAG. There was a suggestion in 2004 that the County just get out of ABAG and bring our 11 cities with us. That 108 Member "quasi" government should not have control over our county. But our county supervisors ignored the suggestion as "radical" and not productive. Here we are 15 years later and still not meeting ABAG edicts and still at odds with their mandates, now being taken on by state legislation. We do need to sue."

"Can we say "down a rathole?" What's the point in having a county or city government if the state is going to trample over any decision they make? If losing funds is the cost of dropping out of ABAG, it's worth it."

"$1.6M... the consulting fees seem exorbitant. A 19-fold increase in new housing units seems absurd (2025 - 2031) , considering climate change and a water shortage, and traffic gridlock all over Marin. (No the answer isn't more bike lanes and fewer car lanes, or the SMART train.) As for hiring a firm in Pasadena - do they have any idea what it's like here? Or is it a boilerplate project - wherever they see a hole on the map, voila - a stack and pack project like Handi-Cup in Corte Madera? And it seems local jurisdictions have no review process, and no input? The draconian hand of ABAG is about to strangle us. And we have to live with their 'wisdom'. Let's slow this down, and think it through –"

LOCAL NEWS

Marin housing mandate prompts $1.6M outlay for consultants

By RICHARD HALSTEAD | rhalstead@marinij.com | Marin Independent Journal
PUBLISHED: May 30, 2021 at 12:12 p.m. | UPDATED: May 30, 2021 at 12:13 p.m.

Marin County will spend $1.6 million for outside planning consultants as it grapples with a state mandate to allow thousands of new homes.

The Board of Supervisors approved the hiring of BMIG, which is based in Berkeley, on May 18. The contract calls for BMIG, with the assistance of Pasadena-based Veronica Tam Associates, to develop a program environmental impact report for the housing and safety elements in its general plan.

The development of the housing element in particular will be a daunting task because the state is requiring Marin to adjust the element for 3,569 new residences in unincorporated Marin County from 2023 to 2031, a more than 1,900% increase from the 2015-2023 cycle.

"We have this unprecedented amount of Regional Housing Need Allocation to plan for and a whole slew of new state laws governing both housing element and safety element updates," said Tom Lai, director of the county's Community Development Agency. "That is primarily the reason we're going outside."

Lai said there are also conflicting demands on his staff's time. It has been required to work on the county's Homekey housing acquisitions as well as distributing millions of dollars in federal financial aid to renters. Lai also said he has two unfilled positions among his staff of 10 planners.

Every eight years, the state Department of Housing and Community Development projects how much new housing will be needed in the Bay Area to accommodate expected population and job growth. The Association of Bay Area Governments (ABAG) then decides how many of those homes to assign to each county and municipality in the region. Local jurisdictions are required to adjust their zoning laws to make the creation of that amount of housing possible.

Senate Bill 35, which became effective Jan. 1, 2018, mandates that any municipality or county that fails to build the amount of housing assigned to it by ABAG is subject to a streamlined approval process for new housing projects.

Over the last several years, a raft of new state laws has stripped local jurisdictions of much of their discretion to review and approve residential housing projects.

Assembly Bill 686, which was adopted in 2018, requires that the housing element identify housing sites for lower-income families and people near high quality schools, employment opportunities and public transportation.

According to the staff report presented to supervisors on May 18, Veronica Tam Associates is already working with the California Department of Housing and Community Development to develop a template that will meet the requirement.

Senate Bill 379, adopted in October 2015, requires all counties and cities to update the safety elements of their general plans to ensure they include a plan for adaptation to climate change. The safety element must also provide for flood and fire protection.

The objectives of the housing and safety elements could clash. Supervisors are relying on the creation of more "accessory dwelling units," also known as granny apartments or in-law apartments, to help meet the ambitious new housing assignments. In February, they relaxed restrictions on the creation of such apartments in the wildland urban interface, retaining stricter requirements only for properties in high fire hazard severity zones.

The drought, commonly believed to be the result of climate change, could also make meeting housing targets more difficult. Leelee Thomas, a county planning official, said the housing element will be required to determine if there is adequate water to accommodate increased housing growth.

A document saying out the scope of MIG's work states, "Community acceptance of a 19-fold increase in new housing units in the county will be difficult for many community members to accept, and we expect they will make their disagreement and concerns known regardless of state law requirements."

Tags: Climate Change, Fire prevention, Housing, Marin County, newsletter, politics

Richard Halstead | Reporter

Richard Halstead is a news reporter covering Marin County news, politics, health care, social services, Fairfax and San Anselmo.

rhalstead@marinij.com

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9 Strange Things Millionaires Do With Their Money, But Most of Us Have Never Tried

By The Penny Hoarder

These are simple money moves any normal, non-millionaire person can make today.

Kelsey Rogers

From: Susan Hayes <susanh418@icloud.com>
Sent: Monday, May 31, 2021 9:08 AM
To: city clerk
Subject: Apartments

CAUTION: External Sender

Please make sure you do traffic studies on East Blithedale before oking new developments. The traffic jams are bad already !!!!
Susan Hayes
Mill valley

Sent from my iPhone

Danielle Staude

From: Mill Valley Beautiful <millvalleybeautiful@gmail.com>
Sent: Monday, May 31, 2021 12:03 PM
To: Danielle Staude
Subject: Golf course usage

CAUTION: External Sender

Danielle,

Please provide the percentage of green fees at the MV Golf Course that are paid by residents of the City of Mill Valley.

Thank you,

Mill Valley Beautiful

Danielle Staude

From: Danielle Staude
Sent: Tuesday, June 01, 2021 7:53 PM
To: Mill Valley Beautiful
Subject: RE: Mill Valley Beautiful Letter re: Hauke Park

Hello,

I am working on a staff report that will discuss many of the issues you raise.

PG&E project. This project is intended to balance vegetation interests with fire safety interests. The city and neighbors have worked with PG&E on a landscape restoration project. Most of the new trees have been installed, and shrubs and groundcover will follow. Also, the existing fence around the substation equipment may be replaced with a taller fence to provide additional screening.

Other Site options. There were various criteria used to get to the identified site including size, slope, construction feasibility, location, FEMA Floodway and existing use. Please submit your comments in terms of your interest in further pursing the Golf Course for the various reasons you mentioned to City Council for their consideration. The Methodist Church is a long-term opportunity identified since it is not owned by the City. The statement about being close to the sewage treatment plant is due to criteria used to rank a site in terms of funding. There are environmental justice items that are taken into account when evaluating and financing sites.

Potential Flaws in the Plan. Environmental factors, such as archeology, traffic, parking, circulation will be evaluated as part of site planning but we are currently not at that stage. There are many multi-family apartments that have 1 space per unit in the City, particularly on Miller Aver and Lovell/Downtown. Sea level rise, drought and fire safety will have to be evaluated as part of the project and also part of site planning and environmental review but we are currently not at that stage. The average slope is based on the parcel. However, a large portion of the project would be 0% since it is utilizing the parking area. The siting of driveways and parking spaces will be conducted as part of design, which is further along in the process once a the City knows there is an interested non-profit developer and should Council move forward and select a partner.

Clarification. We were confirming with the County if there were any requirements on their end due to the location near the bay. The bayland corridor only applies to parcels in their jurisdiction.

Sincerely,

Danielle L. Staude
Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
(415) 388-4033

www.cityofmillvalley.org

From: Mill Valley Beautiful <millvalleybeautiful@gmail.com>
Sent: Monday, May 31, 2021 10:34 AM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: Fwd: Mill Valley Beautiful Letter re: Hauke Park

CAUTION: External Sender

Hi Danielle,

When can we expect to hear responses to the questions submitted last week?

Thank you,

Mill Valley Beautiful

---------- Forwarded message ---------
From: **Mill Valley Beautiful** <millvalleybeautiful@gmail.com>
Date: Mon, May 24, 2021 at 2:07 PM
Subject: Mill Valley Beautiful Letter re: Hauke Park
To: Cheryl Reiss <cherylbreiss@gmail.com>, <gbatroff@hotmail.com>, Kelly Drury <braddrury@me.com>, <max@maxperrey.com>, <kirkjknauer@gmail.com>, <gigi_eric@hotmail.com>, <Jhds@sbcglobal.net>, <christine@christinedonohue.com>, <anita.scott@gmail.com>, <gunnel.strom@comcast.net>, <rodib@yahoo.com>, <craigviolin@sbcglobal.net>, <judith@p-r-g.com>, <Kthulquist@gmail.com>, <sbatroff@hotmail.com>, <riaboff@comcast.net>, <gkatz00@yahoo.com>, <David@techcontracts.com>, <seilingj@comcast.net>, <joanprigian@hotmail.com>, <jgassman@gmail.com>, <kspencxr@gmail.com>, Steve Jaber <sjaber@pacbell.net>, <jhdevitt@yahoo.com>, <samanthac.monge@gmail.com>, <davidmlevin@yahoo.com>, Ingrid Woods <ingridw@pacbell.net>, <Staci_Nicholas@yahoo.com>, <tom.benoit@comcast.net>, <csheyder@gmail.com>, <Autria.christensen@gmail.com>, <ahmad@nanawall.com>, <Jill_Lebsock@gap.com>, <clebsock@hausfeld.com>, Sandra Mardigian <smardigian.kilili.self.help@gmail.com>, <gillianemblad@gmail.com>, Daniel Karner <dbkarner@att.net>, <hans_fallant@comcast.net>, <kjrosenblatt@gmail.com>, <Carriesher@yahoo.com>, Nana Meyer <nana@nanameyer.com>, <anicholas@yahoo.com>, <dstaude@cityofmillvalley.org>, Paul Sidorenko <psidorenko@gmail.com>, <ebindelglass@hotmail.com>
Cc: <smcentee@cityofmillvalley.org>

Dear Ms Staude,

We'd like to make the following comments in opposition to the housing development being proposed for Hauke Park.

The proposal ignores the single family zoning adjacent to the parcel, and ignores the aesthetic value of the open space and Hauke park. On Page 4 of the Housing Advisory Committee Memorandum, you reference the zoning of the nearby Shelter Bay and Enchanted Knolls properties as justification for the rezoning of this parcel to 29/units per acre. The parcel being considered for development fronts Hauke Park, and is otherwise surrounded by single family zoning. It is not adjacent to Shelter Bay or the condominiums at Eucalyptus Knolls. This proposed project is completely out of character for the location, will have numerous negative impacts and should be dropped from consideration immediately.

We disagree with the finding in The Housing Workshop report that developing this parcel is justified since it is "located within larger open space areas, sited to be on frontage roads so as not to disturb recreation/open space enjoyment." Constructing a large multi unit building on a parcel less than one acre will be massive and will destroy the aesthetic of the park. The Consultant report suggests 22-39 units for the site. Even 22 units would be a massive building, completely out of scale for the neighborhood and the park.

The footnote (1) on page 4 of The Housing Workshop report offers excellent advice:
"It should be noted that downtown Mill Valley has numerous examples of privately-owned parcels that are currently underutilized (e.g. aging one story commercial structures and/or underutilized parking lots). While these parcels were not analyzed directly in this memorandum, they should be considered as potential housing or mixed-use sites during the City's upcoming Housing Element update process,

because downtown infill locations typically create very desirable locations with services for multifamily projects. These kinds of projects also serve to activate streets, bring new shoppers, and contribute to a vibrant village center."

Just because the city owns the parcel, doesn't mean that it should be developed. If a private party owned the 1 Hamilton parcel, and came into the city with this proposal, it's unlikely it would ultimately be approved for rezoning to this many units.

As you know, there is new ADU legislation passed within the last year to allow up to two additional units per parcel, on nearly every single family lot in Mill Valley. Few are aware of this, due to the pandemic happening concurrently, but this will have a huge impact on Mill Valley in the coming years. It will add density to the single family neighborhoods. There are many other proposals working through the state legislature that could have additional huge impacts on Mill Valley. These impacts and other potential impacts from impending legislation at the state level, are new and should be considered.

There is an excellent Marin IJ article from May 17, 2021 written by Alan Jones from the Tam Design Review Board, that I think makes some important points:

Pause housing, zoning legislation for thorough examination
https://enewspaper.marinij.com/?publink=15fdf442c_1345d79



Pause housing, zoning legislation for thorougl examination

By Alan Jones There is a flurry of bills flooding the state Legislature

enewspaper.marinij.com

Quoting this article:

- "Higher density should be located where it does not cause the destruction of sensitive natural resources. Evisceration of the California Environmental Quality Act, removal of lot coverage maximums and removal of tree protection ordinances and stream setbacks will have a tremendously negative impact on the environment."

- "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."

- "New higher density should not be overlaid indiscriminately over our existing, flawed, suburban model of development. Ubiquitous single-family zoning may be a deterrent to affordability, but ubiquitous densification is not the answer. Across the board densification only builds on our existing unsustainable development pattern and must be discouraged and avoided."

- "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."

- "New higher density must have or provide infrastructure to support it. Bills that exempt developers and the state from paying for the infrastructure upgrades new density requires are subsidizing private developers and shifting costs to the taxpayers."

- "Higher density should not destroy the property investments of the working and middle class. By allowing higher density everywhere, properties of very high value will remain unchanged, and investment now focused in the poorest areas will fall away. Housing developers will tend toward 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 on these communities will be the most destructive."

- "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 and affordable housing, but should not be imposed upon. Carefully studied and thoroughly thought out community plans and public input should not be disregarded."

The proposal to develop the city owned Hauke Park parcel, fails on most, if not all of these quoted points. These points should be considered before allowing High Density housing anywhere in Mill Valley.

Our families chose to live in Mill Valley and not Los Angeles or even San Francisco. This is a small town with small town character. Just because the city owns this Hauke Park parcel, doesn't mean that it should be developed into high density housing.

I respectfully request that the city drop this proposal immediately, and look at more suitable alternatives.

Thanks for your consideration of these points.

We have also attached a list of questions. Please respond when you have a moment.

Sincerely,

Mill Valley Beautiful
Gary Batroff
Cheryl Reiss
Brad Drury

Danielle Staude

From: Carlin Long <carlinslong@gmail.com>
Sent: Wednesday, June 02, 2021 10:11 AM
To: Planning
Subject: Hauke Park Development

CAUTION: External Sender

To Whom it May Concern,

I feel strongly that the Planning Board needs to conduct a careful traffic study before giving a green light to further progression of the Hauke Park proposed development.

Sincerely,
Carlin Long
Eucalyptus Knolls Homeowner
Mill Valley 94941
(303) 246-S058

Danielle Staude

From: Elizabeth O'Donnell <csleo5280@gmail.com>
Sent: Wednesday, June 02, 2021 7:41 AM
To: Planning
Subject: Hauke Park

CAUTION: External Sender

Hi
I attended the meeting you had last week regarding the Development Housing project. I object to the placement of a parking lot in Hauke Park. I believe a traffic study is necessary before this project is to be moved forward for bid with any development companies.
Sincerely
Elizabeth Long
95 Eucalyptus Knoll St
Mill Valley

Danielle Staude

From: Rod Eshelman <rode16@comcast.net>
Sent: Wednesday, June 02, 2021 8:10 PM
To: Danielle Staude
Subject: Comments for the City Council on 1 Hamilton

CAUTION: External Sender

I would like to lodge the following objections to the proposed project at 1 Hamilton.

1- The Committee improperly considered only the cheapest alternative;
e.g. flat city owned parcels that would fit a 40+ box of apartments.
2- Concentrating low income residents in a 40+ unit building would not
support the City's goal of inclusiveness.
3- There is insufficient space for parking. Apparently the parking lot
will be increased from 38 to 50 spots for the public, but additional outdoor parking will be needed for the residents.
4- Increased traffic will adversely impact access by the fire
department to quickly exit on a road that is already clogged with traffic on weekends and during team play at the park.
5- The new residents will certainly use Kipling for access to the
freeway, which will add traffic and danger for children on that street.
6- The City promised the Enchanted Knolls residents that Hamilton would
never be a two way street. This project puts pressure on the city to make Hamilton two way.
7- The Committee refused to compare traffic and safety problems raised
by Hamilton with other possible locations
8- Streets around the park are becoming busy thoroughfares. Adding
houses and parking across from the park adds more traffic will adversely affects the safety of everyone crossing the streets.
9- No thought was given to the availability and cost for sufficient
sewer and water capacity.
10- The Committee landed on a minimum size of 40 units crammed into a
small parking space solely to save money without considering how out of character and incompatible such a large project would be in the residential neighborhood.
11- The Committee did not consider rising sea levels as projected on
markers along the bike path.

Sincerely,

Luray Eshelman
80 Millay Place
Mill Valley

Danielle Staude

From: Peter Emblad <emblad@gmail.com>
Sent: Thursday, June 03, 2021 7:48 PM
To: Danielle Staude
Subject: Hauke Park project

CAUTION: External Sender

Hello
In reference to the proposed multi unit building proposed in the Hauke park area, I want to voice my strong objection to this.
Again tonight I came home from work by my usual route, which is along Hamilton drive by the Safety Buiilding. The park was full of kids playing sports and kids, coaches, and parents crossing the streets in multiple locations, including up to their cars parked along almost every block in Enchanted Knolls.
There is simply no capacity for more cars, more traffic, and there actually needs to be a large REDUCTION in the amount of traffic in this neighborhood, as all of these children running around and crossing the streets is simply not safe.
I am in support of finding a solution to the low income housing project, and there are multiple other locations that would be much more sustainable to the traffic patterns, the safety, the aesthetics and the vibe of Mill Valley. This location is simply not one of them. It may be the cheapest. It may be the easiest. That does not make it the best, or even close to the top, and it needs to be reconsidered.

Thank you for your time
Peter Emblad
50 MIllay place

Danielle Staude

From: Carrie Sherriff <carriesher@yahoo.com>
Sent: Thursday, June 03, 2021 9:45 PM
To: Danielle Staude
Subject: Hauke park

CAUTION: External Sender

I've lived on Longfellow for over 30 years. A lovely accessible site for access to the bike path, game sites, easy commute for children to pre school, middle school, and high school. Don't take away the safety factor of their walking or biking by trying to set a round peg in a square hole. Choose another much more appropriate site!
Regards, Carrie

Carrie Sherriff Broker
Carrie Sherriff Real Estate

carriesher@yahoo.com

415 328-6416

Danielle Staude

From: PC CHIANG <pccsf@ymail.com>
Sent: Friday, June 04, 2021 8:42 AM
To: Danielle Staude
Subject: 1 Hamilton Site Proposal - site selection is contradicts consultant's report

CAUTION: External Sender

Hi Danielle,

Can you please record my dissent to the 1 Hamilton site selection for the proposed apartments?

In her 2/20/2021 report, the consultant clearly stated that
1) she finds Boyle Park to be "the best of the 4 identified sites".
2) she assumes Hauke Park is a potential site only " Until further biological and survey studies can be conducted".

If Boyle Park has been identified as the best site, why did the Housing Commission select Hauke Park? Why pay money for a consultant only to disregard her initial recommendation? If the goalpost has shifted, where is that communication and where is the consultant's final analysis?

Documents from 2015 and 2017 did not include Hauke Park as a possible site. Even with its inclusion in the consultant's 2021 report, Boyle Park was still recommended over Hauke Park. Yet here we are in May 2021, with no reason provided for the change. It appears the Housing Commission may have run out of options and simply rushed this project along, pinning down Hauke Park with no community input and dialogue. Please provide ample reasons and open up the site selection process again to comply with legal due process (ref "Brown Act").

Residential neighbors, sports teams, skatepark and playground users will be most impacted by your proposal, not to mention the commuters and emergency vehicles who use Kipling and E. Blithedale to get around Mill Valley. This matter will have lasting impact on Mill Valley, so I urge you to open it up for broader community input (not just to neighbors within the required notification range) and consider vested neighbors' viewpoints before rushing this process along. Full transparency and honesty will help us build a better community.

Thank you,
Pei | 85 Kipling Dr

Danielle Staude

From: Brian Mcarthy <brianmcarthy1@gmail.com>
Sent: Friday, June 04, 2021 8:35 AM
To: Danielle Staude
Subject: Hauke park building

CAUTION: External Sender

Definitely OPPOSED TO ANY BUILDING ON PUBLIC LAND!!!.What are you people doing?? this is wrong.Mill valley character is that it has parks for kids to recreate in.The people of mill valley chose to live here rather than a high density city,now this committee is undermining that beauty and turning mill valley into exactly what the residents DO NOT WANT!!.Sacramento and abag should not dictate our housing policy.Also developers paying off committee members or politicians to sell our our town.NO TO ANY BUILDING ON PUBLIC LAND!!.Just day NO!.acram

Danielle Staude

From: Ruth Holly <ruthholly@hotmail.com>
Sent: Friday, June 04, 2021 2:44 PM
To: Danielle Staude
Subject: Public Comment for 6/21/2021 City Council Meeting re 1 Hamilton Drive (Hauke Park) Housing Project

CAUTION: External Sender

Hauke Park 4 Story 40-unit Apartment Building

Dear Mill Valley City Council,

I am a 29-year resident of Enchanted Knolls and live at 26 Keats Drive. I was not notified by the city of the proposed development but did find out about it from neighbors on Next Door about a week before the May 25, 2021 Housing Advisory Committee Meeting. I attended this meeting.

The consultant's judgement was that the Hauke Park site would interest a developer, and this appeared to be the extent of her analysis. The impact on city residents did not appear to be a concern. We were told that further project feasibility studies would be performed by the developer! Our concerns about inappropriate density, design, parking, child safety, traffic, water shortages, park access, and disparate impact on the neighborhood were not adequately addressed.

Most of the Housing Advisory Committee members are involved in the multiunit housing development business. The winner if this proposal is approved will be a member of their industry who perhaps is a Housing Advisory Committee member in another city. The committee members do not live in the neighborhood.

Their decision to proceed with the proposal appeared predetermined since it was unanimous, and they had prepared articulate political speeches to justify their action against the interests of current residents.

Please represent the best interest of the current residents and children of Mill Valley and not those of housing developers or agenda driven political activists. Concerns about inappropriate density, design, parking, child safety, traffic, water shortages, park access, and disparate impact on the neighborhood should be addressed prior to proceeding.

Sincerely,

Ruth Holly

Danielle Staude

From: Barbara Lenehan <balenehan@gmail.com>
Sent: Friday, June 04, 2021 5:52 PM
To: Danielle Staude
Subject: Re: Parking at one Hamilton

CAUTION: External Sender

6/4/2021
Danielle

Thank you for your prompt response regarding parking at 1 Hamilton.
1. Guest parking
The Pro Forma states that "Mill Valley requires 2 parking spaces per unit plus .25 space for guest parking, in its multi family zones. The pro forma assumes a waiver of this regulation to reduce parking to1.5 spaces per unit...."
This would add to the 110 spaces - - 60 for the residences and another 50 to replace the parking for Hauke Park playing fields (removed to build in the former parking lot). The guest parking for 1 Hamilton building was not addressed at all in the calculation.

2. DesignatedE EV charging and handicap parking spaces At present the lot has 35 spaces for ordinary parking. In addition,the two auto charging stations, three spaces are required and for the present 2 handicap areas again three spaces are necessary. The 40 unit building may be mandated to have more than 2 handicap spaces e.g. three handicap slots require 5 spaces.
Have these two issues been addressed?

Thank you
Barbara Lenehan

Sent from my iPad

> On Jun 4, 2021, at 8:50 AM, Danielle Staude <dstaude@cityofmillvalley.org> wrote:
>
> Hi Barbara,
>
> That is correct. The physical layout of parking would be developed as part of the site planning and design once the City has established that there interest in the project from non-profit developers and has moved forward with such a partnership.
>
> Danielle L. Staude
> Senior Planner
> City of Mill Valley
> 26 Corte Madera Avenue
> Mill Valley, CA 94941
> (415) 388-4033
>
> www.cityofmillvalley.org
>
> -----Original Message-----

> From: Barbara Lenehan <balenehan@gmail.com>
> Sent: Thursday, June 03, 2021 3:57 PM
> To: Danielle Staude <dstaude@cityofmillvalley.org>
> Subject: Parking at one Hamilton
>
> CAUTION: External Sender
>
>
> 6/3/2021
>
> The number I calculate for the new housing project to be above 110—
> ——60 for the new building plus service people and 50 to replace the
> present lot Please comment Barbara Lenehan
> 14 Eucalyptus Knoll
> Mill Valley, CA 94941
>
> 941-258-2913
> balenehan@gmail.com
>
> Sent from my iPad

To: Mayor McCauley
Mill Valley Planning Commission

From: Stephanie and Mark Breitbard
225 Roque Moraes Drive

Date: June 4, 2021

Re: Proposed low-income housing complex at Hauke Park

Dear Mayor and council members,

Thank you. Thanks for your time on 5/25 and your time devoted to working for our shared city. We realize that several of you are volunteers and that you do not have easy jobs. We also realize that most Mill Valley residents will resist having a 40-unit apartment project (of any kind, high or low income!) spring up in their neighborhood. That said, we whole-heartedly agree with the points Jeralyn Seiling made in her email dated 5/26/21, and would like to offer the following additional observations related to the "deliberations" by the committee members that followed public remarks:

This isn't about affordable housing. We believe a 40-unit building (of any income level) on .75 acres in a grid-locked traffic area is terrible for the community.

Mill Valley needs to solve its traffic problem. The existing road infrastructure cannot support Mill Valley's current population size. It can take 30-40 mins to get from downtown Mill Valley to 101, at all times of day. The city is doing a disservice to its homeowners to be exploring ways to build 800 more apartment units prior to expanding road capacity. You need to prioritize CURRENT Mill Valley tax-paying citizens before you prioritize NEW ones!

The public "deliberation" was a railroad job. To call what happened at the last public hearing a "deliberation" by an unbiased representative body that followed public comments is ridiculous. Tuesday night's event was public theater, designed to give the appearance that local residents have influence and a voice, when it was clear we do not. The "vote" outcome was a foregone conclusion. You all went into it knowing how you would vote because it is aligned with your interests and not the interests of the people who live on this hillside.

There is not ONE resident of this hillside on the voting panel. How can that panel can be empowered to decide what goes into the center of our area without anyone to represent us?

This project does not have broad community support. One of the slides of the representatives said that this project has "broad community support". This is false. The support you are referring to is from residents from other neighborhoods who weighed in – like the Boyle Park resident, and residents from Hazel and Heather. We now have 160 people on our hillside organizing against this project. This qualifies as broad community "opposition", not "support".

We are not against change. Mr. Yolles mentioned it is normal for people to be resistant to "change". This is not about resisting change. We have lived here for 14 years. We approved the solar panels behind the police station. We approved the community garden which went into the parcel bordering our land – even though we went from having an unobstructed view to now looking at the community garden from our house.

This neighborhood has already been mistreated. This community is suffering from the PG&E tree decimation on the first stretch of Roque Moraes! We lived here for 14 years and never even noticed that there was a plant there and now we drive by an eye sore every day. Our neighbors on that side of Roque Moraes have certainly had their house values decline. The massive tree in Hauke Park that had to be cut down has left us with a large dead tree trunk, which the city has not done anything with.

Considering only public-owned land for this project is short-sighted. You mentioned needing 800 units over time. Your consultant said this city is so limited – she's never seen anything like it. We have few options because you started with the most limited view possible, instead of the standard business practice of starting with the best option, unconstrained, and work back from there. We insist that you open this process up to explore more suitable, possibly private land.

More thoughts on traffic. The argument from Mr. Franklin that adding low-income housing REDUCES traffic is the implausible. All the same people still live here and still need to get their kids to/from school and sports and go to/from work and now you add 40 more families = 160ish more people and you think traffic will DECREASE? Sometimes it takes us 15 minutes to literally go the ½ block from Kipling to the highway. The city has shown no ability to alleviate the terrible traffic on Blithedale, but it is entitled to add to it in the name of affordable housing? One representative falsely claimed that the traffic is only bad when the highway is backed up. THAT IS FACTUALLY INCORRECT. The traffic clears at the point when you finally get to the on-ramp and past the last light over the bridge onto Tiburon Blvd! It clears there almost always regardless of traffic on the highway. We drive the ½ block to the highway about 10 times a day. The traffic is gridlock there all day long. The highway is not. The expansion of the Northbound 101 onramp to 2 lanes has done nothing to improve Eastbound Blithedale traffic.

Thanks for listening.

Sincerely,

Mark and Stephanie Breitbard

Danielle Staude

From: Patricia Coronado <patricia.coronado@gmail.com>
Sent: Saturday, June 05, 2021 6:55 PM
To: Planning
Subject: 40-unit Apartments Next to Hauke Park

CAUTION: External Sender

I am writing as a concerned Mill Valley citizen. My son plays soccer at Hauke Park twice a week.

Forty units can easily mean 70-80 additional cars on the road in that area.
Hamilton Drive has the police station and the fire station. I don't think it is prudent to add so much additional traffic to a road that has emergency vehicles going through daily. That makes no sense.

There are other open spaces in Marin that can accomodate a 40 unit structure. This is not a good place. There are many kids in that park daily. They run across the road often. All of those additional cars pose a hazard to those kids.

Please do not allow this to happen. Thank you.

PC
Patricia Coronado
646-295-3215
patricia.coronado@gmail.com

Danielle Staude

From: A Bartholomew <asbartholomew02@gmail.com>
Sent: Saturday, June 05, 2021 6:02 PM
To: Planning
Subject: New Housing Development

CAUTION: External Sender

I would like to write my support of the new housing development in Hauke park. For a town of so called liberals with signs supporting Black Lives Matter, LGBT+ folks, women, etc, there is no support for lower income people. Nothing in this town comes above property value. Low income families do not matter to people living in their multi million dollar homes. I was born and raised in Mill Valley but we're having to leave because we cannot afford housing and the people who live here refuse to support more housing. They will worry about the lack of diversity and feel guilty about living in a segregated community but not enough to actually help people and allow more people other than insanely wealthy white people to live here. I fully support building more housing, this is what we need in CA and this is how we can make the first moves to help our community.

-Alex Bartholomew. Edna Maguire, Mill Valley Middle School, and Tamalpais High School graduate.

Danielle Staude

From: Danielle Broude Yokell <danielle.broude@gmail.com>
Sent: Saturday, June 05, 2021 3:40 PM
To: Planning
Subject: hauke park

CAUTION: External Sender

hi there! thanks for all your work making our little town so incredible. i heard through the grapevine we're contemplating a 40 unit build near hauke park. this is the location of our kids' amazing soccer tournaments and playground activities. it's really difficult to park as is and lots of traffic in and out of the area. i fear a dense building would only exacerbate that, so i ask if you wouldn't mind not pursuing this project. thank you!!

danielle broude yokell
415.265.5720

Danielle Staude

From: Jasmine Bean <jasminefsears@gmail.com>
Sent: Saturday, June 05, 2021 1:05 PM
To: Planning
Subject: Apartment complex by hauke park

CAUTION: External Sender

Hello!

As a resident and home owner in Mill Valley, I would like to voice my support of building high density housing by Hauke park. While at my sons soccer game today, there was someone there handing out flyers campaigning against this development. My husband and I and our 3 children are in support of increasing access to affordable housing in mill valley. This will support the local small businesses who need minimum wage employees as well as (hopefully) increase diversity.

Thank you,

Jasmine and Dave Bean

Danielle Staude

From: Penna Omega <Penna@rimsandgoggles.com>
Sent: Saturday, June 05, 2021 12:21 PM
To: Planning
Subject: Hauke Park development

CAUTION: External Sender

City of Mill Valley,

As a lifelong resident, MV business owner and parent to a MV school district 1st grader, I would like to express my shock and disapproval of this plan to build yet another high impact project in what is already a congested Mill Valley. Over the years it has become hostile and downright frustrating to run even the smallest errand.

What has always made Mill Valley special was the ease of the people and the beautiful surroundings. Why insist on building on already impacted areas when there are dilapidated buildings already here in need of modernization or rehab.

More people doesn't fix the rent issue.

Fix what is broken, don't create more problems for your tax paying residents.

Penna

Penna | Rims & Goggles

Marin: 415.383.9480 | email
Berkeley: 510.225.0960 | email

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www.RIMSandGOGGLES.com

Danielle Staude

From: RICHARD AND SHEILA HABIB <sheilahabib@comcast.net>
Sent: Saturday, June 05, 2021 12:19 PM
To: Danielle Staude
Subject: New development at Hauke

CAUTION: External Sender

Hello Danielle,

I would like to clarify that you are willing to partner with the neighborhood to address our concerns.

I am not willing to believe that you are ramming this project through.

Can you speak to this? As a Senior Planner, certainly you would not make plans without partnering with current residents, would you?

Our neighborhood looks forward to working with you to create a development that works for both of us.

Sincerely,
Sheila Habib

Danielle Staude

From: RICHARD AND SHEILA HABIB <sheilahabib@comcast.net>
Sent: Saturday, June 05, 2021 12:12 PM
To: Danielle Staude
Subject: Affordable housing unit at Hauke

CAUTION: External Sender

Hello,

I am not opposed to having affordable housing in my neighborhood.

I am concerned about parking and traffic.
Traffic is already a minus during certain field day events at Hauke, as well as daily on E. Blithedale.

I am not opposed to opening Hamilton to both ways of traffic, either. Please consider this.

Thank you for your consideration of my thoughts.
Sheila Habib
14 Brooke Circle

Danielle Staude

From: RICHARD AND SHEILA HABIB <sheilahabib@comcast.net>
Sent: Saturday, June 05, 2021 12:09 PM
To: Danielle Staude
Subject: high density housing at Hauke

CAUTION: External Sender

Hello
As a Shelter Ridge neighbor, I am concerned with a 4 story building in our neighborhood.

I am not opposed to affordable housing, but also have a concern that *anyone* not just MV residents can live there.

Would you please reconsider *four* stories?
I cannot think of one four story building in our entire town.

Could we have two stories?

Thank you for this consideration.
Sheila Habib
14 Brooke Circle

Danielle Staude

From: Ann Mannheimer <annmann84@hotmail.com>
Sent: Sunday, June 06, 2021 9:51 PM
To: Planning
Subject: FW: I Disapprove of the Plan for 1 Hamilton Drive

CAUTION: External Sender

I want to voice my strong disapproval of the plan for 1 Hamilton Drive. I am a big walker and walk around the neighborhood for recreation and health. The traffic and parking already is making this walking difficult. There are so many cars parked on the street and so much traffic that often it is difficult to even cross the street. I am very concerned that increasing the density and adding more units will make this even more difficult. We need to preserve the quality of our neighborhood.

I am opposed to the development of 1 Hamilton for more housing,

Respectfully,

Ann Mannheimer
#117 Eucalyptus Knoll

Danielle Staude

From: Ann Mannheimer and Randall Matthews <mattmann84@comcast.net>
Sent: Sunday, June 06, 2021 8:07 PM
To: Danielle Staude
Subject: 1 Hamilton Drive - An Extremely Bad Idea APN 030-25-

CAUTION: External Sender

Dear Ms. Danielle Staude,

I am writing express my opposition and disapproval of the proposed housing for 40 units of housing across from Hauke Park. There is low income housing on Hamilton/Seaver and BMR units in Eucalyptus Knoll. There is not enough water for more units, not enough parking, not enough roadways out of the area. The quality of life here is very much at stake. Please tell the City Council I expect them to vote NO on 1 Hamilton Drive.

Randy Matthews #117 Eucalyptus Knoll

Danielle Staude

From: Kristen Hansen <kristenshansen@gmail.com>
Sent: Sunday, June 06, 2021 4:28 PM
To: Danielle Staude
Cc: Planning
Subject: Construction Project at Hauke Park

CAUTION: External Sender

Hi Danielle,

I'm a resident on Millay near Hauke Park and I'm writing to express my concern about the 40-unit housing project being considered. It seems to be poorly planned without concern for the park and surrounding neighborhood.

It's unfortunate that this project isn't being given the right amount of consideration. I would absolutely be in support of more affordable housing projects in the City of Mill Valley, including in this neighborhood, if the planning was more appropriate for the area. Namely, a smaller project with more thought as far as parking and traffic flow.

Already, the streets in this neighborhood are lined with cars whenever there are activities going on at the park. The current parking lot and small lot across from the police station are not adequate for current park activity. To add a 40-unit building without sufficient planning for additional parking would cause chaos and safety concerns in the streets surrounding the park as dozens of people search for parking in the area. I walk by the park all the time and have already had close calls with drivers that are distracted, looking for parking along the street and not observing pedestrians appropriately.

The City should instead consider constructing a number of smaller affordable housing projects dispersed throughout the area.

Thank you for your consideration.

Kristen

Danielle Staude

From: Anita Scott <anita.scott@gmail.com>
Sent: Sunday, June 06, 2021 11:26 AM
To: Danielle Staude; city clerk
Subject: Save Hauke Park - Site Analysis Not Sufficient

CAUTION: External Sender

Dear City Council,

I highly oppose the suggested use of the .75 acre parking lot/bathroom area at Hauke Park for a high-density, 4 story, 40 unit apartment building.

It is totally out of character with the open space park setting. The proposed zone change from the current "open space" zoning that would allow this to happen is unconscionable. We should be protecting our open space and parks, not building a 4 story apartment complex in them.

It was evident after attending the 3 hour Housing Advisory Meeting that the HA Committee had already decided to move forward with the Hauke Park recommendation without seriously considering the nearly 100 letters plus speakers' comments opposing it. We left that meeting feeling unheard and that our comments were uniformly disregarded.

Furthermore, it was clear to all, the parameters the hired consultant used in making her selection of the Hauke Park site were highly restrictive to a limited number of possible choices. The site analysis was not sufficient, and should be broadened. It would be negligent to move forward in developing the Hauke Park site.

Sincerely,
Anita Scott
149 Roque Moraes Drive

Danielle Staude

From: flowchart@gmail.com
Sent: Monday, June 07, 2021 9:22 AM
To: Danielle Staude; Planning
Subject: Housing Advisory Committee 5/25/21 Meeting Comments

CAUTION: External Sender

Hello Danielle Staude and Committee members,

Can you please include this letter as part of the public record regarding the proposed 1 Hamilton Drive public housing project.
Problems with the url (I used .com instead of .org) caused the original submission on May 25th to be undeliverable. Thank you.

As a long-time resident of the enchanted knolls neighborhood I would like to add my endorsement and support of the issues and concerns regarding the proposed 100% Affordable Housing project at The Public Safety Building(PSB)/Hauke Field that are voiced in Jim Devitt's letter to the committee dated 5/23/21.

My particular concern is with public safety and traffic congestion with the proposed stated need to relocate the current parking and restroom facilities to some as-yet-to-be-determined location within the existing parcel. I am also concerned with the need to provide additional street parking related to the proposed new building, even in its reduced requirement mode. As you are well aware, traffic congestion in the area surrounding the park and adjacent areas, such as community garden, bayside biking and hiking trails, etc. is already dangerously congested. School children, au-pair's, dog-walkers, playground users, baseballer's, soccer players, lacrosse teams, volleyballers, birthday partyers, jumphousers, family gatherers, etc, all use the park steadily during school sessions, sports seasons, and fair weather. This park is not just for the locals, it is used by folks from near and far and is a great facility in its current configuration. I've heard anecdotally that the Hauke Park facilities are the most heavily used in the Mill Valley park system. Whether that's true or not, I do know from years of living here that it is a robustly active area, particularly after school and on weekends.

I am concerned that the proposed re-evaluation of the traffic flow related to this proposed project is something of an excuse to revisit and potentially undue the one-way traffic restriction that currently exists on the section of Hamilton beyond the police department bldg heading east toward hwy 101. Undoing this restriction would introduce a major increase in traffic all of the time and would involve a huge increase in the traffic on the neighborhood streets feeding directly into Hamilton such as Roque Moraes and Kipling.
Whenever there is more than normal traffic congestion on Hwy 101 heading north, commuters and others use the Hamilton cut-off to circumvent freeway and cut-over to Blithedale and Camino Alto. Undoing the one-way constraint would introduce this same dynamic in the opposite direction whenever there were problems on Hwy 101 heading south. There would be constant increased traffic flow through the playground, and all park and field areas.

Roque Moraes is a particularly dangerous road. There are areas near the approach to the PG&E yard at the top of the hill that are precipitously adjacent to steep slopes - there is literally no shoulder to the road for a significant stretch. Bikers use this road frequently - there is little room to maneuver. Any abrupt swerve or bump could potentially result in vehicles tumbling down the hill.

This is the main road that already serves as access for the Police and Fire Department vehicles at times rushing to complete their service duties. We cannot make it even more congested or challenging by placing additional demands on the current configuration.

My other general concern is with all of the acknowledged "unknowns" related to environmental impact, and re-configuration of the existing park layout to accommodate the current parking and facilities. Also what about the water hookups for the new facility? In these days of drought, maybe we should hold off on big new water demands.

As for diversity, where is diversity when all of the low-income and very-low-income units are located in one compressed building? We need to spread the diversity throughout the community more broadly and to look at true equity building opportunities for those responsible, yet economically challenged individuals. There's no real equity opportunity in rental housing except for those building/owning, continuing to manage the project.

In short, it seems premature and over-reaching to come to major decisions about feasibility of the project and planned next steps, without adequate input from the affected neighbors and additional definition of the project details/scope and impact to community safety and environment.

I do appreciate the work you and staff are providing including this opportunity for feedback.

Thank you for your efforts,

Dave Ewing

68 Millay Place

Hannah Politzer

From: mprice the-acorn.com <mprice@the-acorn.com>
Sent: Monday, June 07, 2021 2:43 PM
To: city clerk
Subject: Affordable Housing on Hamilton Drive

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: External Sender

Dear Tiburon Mayor and City Council members,

Thank you for considering the much-needed issue of affordable housing in Mill Valley. In my opinion the city owned property on Hamilton Drive represents a good opportunity to provide affordable housing in our community.

Sincerely,

Marilyn Price

Hannah Politzer

From: Margaret Fisher <fishermarn@aol.com>

Sent: Monday, June 07, 2021 7:25 PM
To: city clerk; Jim Wickham - Mill Valley mail; John McCauley; Sashi McEntee; Urban Carmel; Alan Piombo
Subject: Public Comment for Affordable Housing Site - MV Safety Building site

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

Dear Mayor and City Council Members:

I want to go on record in favor of the Council proceeding to investigate the proposed Affordable Housing site near the MV Public Safety Building on Hamilton Dr.

I believe the arguments voiced against this site are incorrectly woven into issues that need to be addressed separately, with or without the affordable building.

Drought

"We don't have enough water for us! and it's only going to get worse." The affordable housing planned for MV Public Safety Building site will take (officials say) longer than two years before beginning construction. The current status is in the incipient investigatory stage. Our drought will continue with or without this building. All those who are concerned about lack of water should be composing letters and emails and writing and calling MMWD and our supervisors to demand more storage and possibly desalinization plants, as well as requiring grey water systems & other water mitigation steps for water usage in new homes, and any big remodels.

"We are in a drought & all new construction should stop. Only rehab buildings for affordable housing ...."

If multiple families move into a rehabbed building (ie. Old drugstores or malls or unused hotels have all been mentioned)... water usage will go up just like in a newly constructed housing.

Traffic

"We already are in gridlock on Bithedale and Miller avenues, this building will only make it worse!" Traffic will not miraculously get better on its own. A traffic study needs to happen now, to include the 40 +\- affordable housing units. The exit from Bithedale onto 101 needs to be corrected ASAP. This argument needs to go to Cal trans. There needs to be a solution to the current traffic regardless of the status of the Hauke Park building site.

Population

Both "**Our population is not growing here in MV, so we don't need more housing. And Schools are overcrowded and portables are all over our current schools. We don't need more children."** From 2010 to 2019, our population has grown by 2.5% . Marin has a total population of approx 250,000. Mill Valley has a population of approx 14,000. Approx 20% are under 18y.o. Many of our workers, teachers, dental assistants, technicians, etc. cannot find housing here. In addition, many of our children cannot afford to live in their own home town.

Our water and traffic issues will exist, with or without affordable housing. These both need to be addressed separately AND directly, with MV City Council, MMWD, CALTrans and our Marin BOS.

The issue of adequate parking is linked to that potential building site and seems a realistic puzzle that needs to be addressed and solved specifically in relationship to that building.

Having a more diverse neighborhood is just going to improve Mill Valley. Friends in the East Bay who had lived here in white rich MV, cherish the various neighbors they now have. Our kids will thrive in diverse schools and we will thrive too, knowing we are a welcoming and pluralistic Mill Valley.

Thank you,

Margaret Fisher
70 Helens Lane
Mill Valley, CA 94941

Danielle Staude

From: Lynnette Teti <lfteti@gmail.com>
Sent: Tuesday, June 08, 2021 4:45 PM
To: Planning
Subject: No more growth

CAUTION: External Sender

To Whom It May Concern,

Please do not raise up any additional new housing structures when we are in a severe drought (which has become the norm here).

Building a new apartment complex next to Hauke Park will create an influx of new arrivals straining our limited natural resources. Please think about our environment and the future. It is a poor decision to build additional housing when we live in fear year after year from low water levels and wonder whether our house will burn down in a fire because of the drought.

Read the news, look around you, does it really seem logical to add more housing in a highly drought-stricken county?

Lynnette

Hannah Politzer

From: DRCKW@YAHOO.COM
Sent: Tuesday, June 08, 2021 5:39 AM
To: city clerk
Subject: low income housing proposal

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

June 8, 2021
Greg Hildebrand, Chair, Planning Commission
Alan Linch, Vice-Chair, Planning Commission
Patrick Kelly, Director of Planning & Building
John McCauley, Mayor
Jim Wickham, Vice Mayor
Urban Carmel, Councilmember
Sashi McEntee, Councilmember
Tricia Ossa, Councilmember
City of Mill Valley
26 Corte Madera Avenue
Mill Valley CA 94941

Dear City Council

I am writing concerning your plan to destroy the area near Hauke park and turn it into high rise low income housing.

I cite your violation of the city core values, in particular "A healthy natural environment with emphasis on conservation, open space, climate protection and sustainability." And "Preservation of a vibrant community that respects Mill Valley's small-town character. "

Destroying this open space would be a blight on what we value; our healthy natural environment, which we are supposed to value in Mill Valley, not destroy.

Part of the s mall town character of Mill Valley includes access to and enjoyment of this open park land and bayfront area as well as access to athletic fields. I see yoga classes being held on the fields, and a number of athletic activities for children, such as baseball, soccer, and LaCrosse in Hauke park. Every Saturday morning there are long lines of cars parked to bring their children to play on their local sports team. Not all towns have the ability and means to sponsor all these athletic events for their children, but we value that as part of our small town character. What happens to this very busy activity of numerous children when you bring in a high rise complex across the street with its surface parking? Where do parents park? How can they participate in our vibrant community if this area is congested and blocked off with a low income complex? Is that what the city council considers "vibrant"?

Your plan includes destruction of the restroom area that is currently across from the athletic fields, and on sports days, it is heavily used by the children. Your plan blithely says "Current restrooms and parking area for Hauke Field will need to be relocated elsewhere." Just exactly where? What open space are you planning to destroy to re-create what is already there? What's the cost of this that us taxpayers have to support?

Additionally, there is already low income housing very close by on Seaver Drive, which means that the City Council considers it acceptable to pack this particular neighborhood of Mill Valley with low income housing. Why should this neighborhood have to support these projects while other areas of town do not? Shouldn't these projects be dispersed with some equal distribution throughout Mill Valley rather than crowding them all in one place? Is this scale and density consistent with Mill Valley character? This neighborhood already has several multi-family dwellings nearby; what does this do to traffic patterns when multiple units are In close proximity?

What about evacuation routes? This new high rise will only add more cars and people that would need to evacuate from that area in the event of a catastrophe, such as a major fire and/or earthquake, and East Blithedale would be the closest path taken to the freeway. And we know that the city has no solution to remedy the congestion on East Blithedale. Has the MV Housing Authority even considered the numbers of added young people, plus families, that utilize the park (across from the proposed site) on any given day and/or weekend for sporting events and how all those families would be able to evacuate through East Blithedale? What about our fire and police that need quick access out Hamilton during a widespread emergency?

It's extremely disappointing that such a short-sighted low income housing proposal would even be considered by the MV City Housing Authority, when the emergency measures mentioned above have not been remedied, when city v alues are being violated, and the beauty of our open space threatened. How in the world would this respect our "small town character"?

I strongly urge cancellation of this ridiculous proposal for low income housing at 1 Hamilton Drive in consideration of the points raised above.

Sincerely,

Cherie K Whitmore

Danielle Staude

From: Barbara Lenehan <balenehan@gmail.com>
Sent: Tuesday, June 08, 2021 9:19 AM
To: Danielle Staude
Subject: One Hamilton Place

CAUTION: External Sender

6/8/21
Danielle

How and which city department handles public safety? Is the police department part of the assessment process? Does the assessment process also include recommendations to decrease potentially hazardous conditions (both from the public and from the safety department/ committee) and are they presented to the planning board? Do all permits for proposed constructions include a safety analysis — negative impact of increased traffic , safety of children and disabled etc?

Thank you

Barbara Lenehan
14 Eucalyptus Knoll
MV

Sent from my iPad

Danielle Staude

From: Ann Mannheimer <annmann84@hotmail.com>
Sent: Tuesday, June 08, 2021 9:30 PM
To: Danielle Staude; Planning
Subject: Proposed Building on Hamilton Drive - 40 Units

CAUTION: External Sender

We are opposed to this construction on Hamilton Drive. We just received an orange postcard that there is a meeting on June 21st to decide this issue. I just received it this past weekend. Aren't you required to inform people earlier about these projects? Our City Council should want people to be informed and have input into what they are doing. This is not the way local government should operate and it may not even be legal.

I hope the City Council will Vote NO on 1 Hamilton –

Ann Matthews

Danielle Staude

From: Ann Mannheimer and Randall Matthews <mattmann84@comcast.net>
Sent: Tuesday, June 08, 2021 9:24 PM
To: Danielle Staude; Planning
Subject: Proposed Construction at 1 Hamilton Drive

CAUTION: External Sender

Dear Ms. Straude,

Please convey to the Mill Valley City Council that I am very opposed to proposed project near the public safety buildings on Hamilton Drive. There is not enough water for the people who now live in Southern Marin. In our home we are trying to conserve by not flushing toilets, reducing shampoos, and doing less laundry. All of this is very inconvenient and unpleasant. My home smells like urine.

I think that current housing should be used to make housing for the people who would be in these proposed units. Why can't a building such as the Travel Lodge on the frontage road be purchased and used? Also maybe an existing apartment building could be converted to units instead.

I have a lot of ideas that would not require more water and more density,

Thank you,

Ann Mannheimer

Danielle Staude

From: Douglas Clark <douglas.gordon.clark@gmail.com>
Sent: Wednesday, June 09, 2021 7:26 AM
To: Danielle Staude
Subject: 1 Hamilton Dr feedback & opposition

CAUTION: External Sender

Hi Danielle

As a very close resident of Huacke park and the area, I would like to express my strong opposition to this project. I plan on listening to the zoom as well. If there is any more I can do to try to stop this from happening, please let me know. It feels as if there was no discussion, votes, or community outreach for something that will transform the area forever.

Thank you
Doug

Danielle Staude

From: jane black <jeb9392@gmail.com>
Sent: Wednesday, June 09, 2021 7:54 AM
To: Danielle Staude
Subject: Hauke Park development in a drought?

CAUTION: External Sender

Thank you in advance for considering my input and responding to my questions.

I am very concerned about 2 critical impacts of putting in a 40 unit development at Hauke Park.

Water: Can you please tell me how adding ANY water hook-ups in Mill Valley without adding a plan for getting more water is a good decision? This is not a short-term 'because we only have 48% of our reservoirs full and NO way to get more water right now' question. It is a serious 'we are in the midst of climate change AND Marin is notorious for having droughts' question. Until there is a viable source for additional water (not just a plan), I can not support ANY development. Nor can I support any water board and/or supervisor who supports adding water hookups.

Emergency Access: Mill Valley government has consistently kept Hamilton one-way so that emergency vehicles can successfully navigate in an emergency. With the increase of fire potential, this is even more critical. Unless there is an absolute guarantee that Hamilton will stay one-way, I can not support any supervisor that supports this new development.

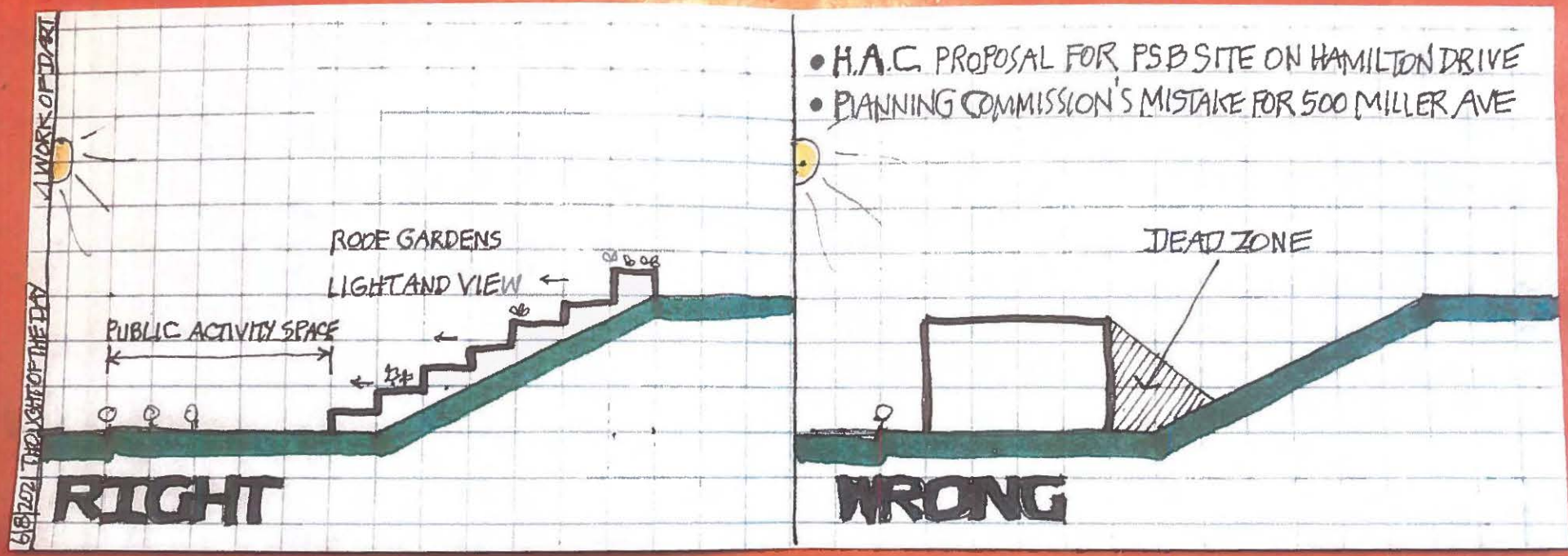
Please provide information as to the water hook-up dilemma and the emergency vehicle challenges. Thank you.

Jane Black
60 Longfellow Rd
Mill Valley, CA 94941

Kelsey Rogers

From: Esther Cherk <edcherk@gmail.com>
Sent: Tuesday, June 08, 2021 2:06 PM
To: city clerk
Subject: Learn and share...to city council and HAC
Attachments: IMG_3004.jpg; ATT00001.txt

CAUTION: External Sender


A WORK OF ART
THOUGHT OF THE DAY
ROOF GARDENS
LIGHT AND VIEW
PUBLIC ACTIVITY SPACE
RIGHT
• H.A.C. PROPOSAL FOR PSB SITE ON HAMILTON DRIVE
• PLANNING COMMISSION'S MISTAKE FOR 500 MILLER AVE
DEAD ZONE
WRONG

MILL VALLEY

REQUEST FOR QUALIFICATIONS

FOR THE DESIGN, DEVELOPMENT AND MANAGEMENT OF AFFORDABLE HOUSING UNITS

Submit proposals per attached instructions
on or before
Date TBD

DRAFT

PREPARED BY THE CITY OF MILL VALLEY
PLANNING DEPARTMENT
UNDER THE DIRECTION OF

Patrick Kelly, AICP
Planning and Building Department

ATTACHMENT 5

TABLE OF CONTENTS

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I. Introduction, Project Description & Objectives

The City of Mill Valley ("City") is requesting qualifications from nonprofit affordable housing development teams ("housing team") interested in partnering with the City to design, build and manage at least 40 affordable, below market rate units on a City-owned parcel at 1 Hamilton Drive (Assessor's Parcel 030-250-01). The site location is approximate based on a preliminary site and financial feasibility analysis, see Attachments for details.

City-owned Parcel at 1 Hamilton Drive
Approximate site location outlined in yellow (.75 acres)



The City will process and comply with various state laws, including the surplus land act and environmental review (CEQA) as part of the project.

Qualified teams meeting the RFQ qualifications and demonstrating experience and capability of designing, building and managing affordable housing are encouraged to submit responses. Interested parties may submit as an individual entity and/or may partner with other entities, so long as the collective group meets the RFQ requirements.

Objectives for the site are as follows:

1. The integration of a well-designed housing community that "encourages the continued diversity of housing, income levels and lifestyles in the community." (General Plan goal).

2. Providing affordable below-market rate rental housing to serve low- and moderate-income residents and families by building affordable units on the 1 Hamilton site, with priority in housing the City's local workforce and their families.

3. Engage stakeholders and incorporate the community's interests into site planning and design through various forms of outreach such as community workshops, neighborhood meetings and charrettes.

4. Site planning should assume that the existing uses contained within the proposed footprint, including public parking, restrooms and electric vehicle charging are either maintained or relocated in the surrounding area with an overall interest of improving circulation and parking in the area. Currently there are 38 public parking spaces available on the site. The City is interested in exploring options to increase public

parking by approximately 50 spaces through creative design considerations and site planning.

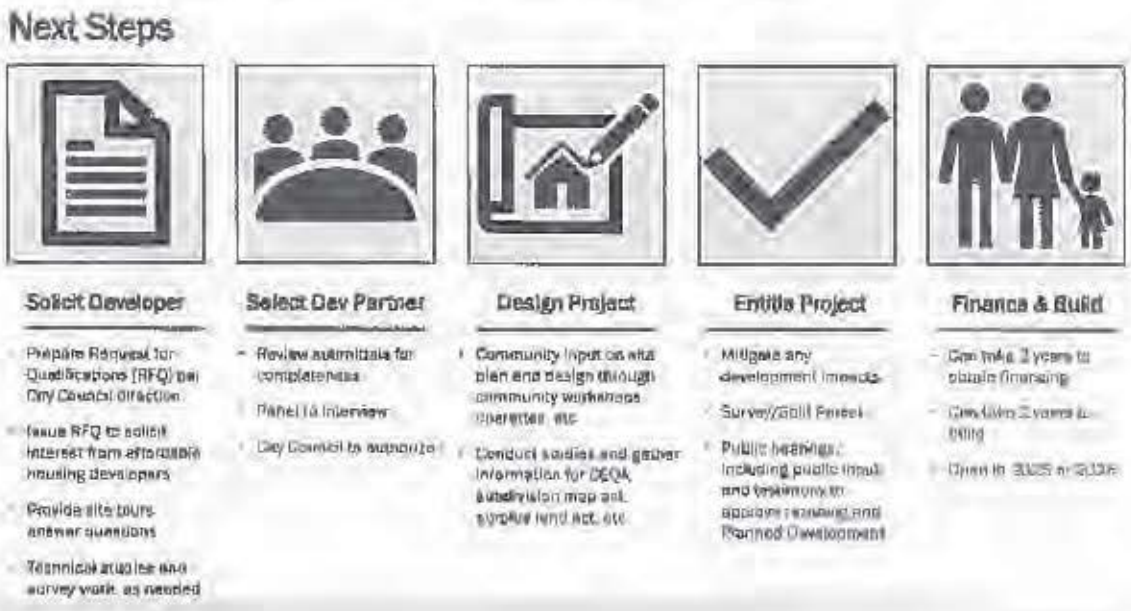
5. Integration of environmentally sustainable practices to foster long term sustainability of the development and surrounding environment.

II. Overall Approach and Role of the Housing Team

The City seeks an experienced affordable housing team to entitle, develop and manage the affordable housing proposal and implement the City's goals and objectives.

It is anticipated that the housing team will use a combination of limited local funds, tax credits and other funds for planning, design, construction and management of the housing units. The land will be leased to the non-profit organization for use of the property. The site is located within the boundaries of the City of Mill Valley and is currently zoned Open Area (OA). The City anticipates that the property will require a lot split, rezoning, general plan amendment and review consistent with CEQA requirements. The City will help sponsor the lot split, rezoning (from Open Space to RM-B/Multi-Family Residential Bayfront) and General Plan amendment
(designating the site to MFR-2 providing with maximum densities of 29 units/acre).

The City anticipates a phased work plan, see illustration below.



The City expects the housing team to work collaboratively with the City and the Mill Valley community to design new homes that address site constraints, topography and natural features, adheres to the City's multi-family design guidelines and incorporates circulation, parking and safety into the site design.

The City anticipates that the housing team will utilize the Planned Development overlay or State Density Bonus law to provide flexibility in achieving an adequate number of units on site while also addressing community interests.

Once community input has been received as part of site planning and developing well-design housing concept, the project elements and design will be subject to review under the California Environmental Quality Act (CEQA) to the extent required by law.

The Housing Team's role will include the following:

- Work in collaboration with City staff and the community to design, build, finance and manage the site.
- Engage the community to develop an initial site layout that considers local community interests such as circulation, pedestrian safety and relocation of public parking and restroom facilities.
- Work with City staff and the community to design a housing community that accommodates at least 40 affordable rental units in accordance with the City's development requirements and;
- Assemble and coordinate the team members to perform due diligence, site planning engineering and other professional studies to secure planning entitlements;
- Secure financing for the affordable housing project;
- Provide long term management of the affordable housing units in accordance with all regulatory agreements;

Local funding includes the Housing Trust Fund, which generates approximately $250-300K a year.

III. Qualification Requirements

Qualifications must include examples of prior projects successfully developed with detailed information regarding the housing team's experience and role in engaging the community as part of the site planning and design process that result in thoughtful well-designed affordable housing projects.

Letters of recommendation from local jurisdictions or other partnering agencies as part of the development process are encouraged.

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The following information is considered relevant experience that will be used to determine if a housing team is qualified:

- Financing strategies to successfully design, build and manage the new housing
- Successful community engagement process that results in the well-designed housing that provide a quality living experience for residents and are an asset to the surrounding neighborhood
- Experience with sustainable construction practices and integrating sustainability measures into new communities
- Successful record of working with community organizations and public agencies to implement the City's goals and objectives
- Long-term management of affordable housing

Qualifications may also address or include recommended strategies based on the experience of designing, building and financing affordable housing.

IV. Submission Deadline and Next Steps

Submit qualifications to:

City of Mill Valley
26 Corte Madera Avenue
Planning Department
Mill Valley, CA 94941
ATTN: Patrick Kelly
pkelly@cityofmillvalley.org

Submit PDF copies of the proposal to the City of Mill Valley, no later than 5:00 PM on **XXX, 2021 (date to be determined)**. Proposals may be mailed or emailed. Late submittals will not be accepted and incomplete submissions will not be considered.

Direct questions to:
Danielle Staude, Senior Planner, 415-384-4204
dstaude@cityofmillvalley.org

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Optional site visits may be scheduled with planning staff by contacting the above-referenced contact.

To ensure fairness and avoid misunderstandings, all interested parties may submit written questions regarding this RFQ to the above-referenced e-mail no later than one week prior to the submission deadline. Questions from individuals, organizations or firms that are not non-profit housing developers will not be addressed as part of this RFQ. Phone calls and faxed questions will not be accepted.

An addendum will be posted on the City's website, as needed.

Should one or more entity satisfy the above-referenced qualifications, staff will present the material for City Council's review and approval those housing teams deem "qualified". In doing so, Council will consider issuing a Request for Proposal(s) whereby those qualified housing teams will be asked to submit proposals to the City specifically related to the 1 Hamilton site. There are no appeals associated with City actions related to those housing teams recommended or considered qualified.

The submission of qualifications in response to this RFQ shall not be binding upon the City nor construed as a contract with or a commitment by the City. The City will not pay any costs incurred in the preparation of a response to this request. The City reserves the right to make decisions on which proposal it deems in the City's best interest, including rejecting all submissions or cancelling the RFQ process at any time prior to entering into a Professional Services Agreement and/or a Development Agreement. The submitted qualifications, and any information made part of the responses, will not be returned.

A sample agreement for consulting services is attached. A successful housing team shall be required to comply with the City of Mill Valley's Professional Services Agreement (attached) and all applicable State and Federal Codes.

V. Statement of Qualifications and Format <draft>

The City is requesting qualification statement to assess interest in this opportunity. Qualified housing team(s) will be invited to submit additional information through the issuance of a Request for Proposal (RFP). Responses to this RFQ should express the housing team's interest and capability of successfully designing and building housing on the site based on past experience.

Concise and focused responses are encouraged.

1. **Cover Letter:** Should include the housing team name, mailing address, legal status, participating firms or partner(s), primary lead's contact information and signature of the authorized corporate officers.

2. **Experience:** Provide a narrative that details the experience of the development team as it relates to the design and construction of affordable housing projects. The information submitted must be sufficiently detailed to allow the City to judge the team's ability to complete the project.

   Provide at least **three** most relevant completed projects completed in the last ten (10) years including:
   - Project description including location, number and size of units, level of affordability, amenities, and construction dates.
   - Brief description of construction costs and financing sources.
   - Description of the development team, including experience with similar projects.
   - Local governmental reference (name, organization, phone number and email address).
   - Project photographs.

   Additional "pipeline" projects indicating the number of units, level of affordability and stages completed may also be included.

3. **Approach and Work Plan.** Describe your approach to the various aspects in developing a successful, well-designed and community accepted affordable housing development. The work plan should include:
   - A description of the overall timeline and phasing of work, including but not limited to, site planning, community outreach, design, entitlement review and approvals, and financing.
   - The approximate number of housing units that the housing team anticipates given the site characteristics and topography; required replacement of public parking, public restrooms and electric charging stations; financing required for the housing concept to "pencil out;" and any other considerations.
   - Identification of the roles of each member of the housing team, including the project manager, community outreach facilitators, architects, engineers, contractors, financial or equity partners, lenders and any known participating entities.
   - Resumes and relevant experience for each of the key staff members that are part of the housing team.

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- For joint management structures, provide a description of the roles and responsibilities of each organization.
- Description of the long-term management plan.

4. **Outreach, Affirmative Marketing and Community Engagement:** Describe your organization's overall approach to community outreach and inclusion.

   Please also provide typical outreach activities during the site planning and design process as well as the initial leasing period. Select one example of a co munity outreach strategy and how it affected a previous project.

5. **References:** Minimum of three (3) client references. References shall be nonprofit housing corporations, California cities or other large public-sector entities. Provide the designated person's name, title, organization, physical and email address, telephone number, and the project(s) that were completed under that client's direction.

6. **Professional Services Contract:** Indicate your willingness to accept the terms and conditions in the Sample of Agreement for Consultant Services (see Attachments).

VI. Evaluation of Qualifications <draft>

The Mill Valley City Council has the ultimate responsibility for the selection of the housing team with the assistance of a selection committee, including representatives of the Housing Advisory Committee.

Each submission will be evaluated based on "Pass/Fail" criteria. A submittal that fails to meet the "Pass/Fail" criteria, including, without limitation, any minimum requirement, will not be placed on the list of qualified development Applicants. Only those applications that are determined to have passed all of the following "Pass/Fail" requirements will be eligible to participate in future Request for Proposal set out by the City.

"Pass/Fail" criteria include the following items:

1. All required information is included, as outlined in Section V.

2. Overall project understanding given City goals and objectives as well as context of the site.

3. Project experience is deemed relevant and acceptable, including:

- Demonstrated ability to successfully conduct public outreach and promote community involvement.
- The ability to work with the local community to develop a community-based housing concept that integrates local community interests and surrounding neighborhood character into site planning and design.
- Development of 3 affordable or mixed income projects within the last 10 years.
- Demonstrated ability to attract, leverage funds and qualify for other subsidized funding sources (e.g. tax credits, bond financing, federal/state/local funding; grants; and/or other funds).
- Successfully operating and managing the completed real estate project, including sustaining occupancy and maintaining site operations and character.

3. Demonstrated commitment to meeting schedules and City requirements, compliance with local, state and federal law and providing infrastructure and other off-site improvements, as needed.

4. Letters of recommendation are deemed relevant and acceptable.

5. Overall willingness and capacity to work cooperatively with the community in the design and development of projects, as well as the long-term management of projects.

The City reserves the right to:

- Request additional information.
- Extend the due date of the RFQ.
- Interview any or all housing teams.
- Reject, in whole or in part, any or all proposals.
- Obtain additional proposals beyond the due date if the proposals received are unsatisfactory.
- Negotiate with any qualified source.
- Cancel, in whole or in part, this Request for Qualifications.

All proposals will become the property of the City and are subject to Public Information Requests. The RFQ is not a contract or a commitment of any kind by the City and does not commit the City to award an exclusive development option. No reimbursement will be made by the City for any cost incurred by housing teams in preparation of the response to this RFQ.

VII. Proposed Timeline <to be determined>

The City intends to hold this RFQ open for four (4) weeks and allows housing teams to continue to submit responses until the RFQ is closed. The City, at its sole discretion, may amend the dates or extend the RFQ by addendum to the RFQ.

Action	Date APPROXIMATE/DRAFT
Issuance of RFQ	July 28, 2021
Submittals Due	August 25, 2021
Review of Submittals	September 15, 2021
Identification of Qualified Housing Teams	September 20, 2021
Report to City Council and Release of RFP to Qualified Housing Team(s)	September 20, 2021
Selection of Housing Team	TBD

VIII. Attachments & Links

Attachments:

1. Sites and Financial Feasibility Analysis conducted by The Housing Workshop Consulting Firm
2. Professional Services Agreement
3. Deed and supporting information

Related links:

- Mill Valley General Plan
  https://www.cityofmillvalley.org/gov/generalcode/generalplan/default.htm

- Housing Advisory Committee Home Page
  https://www.cityofmillvalley.org/gov/departments/building/planning/longrangeplannig/housing_/housing_advisory_committee/default.htm

- Multi-Family Design Guidelines
  https://www.cityofmillvalley.org/civicax/filebank/blobdload.aspx?blobid=25178

DRAFT

EXHIBIT O

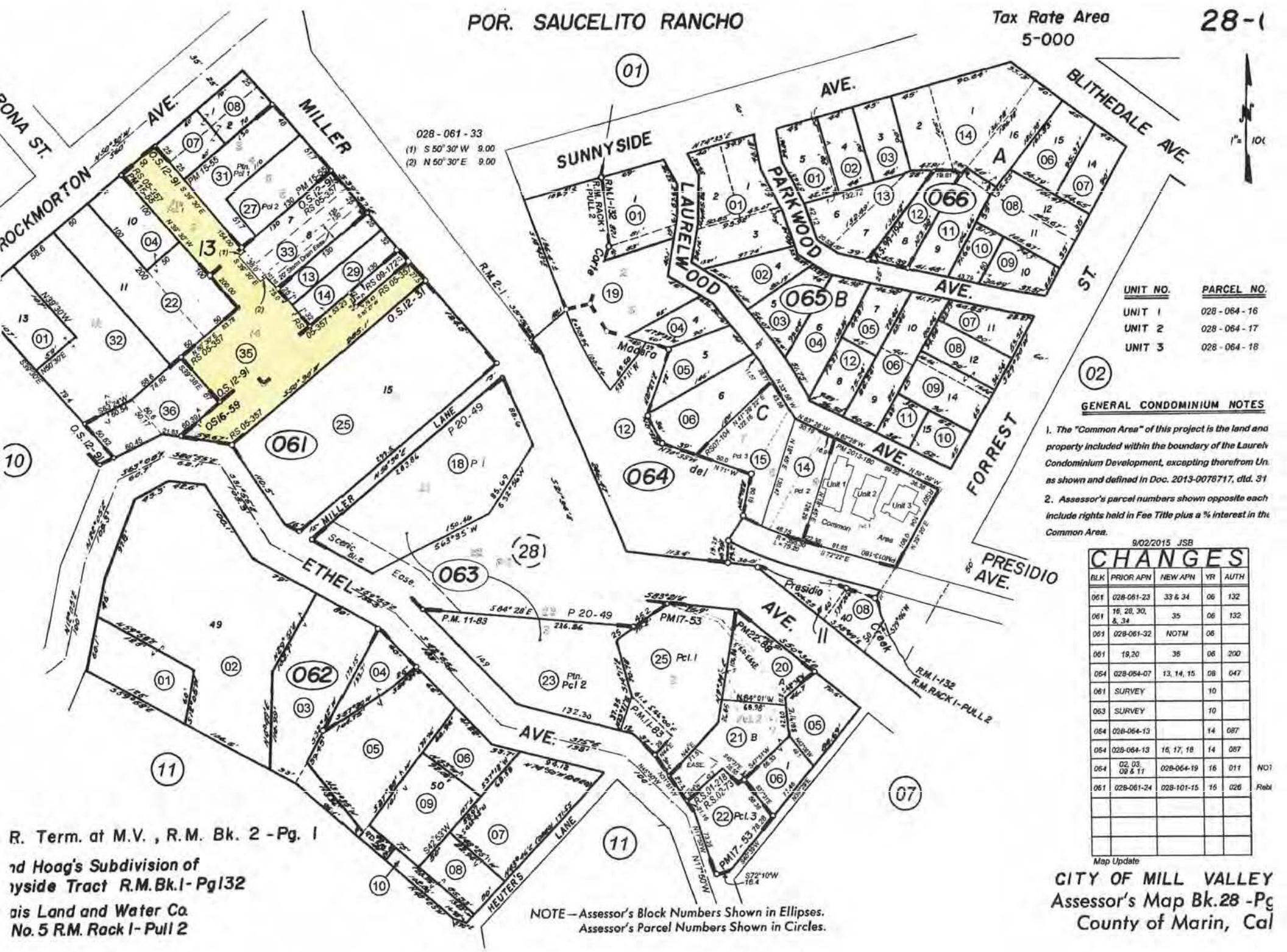

POR. SAUCELITO RANCHO
Tax Rate Area
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028 - 061 - 33
(1) S 50° 30' W 9.00
(2) N 50° 30' E 9.00
SUNNYSIDE AVE.
BLITHEDALE AVE.
MILLER AVE.
ROCKMORTON AVE.
LAURELWOOD AVE.
PARKWOOD AVE.
FORREST ST.
PRESIDIO AVE.
ETHEL AVE.
MADERO AVE.
LANE
Scenic Blvd
Ease.
Presidio
Cr. Creek
R.M. 2-1
R.M.1-132 R.M.RACK 1-PULL 2
R.M.RACK 1-PULL 2
061
062
063
064
065
066
A
B
C
AO
Unit 1
Unit 2
Unit 3
Common Area
UNIT NO. PARCEL NO.
UNIT 1 028 - 064 - 16
UNIT 2 028 - 064 - 17
UNIT 3 028 - 064 - 18
GENERAL CONDOMINIUM NOTES
1. The "Common Area" of this project is the land and property included within the boundary of the Laurelw Condominium Development, excepting therefrom Un as shown and defined in Doc. 2013-0076717, dtd. 31
2. Assessor's parcel numbers shown opposite each include rights held in Fee Title plus a % interest in the Common Area.
9/02/2015 JSB
CHANGES
BLK | PRIOR APN | NEW APN | YR | AUTH
061 | 028-061-23 | 33 & 34 | 06 | 132
061 | 16, 28, 30, & 34 | 35 | 06 | 132
061 | 028-061-32 | NOTM | 06 |
061 | 19,20 | 36 | 06 | 200
064 | 028-064-07 | 13, 14, 15 | 08 | 047
061 | SURVEY | | 10 |
063 | SURVEY | | 10 |
064 | 028-064-13 | | 14 | 087
064 | 028-064-13 | 16, 17, 18 | 14 | 087
064 | 02, 03, 09 & 11 | 028-064-19 | 16 | 011 NO
061 | 028-061-24 | 028-101-15 | 16 | 026 Rebl
Map Update
R. Term. at M.V. , R.M. Bk. 2 - Pg. 1
nd Hoag's Subdivision of
yside Tract R.M.Bk.1 - Pg132
ais Land and Water Co.
No. 5 R.M. Rack 1 - Pull 2
NOTE—Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
CITY OF MILL VALLEY
Assessor's Map Bk.28 - Pg
County of Marin, Cal

EXHIBIT P

From:	Paula Weaver
To:	Danielle Staude
Cc:	Jim Wickham - Mill Valley mail; Sashi McEntee; Urban Carmel; Stephen Burke; Max Perrey
Subject:	[External] Public Comment on Housing Element Draft July 2022
Date:	Sunday, July 10, 2022 12:52:44 PM
Attachments:	2022 Maps Mill Valley Affordable Housing Map.pptx MV Neighborhoods_Stats_Race_Incomes.pdf 2021-02-10 Sites Analysis Memo Final.pdf

Dear Danielle and City Council Members,

Thank you for the opportunity to comment on the Housing Element Draft July 2022.

I have lived in Mill Valley for 35 years in the Enchanted Knolls neighborhood with my husband and raised two children in that home.

I have reviewed the online submission process for public comments and find it very cumbersome. Moreover, it does not allow for the submission of attachments. Thus, I am submitting my comments via email with attachments. Please include them as part of the public record for the City Council Meeting on August 1, 2022 when the Housing Element will be reviewed.

I reviewed the Housing Element Draft of July 2022 and am disappointed to find that the City will continue with its past practice of building all affordable housing east of Camino Alto, keeping it out of downtown, the golf course area, West Blithedale Canyon and the hills. This discriminatory practice is being perpetuated with the proposed project at 1 Hamilton. See attached maps which were compiled by Mary McGerity, a resident of Sycamore Park which demonstrate that all current affordable housing and the proposed site at 1 Hamilton are east of Camino Alto.

I have compiled some statistical research on the racial composition and the average household of Mill Valley neighborhoods which is in the second attachment. The statistics show that racial diversity is greater in the Bayfront/Enchanted Knolls Shelter Ridge neighborhood with the white composition at 76.18% vs. Blithedale Canyon at 88.2%, Downtown/Lytton at 85.96%, Warner Canyon/Kite Hill at 87.33% and Sycamore/Tamalpais Park at 88.10%.

Attachment 2 also shows greater income diversity for households in the Bayfront/Enchanted Knolls Shelter Ridge neighborhood at $118,225 vs. Blithedale Canyon at $209,553, Downtown/Lytton at $129,317, Warner Canyon/Kite Hill at $177,246 and Sycamore/Tamalpais at $167,420.

To rectify this situation:

At least one site of affordable housing should be built in the downtown area. To that end, please consider:

1.The city owned parking lot behind Piazza D'Angelo's: I spoke to an architect who builds affordable housing and he offered these comments as to the feasibility of that site for affordable housing:

"The site area at the rear of the lot is roughly 100' square, but with yard setbacks, fire safety setbacks, and enough space between the new structure and the existing buildings to have a reasonable separation for apartments, the buildable footprint ends up around 85' square or so. Depending on the unit mix, an ~85' square could possibly house 7 or 8 units per floor including corridors, 2 exit stairs, the elevator, and mechanical/electrical rooms. So, roughly a 7,000 square foot floor plate per floor level. Using the new housing laws, it appears feasible to get 3 levels of apt. building over parking for a total of 21-24 units with a ~42' building height (4 stories). That height would require an exemption/variance to the basic zoning. "

2. Please revisit the sale of city owned property known as Scott Highlands Park for " five market rate homes", which was previously considered at the City Council meeting in October 2020. The term "park" is a misnomer in the name as the parcel is an unimproved flat grassy area across from the golf course. This parcel was considered for sale to develop five market rate houses, not affordable housing, at the HAC meeting in September of 2020. The

proposal was voted down by the City Council at the October 2020 meeting. Three council members stated that they didn't want to sell open space for affordable housing but the proposal was for the development of "market rate" homes which would look just like the rest of the neighborhood. I am not sure why the city council members are so concerned with the loss of this open space when the Highland Park residents enjoy the entire golf course as their backyard. The sale of that parcel would generate millions of dollars which could be used to purchase downtown properties for affordable housing which is where the jobs are located. Ryan Canepa of the Mill Valley Market is a proponent of affordable housing as noted in the Housing Element Draft. I believe the Bank of America building across from the Mill Valley Market is now for sale and could potentially house workers for the Mill Valley Market. Or better yet, use the city owned parking lot identified in paragraph 1 above.

It appears that the City used the concept of "Historic Overlay Zone" to limit the development of 36 sites in this zone but they are not identified in Appendix C: Sites Inventory Methodology. Did the use of "Historic Overlay Zone" eliminate all sites from development of affordable housing downtown?

In summary, the optics are that the City has consistently built all affordable housing east of Camino Alto, keeping it out of downtown, the golf course area, West Blithedale Canyon and the hill areas. The City has omitted from the Housing Element Draft, all city owned sites identified by the Housing Workshop Report dated February 10, 2021, commissioned by the HAC, except 1 Hamilton. See Attachment 3. The City Council has the opportunity with the housing element to increase the diversity, equity and inclusion of affordable housing units in the downtown area by implementing these suggestions.

Thank you for your consideration of this submittal.

Paula McGrath

EXHIBIT Q

[REDACTED - ATTORNEY/CLIENT PRIVILEGE]

From: Paula Weaver <paula@weavermcgrath.com>
Date: Sunday, May 29, 2022 at 5:15 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: RE: [External] FW: [External] Follow up Questions to Joint PC/CC Meeting

Dear Danielle,

Thank you for your email response of May 27, 2022.

I have a follow up question to your response that the tennis courts and golf course were crossed off the list of potential sites: "Based on the direction of Council" which you highlighted.

Can you provide me with the date or dates of the City Council meeting(s) wherein the Council gave this direction so I can review the minutes and videos?

1. On the attached slide from the final presentation of sites, page 17, how were the tennis courts and golf course crossed off the list of potential sites? Who made that decision? Based on direction from Council.

Second, has the attached map of proposed sites been amended so that all of 1 Hamilton is not shown as a proposed site vs. the 1.6 acres which is a proposed site? If the amendment has not occurred, when will that occur?

Thank you.

Paula McGrath

From: Danielle Staude <dstaude@cityofmillvalley.org>
Sent: Friday, May 27, 2022 1:56 PM
To: Paula Weaver <paula@weavermcgrath.com>
Subject: RE: [External] FW: [External] Follow up Questions to Joint PC/CC Meeting

Hi Paula,

I am not sure I saw this e-mail so thanks for forwarding it again.

Hi Danielle,

Thank you for hosting the HAC meeting last night. I have three follow up questions.

1. From Janet Heimer-Smith's report on the site analysis for affordable housing, is it correct to state that of the 4 sites listed for possible development, only 1 Hamilton is on the current list of inventory of sites for the housing element? Yes.
   The reason I ask is that I'm not sure about the status of Edgewood. You already confirmed that Boyle Park and the golf course are not on the list of sites.

Edgewood is not. Currently there is an Open Space easement that resided on top of that land by MMWD. This site is of interest and needs to be explored more, similar to Miller Avenue parking lot, as indicated in the draft policies for the Housing Element.

2. Is it correct to state that of all the sites Janet Heimer-Smith reviewed which are in her report and in her files, that 1 Hamilton is the only city-owned site on the current list of inventory sites? Yes.

3. On the attached slide from the final presentation of sites, page 17, how were the tennis courts and golf course crossed off the list of potential sites? Who made that decision? Based on direction from Council.

Thank you. I always appreciate the promptness of your responses.

Best regards,

Paula McGrath

From: Danielle Staude <dstaude@cityofmillvalley.org>
Sent: Tuesday, May 17, 2022 12:15 PM
To: Paula Weaver <paula@weavermcgrath.com>
Subject: RE: [External] Follow up Questions to Joint PC/CC Meeting

It appears that the Boyle Park Tennis courts are not on the list of inventory sites. Is that correct? Yes.

It appears that no part of the golf course is on the list of inventory sites. Is that correct? Yes.

It appears that the lot known as the Scott Highlands Park is not on the list of inventory sites. Is that correct? Yes.

It appears that the entire parcel of 1 Hamilton (not just the northern 1.6 acres declared exempt surplus) is listed as a city owned designated site on the list of inventory sites. Is that correct? No, only the surplus area. The entire parcel is highlighted since it is one parcel at this time. I will see if we can amend the drawing.

Thank you.
Paula McGrath

From: Danielle Staude <dstaude@cityofmillvalley.org>
Sent: Tuesday, May 17, 2022 10:52 AM
To: Paula Weaver <paula@weavermcgrath.com>
Subject: RE: HAC Meeting 5/17/2022

Hi Paula,

The sites inventory was discussed as part of the Joint PC/CC meeting in March. See this staff report: https://www.cityofmillvalley.org/DocumentCenter/View/2769/PACKET-Special-Joint-CC-and-PC-Meeting--220322?bidId=

Here is the presentation: https://www.cityofmillvalley.org/DocumentCenter/View/2794/2022-03-22-FINAL-Presentation?bidId=

Attached is a map related to the sites.

Danielle L. Staude
Senior Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

(415) 388-4033

www.cityofmillvalley.org

From: Paula Weaver <paula@weavermcgrath.com>
Sent: Monday, May 16, 2022 9:48 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: [External] HAC Meeting 5/17/2022

Dear Danielle,
I read the agenda, staff report and attachments for the HAC meeting tomorrow night. I did not see the proposed inventory of sites online. Will the proposed inventory be available prior to the meeting tomorrow?

Thank you.
Paula McGrath

EXHIBIT R

MILL VALLEY

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT 1 Hamilton Drive: Receive report from staff on recommended next steps to build affordable rental housing on the northern portion of 1 Hamilton Drive (Assessor's Parcel Number 030-250-01) ("the Property"), including City Council taking action to: 1) adopt a resolution declaring the Property "exempt surplus" land pursuant to Government Code Section 54221(f)(1)(A), a necessary legal step that must be taken prior to entertaining proposals for the site; 2) select EAH Housing based on qualifications received and selection committee recommendations; and 3) adopt a resolution authorizing the City Manager to negotiate and draft an Exclusive Negotiating Agreement to establish terms of the housing partnership with EAH Housing.

DATE: September 20, 2021

Approved for Forwarding:

Alan E. Piombo, Jr., City Manager

Issue: Consider next steps in building affordable housing on the northern portion of 1 Hamilton Drive, depicted in ATTACHMENT 1, EXHIBIT A and referred to herein as the "Property"[1], based on Statement of Qualifications (SOQs) received and declare the northern portion of the 1 Hamilton parcel not currently used for the public safety building or public park as "exempt surplus" land as required by State Law in order to pursue the approval of affordable rental housing for the Mill Valley community on the Property.

Recommendation: Staff recommends that City Council receive a report from staff, consider public comments and take the following actions:

[1] "Property" refers to the portion of the site proposed for the housing.

ITEM 4

1) Adopt Resolution No. 21-___ (ATTACHMENT 1): A Resolution declaring the Northern portions, as described herein, of the City-owned parcel located at 1 Hamilton Drive to be "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(A) and authorizing city staff to take related actions. This is a procedural and necessary legal step that must be taken prior to commencing negotiations for disposition of the site. See "Discussion - Item 1" for details; and

2) Review the selection committee's recommendations; and

3) Adopt Resolution No. 21-___ (ATTACHMENT 2): A Resolution authorizing the City Manager to negotiate and Draft an Exclusive Negotiating Agreement (ENA) with EAH Housing for the purpose of negotiating the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of 1 Hamilton Drive, as described herein. See "Discussion - Item 3" below.

Background: The Housing Element, which is one of the seven legally required chapters, or "elements," of the City's General Plan, was adopted by City Council in May 2015 and is a policy guidance tool containing community-based housing programs aimed at addressing the City's two overarching General Plan goals to: 1) protect and enhance the natural beauty and small-town character and 2) encourage the continued diversity of housing, income levels and lifestyles within the community. There are 38 Housing Programs in the City's adopted Housing Element, one of which is the identification of publicly owned land that could generate affordable housing opportunities (Housing Program #12). This Housing Program was then identified as a Work Plan priority by the Housing Advisory Committee, which was approved by City Council on November 18, 2019.

In 2020, the Housing Advisory Committee began work on its two priority housing initiatives aimed to house the Mill Valley Community ("House Mill Valley"), including inventorying, and evaluating publicly owned sites that could feasibly accommodate housing on the site. At its May 25, 2021 meeting, the Housing Advisory Committee unanimously voted to recommend that City Council issue a Request for Qualifications ("RFQ") to measure interest in possible partnerships to build permanent affordable rental housing on a portion of the City-owned parcel located at 1 Hamilton Drive.

On June 21, 2021, City Council supported the Housing Committee's direction and unanimously directed staff to issue an RFQ for an affordable housing project on the Property with 100 percent of the units restricted at an affordable rent, noting that staff should indicate the City's particular interest in developing thorough site planning and design concepts with the community. Staff released the RFQ on July 19, 2021. The RFQ was published on the City's website and the RFQ was sent to California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development ("HCD") of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property such as the County of Marin, Marin Housing Authority and the Mill Valley School Districts.[2]

[2] See https://www.hcd.ca.gov/community-development/public-lands-for-affordable-housing-development.shtml for downloadable contact list.

Discussion: The three items before the City Council for consideration, in proposed order of approval and adoption are discussed below:

Item 1: Resolution to Declare Northern Portion of 1 Hamilton Drive as "Exempt Surplus Land" (ATTACHMENT 1).

Before the City Council takes any action to lease or sell the Property, the City must comply with the California Surplus Land Act (Government Code 54220 et seq.) ("SLA" or the "Act). The Act governs the disposition of surplus land and requires local agencies to prioritize opportunities for certain uses of surplus land, including affordable housing development. Land may be declared either "surplus land" or "exempt surplus land" by the legislative body of the local agency as supported by written findings. Compliance with the SLA is required before the City can select a housing partner or engage in any negotiations with a partner.

City staff has worked with HCD, the agency charged with monitoring local agency compliance with the SLA. Pursuant to that consultation with HCD, staff recommends that the City Council declare the Property "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(A). The proposed resolution attached as Attachment 1 makes this declaration and a draft of that resolution has been reviewed by HCD, which found that it contains the necessary elements of the SLA exemption found in Government Code section 54221(f)(1)(A).

Government Code Section 54221(f)(1)(A) defines "exempt surplus land" to include surplus land that is transferred pursuant to Government Code Section 37364. Government Code Section 37364 authorizes a city to sell, lease, exchange, quitclaim, convey, or otherwise dispose of real property to provide housing affordable to persons and families of low or moderate income provided that the following conditions are met:

> (a) Not less than 80 percent of the area of the parcel will be used for the development of housing; and
>
> (b) Not less than 40 percent of the total number of those housing units developed on the parcel shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households, and at least half of which shall be affordable to very low-income households; and
>
> (c) Dwelling units produced for persons and families of low or moderate income under Government Code Section 37364 shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years, with such regulatory agreement recorded in the office of the county recorder in which the housing development is located.

Because the City plans to ground lease (or sell) the Property for the development of a 100% affordable housing project, the proposed lease (or sale) meets the criteria for "exempt surplus land" under Government Code Section 54221(f)(1)(A). *It is important to note that this declaration is a necessary procedural step that must occur before the City takes any action towards "disposition" (defined in state law as sale, lease, exchange, quitclaim, convey, or otherwise disposing of real property) of the Property, including negotiating with a housing*

partner. It does not bind the City to any particular project or lease terms. It is the City's intent to conduct extensive community outreach as part of the site planning and design work. In the event that the City does not approve a project that meets the criteria described in Government Code Section 37364, this declaration shall be of no further force or effect.

Staff therefore recommends that the Council adopt a resolution (Attachment 1) declaring the Property "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(A). This declaration is necessary in order to proceed with negotiations with a housing partner and explore options for the Property.

Item 2: Selection of EAH Housing based on Qualifications received and selection committee recommendations. Based on the review of qualifications and response to questions during the interview, the selection committee has unanimously recommended to select the EAH Housing team to partner with the City and Mill Valley community to build new affordable homes at 1 Hamilton Drive.

The City received Statement of Qualifications (SOQ) from EAH Housing in response to its RFQ. The EAH team includes:

- EAH Housing: Development, property management, and resident services
- Van Meter Williams Pollack LLP: Lead design and architect
- Adobe Associates, Inc: Civil Engineer

This multi-disciplinary team has direct experience guiding public/private partnership initiatives to successful completion within Marin County, the greater Bay Area, and throughout California.

The small response to the RFQ is likely due to the size of the project (which is on the smaller side for affordable housing projects) and the recent influx of state funding available which has resulted in large work loads for affordable home builders.

Despite the small number of SOQs received, EAH Housing is by far one of the most qualified affordable housing teams that has a proven track record in Mill Valley. In fact, EAH was established in 1968 in Marin County. As noted in the SOQ (ATTACHMENT 3), EAH is:

> *a deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities.*

EAH Housing is also one of the oldest and most experienced nonprofit housing management and development organizations. EAH Housing was founded based on the recognition that housing for all is a cornerstone to a fair and just society, and one of the City's long standing community members and a housing advocate, Elizabeth Moody, who recently passed away, was one of the early members of EHA serving as president of the executive committee in 1974.

Interviews were held on September 10, 2021. The selection committee consisted of Mayor and Housing Advisory Committee Chair John McCauley; Planning Commissioner and Housing Advisory Committee member Jon Yolles; City Manager Al Piombo; housing consultant Janet Smith-Heimer; and Planning and Building Director Patrick Kelly.

Below are some of the key attributes of the EAH Housing team, as highlighted in the SOQs and as discussed during the interview:

- The project team has extensive experience working in Marin County and in smaller scale communities, including but not limited to Los Altos, Lafayette, Fairfax, Corte Madera, and Healdsburg.

- EAH has developed and manages more than 34 residential and mixed-use communities within Marin County, totaling 950^{+} rental apartments which presently houses more than 1,700 Marin County low-income households. This includes local experience in Mill Valley, currently managing Shelter Hill (75 affordable apartments).

- Van Meter Williams Pollack has experience in affordable housing developments on similar small sites including Fairfax Victory Village Senior Housing; Warner Creek Apartments in Novato; Lafayette's Belle Terre Senior and Connecticut Avenue Family Housing; and is the Architect for Whistlestop Healthy Aging Campus approved in San Rafael.

- Early public outreach and community engagement were noted as essential features of site planning and design by the EAH Housing Team, and as noted in the SOQ, Van Meter Williams Pollack emphasizes sustainability and community building as the foundation of design process.

The selection committee also noted several positive, key features presented by EAH Housing team during the interview, specifically as it relates to community engagement. The EAH Housing team intends to listen and collect feedback from the community as a first step to better understand community concerns and priorities before moving into design. The selection committee has acknowledged that this initial phase is important to build community trust and collaboration prior to any design concept being formulated. The housing team also made it clear that they were flexible in the approaches related to community outreach, and as part of next steps, a more detailed outreach plan can be developed for Council and the community to review as part of finalizing the ENA.

The EAH Housing team also made it clear during the interview that there are a number of construction/design strategies and building types that the EAH Housing team is interested in exploring with the community before settling on a design concept.

Item 3: Resolution to Authorize Staff to Draft and Negotiate an Exclusive Negotiating Agreement (ATTACHMENT 2). After declaring the northern portion of 1 Hamilton as "exempt surplus" as required by State Law in order to proceed with exploring options for the site and reviewing selection committee recommendations, the City Council can consider the resolution to authorize the City Manager to negotiate and draft an Exclusive Negotiating Agreement, that will be brought back to Council for final review and approval, with EAH Housing for the purpose of negotiating the terms and conditions of an agreement to ground lease (or sell) the Property for purposes of collaborating with City of Mill Valley to design, construct

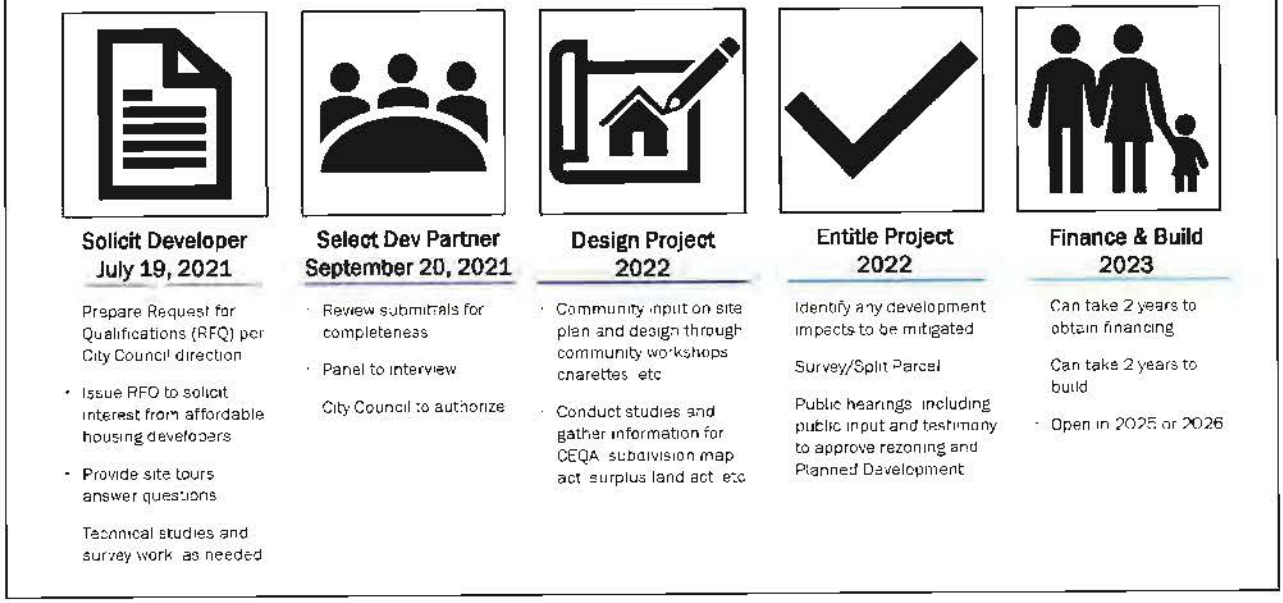
and manage an affordable housing development proposed at the Property that complies with Government Code Section 37364.

If authorized by Council, the ENA between the City and EAH Housing will be drafted to allow the City to further understand the cost sharing and expectations in working with the City and community to plan and design the project. The ENA will outline the general scope, Housing Team performance milestones, and expected schedule for the period needed to design the project, define the property's legal boundaries, and rezone the designated parcel for residential development. The ENA will also outline all City of Mill Valley commitments to advance the project, which may include compensation for the Housing Team's design and pre-development expenses. The ENA would not commit the City to ground lease or sell the Property nor grant the City's approval of the development of the Property, but rather sets the terms in which both parties will operate under for the purpose of moving the project forward toward design and final approval. Assuming that the City moves forward with this proposal, it is anticipated that the City would enter into a Disposition and Development Agreement (DDA) and formal ground lease (or sale) with the housing partner after CEQA review and approval of project entitlements.

Public Comment and Outreach. The RFQ has been posted on the City's website since its issuance on July 19, 2021, which included the selection timeline and City Council meeting date. A news item was featured in the August 26th Mill Valley Connect electronic newsletter (14,000 subscribers) also announcing the September 20th City Council meeting.

Next Steps: Should City Council adopt the above-referenced resolutions, staff will return to City Council with a Draft ENA for final review and approval. Once the ENA is signed by both parties, which is anticipated to occur by the end of the year, the community engagement process will be kicked off for site planning and design of the project. Assuming the project proceeds forward, CEQA review would occur, and Council would later consider project entitlements and a DDA and/or ground lease (or sale) for disposition of the site and construction of housing.

Exhibit 1: Expected Timeline



Environmental Review: As noted above, site planning and preliminary design will help inform the environmental review required for the project. The level of environmental review will be determined once the scope of the project is determined. The resolutions before Council tonight are not subject to California Environmental Quality Act ("CEQA") because they are activities that are excluded from the definition of a project by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. The proposed actions declare the Property exempt surplus land, direct staff to prepare a draft ENA, and direct staff to effectuate the purpose of the Resolutions. This are administrative activities of government which will not result in direct or indirect physical changes to the environment. No commitment to any project is being made at this time. CEQA review requirements must and will be completed before any commitment to a project occurs and appropriate environmental review pursuant to CEQA will be completed at such time.

Fiscal Impact: At its June 21, 2021 City Council meeting, Council authorized use of the Affordable Housing Trust Fund to assist in financing this work effort. The City expects that the ENA will disclose anticipated costs to the City prior to any additional work being conducted.

Attachments:

1. Resolution No. 21-___: A Resolution of declaring the Northern portions, as described herein, of the City-owned parcel located at 1 Hamilton Drive (Assessor's Parcel Number 030-250-01) to be "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(A) and authorizing the city staff to take related actions
2. Resolution No. 21-___: A Resolution authorizing the City Manager to negotiate and Draft an Exclusive Negotiating Agreement with EAH for the purpose of negotiating the terms and condition s for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of 1 Hamilton Drive (Assessor's Parcel Number 030-250-01)
3. EAH Statement of Qualifications

Online Materials:
Request for Qualifications and supporting materials:
https://www.cityofmillvalley.org/business/contractors.htm

RESOLUTION NO. 21-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY DECLARING THE NORTHERN PORTION, AS DESCRIBED HEREIN, OF A CITY-OWNED PARCEL LOCATED AT 1 HAMILTON DRIVE [ASSESSOR'S PARCEL NO. 030-250-01] TO BE EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(F)(1)(A) AND AUTHORIZING THE CITY STAFF TO TAKE RELATED ACTIONS

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City of Mill Valley ("City") owns certain property located 1 Hamilton Drive (Assessor's Parcel 030-250-01).

SECTION 2. The City desires that a portion of the property located at 1 Hamilton Drive, such portion is generally the northern portion of the current parcel more specifically depicted on Exhibit "A", attached hereto and incorporated herein by reference (the "Property), be developed as a 100 percent affordable housing development. Prior to any disposition by ground lease or sale the Property will be made an independent parcel.

SECTION 3. At the June 21, 2021 City Council meeting, the City Council authorized and directed staff, in consultation with the City Manager and legal counsel, to issue a request for qualifications ("RFQ"), for an affordable housing project on the Property consisting of 100 percent of the units restricted for rental to very low and low income households at affordable rent. The RFQ was issued on July 19, 2021.

SECTION 4. Pursuant to Section 54221(b)(1) of the Surplus Land Act (Government Code Sections 54220-54234), the City Council must declare the Property to be "surplus land" or "exempt surplus land" before the City Council takes action to dispose of the Property.

SECTION 5. Government Code Section 54221(f)(1)(A) defines "exempt surplus land" to include surplus land that is transferred pursuant to Government Code Section 37364.

SECTION 6. Government Code Section 37364 authorizes a city to sell, lease, exchange, quitclaim, convey, or otherwise dispose of real property to provide housing affordable to persons and families of low or moderate income provided that the following conditions are met:

(a) Not less than 80 percent of the area of the parcel will be used for the development of housing; and
(b) Not less than 40 percent of the total number of those housing units developed on the parcel shall be affordable to households whose incomes are equal to, or less than, 75

ATTACHMENT 1

percent of the maximum income of lower income households, and at least half of which shall be affordable to very low income households; and

(c) Dwelling units produced for persons and families of low or moderate income under Government Code Section 37364 shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years, with such regulatory agreement recorded in the office of the county recorder in which the housing development is located.

SECTION 7. Pursuant to the Surplus Land Act, the City Council must take formal action in a regular public meeting to declare that the Property is exempt surplus land, as supported by written findings.

SECTION 8. Pursuant to the Surplus Land Act Guidelines issued by the California Department of Housing and Community Development ("HCD"), any determination by a local agency that its surplus lands are exempt from the Surplus Land Act must be provided to HCD for its review at least 30 days prior to disposition.

SECTION 9. That the above recitals are true and correct and are a substantive part of this Resolution.

SECTION 10. The City Council hereby declares pursuant to Government Code Sections 54221(b) and 54221(f)(1)(A) that the Property is exempt surplus land because the City intends to dispose of the Property pursuant to Government Code Section 37364 for the development of a 100 percent affordable housing project on the Property that complies with the requirements of Government Code Section 37364. This declaration is contingent upon the development of the Property in accordance with the requirements of Government Code Section 37364.

SECTION 11. That staff of the City are hereby authorized and directed to submit a copy of this Resolution to HCD in accordance with the Surplus Land Act Guidelines.

SECTION 12. That the staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to effectuate the purposes of this Resolution, and all actions previously taken are hereby ratified.

SECTION 13. That the City Council hereby finds that the actions are not subject to California Environmental Quality Act ("CEQA") because they are activities that are excluded from the definition of a project by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. This action declares the Property exempt surplus land and directs staff to effectuate the purpose of this Resolution. This is administrative activity of government which will not result in direct or indirect physical changes to the environment. No commitment to any project is being made at this time. CEQA review requirements must be completed before any commitment to a project occurs and appropriate environmental review pursuant to CEQA will be completed at such time.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **20th** day of **September, 2021,** by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

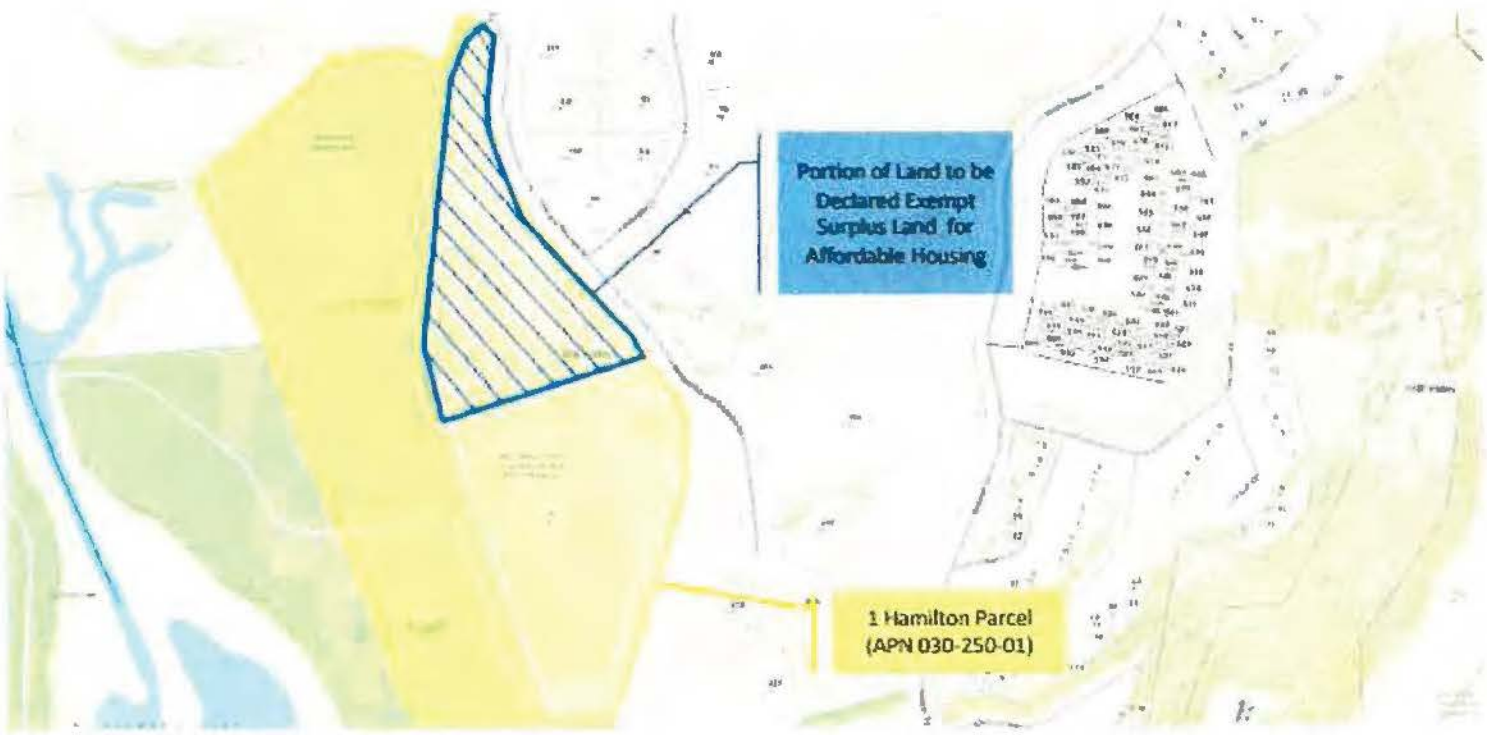
John McCauley, Mayor

ATTEST:

Kelsey Rogers, City Clerk/Administrative Analyst

EXHIBIT A

DRAFT DEPICTION OF THE PROPERTY FOR ILLUSTRATIVE PURPOSES ONLY



RESOLUTION NO. 21-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND DRAFT AN EXCLUSIVE NEGOTIATING AGREEMENT WITH EAH HOUSING FOR THE PURPOSE OF NEGOTIATING THE TERMS AND CONDITIONS FOR THE POTENTIAL GROUND LEASE OR SALE OF PROPERTY AND DEVELOPMENT OF AFFORDABLE RENTAL HOUSING ON THE NORTHERN PORTION, AS DESCRIBED HEREIN, OF A CITY-OWNED PARCEL LOCATED AT 1 HAMILTON DRIVE [ASSESSOR'S PARCEL NO. 030-250-01]

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City of Mill Valley ("City") is the owner in fee simple of that certain real property located at 1 Hamilton Drive (Assessor's Parcel 030-250-01).

SECTION 2. The City desires to ground lease a portion of the property located at 1 Hamilton Drive, such portion is generally the northern portion of the current parcel more specifically depicted on Exhibit "A", attached hereto and incorporated herein by reference (the "Property"), be developed as a 100 percent affordable housing development that complies with Government Code Section 37364.

SECTION 3. At its June 21, 2021 meeting, City Council directed staff to issue a Request for Qualifications ("RFQ") to solicit interest from multifamily developers to partner with the City of Mill Valley to build and manage affordable housing on the Property.

SECTION 4. On July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property.

SECTION 5. Statement of Qualifications ("SOQ") were due on September 2, 2021 in which the City of Mill Valley received one response from EAH Housing.

SECTION 6. In response to the RFQ EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

SECTION 7. A selection committee consisting of the City Manager, Planning and Building Director, two members of the Housing Advisory Committee (City Council and Planning Commission liaisons) reviewed the SOQ submission received from EAH Housing and attended an interview with the EAH Housing team on September 10, 2021.

ATTACHMENT 2

SECTION 8. EAH Housing was selected as the most qualified based on the selection committee's review of their qualifications and responses during the interview.

SECTION 9. Because the proposed affordable housing development will meet the requirements of Government Code Section 37364, the City Council adopted Resolution No. 21-___ declaring the Property to be "exempt surplus land" at its regularly scheduled meeting of September 20, 2021.

SECTION 10. The City is interested in entering into an Exclusive Negotiating Agreement ("ENA") to establish the mutually-acceptable terms and conditions to guide the process of negotiations for the potential ground lease and Disposition and Development Agreement ("DDA") for the ground lease of the Property and development of the affordable housing thereon the Property that complies with the Government Code Section 37364.

SECTION 11. The ENA would not commit the City to ground lease or sell the Property nor would it grant approval of any project or development of the Property.

SECTION 12. The above recitals are true and correct and are a substantive part of this Resolution.

SECTION 13. The City Manager is hereby authorized to draft and negotiate an ENA for and in the name of the City of Mill Valley, which will then be presented to City Council for final authorization and approval.

SECTION 14. The staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to effectuate the purposes of this Resolution, and all actions previously taken are hereby ratified.

SECTION 15. The City Clerk shall certify as to the adoption of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **20th day of September, 2021**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
John McCauley, Mayor

ATTEST:

_____
Kelsey Rogers, City Clerk / Administrative Analyst

EXHIBIT A
DRAFT DEPICTION OF THE PROPERTY FOR ILLUSTRATIVE PURPOSES ONLY



Mill Valley - Hamilton Site

EAH Housing RFQ Submittal



September 3, 2021

Prepared for:
CITY OF MILL VALLEY PLANNING DEPARTMENT
ATTN: Patrick Kelly, *Director of Planning and Building*

By: EAH Housing | 22 Pelican Way, San Rafael, CA 94901
Contact Person: Steve Pratt | steve.pratt@eahhousing.org | (415) 592-5919

adobe associates est 1982

VAN METER WILLIAMS POLLACK LLP

EAH HOUSING
A roof is just the beginning

eahhousing.org

CA Lic. 853495 | HI Lic. RB-16985

ATTACHMENT 3

Expanding the range of opportunities for all by developing, managing and promoting quality affordable housing and diverse communities

EAH HOUSING
A roof is just the beginning

September 3, 2021

Patrick Kelly
Director of Planning and Building
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
pkelly@cityofmillvalley.org

Regarding: **EAH RFQ Submittal - Affordable Housing Developer 1 Hamilton Drive**

Dear Mr. Kelly,

On behalf of EAH, Inc. ("EAH"), please accept this submittal in response to the July 19, 2021 RFQ issued by the City of Mill Valley.

Founded over 50 years ago, EAH is a deeply experienced and well-capitalized nonprofit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Since 1968, we have developed or acquired over 100 properties with an estimated aggregate value of over $2 billion (current dollars), we presently manage over 13,000 unit leases within 87 municipalities across California and Hawaii, and our capital partners are deploying close to $870M to advance EAH's current development pipeline. In short, our track record demonstrates our capacity to conceive, finance, develop, manage, and sustain add-value community endeavors within Mill Valley.

EAH has a strong focus on developments that are urban/suburban infill, transit-oriented and amenities rich, employment-centered, mixed income and mixed use. EAH has been at the forefront in utilizing a variety of financial products available through federal and local programs to acquire, build, rehabilitate and preserve thousands of affordable units.

EAH currently owns and operates 34 affordable housing developments totaling more than 950 units in Marin County, below are some representative developments across the Bay Area:

- **San Clemente Place** | Family | 79 units | New Construction | 2008 | *Corte Madera, CA*
- **Shelter Hill** | Family | 75 units | Renovation | 2013 | *Mill Valley, CA*
- **Drake's Way** | Family | 24 units | New Construction | 2009 | *Larkspur, CA*
- **Camilla Place** | Family | 112 units | New Construction | 2007 | *Dublin, CA*
- **Estrella Vista** | Family | 87 units | New Construction | 2020 | Emeryville, *CA*

Extending our experience is a deeply experienced and multi-disciplinary team, all of whom have direct experience guiding public/private partnership initiatives to successful completion within Marin County, the greater Bay Area, and throughout California. At this early stage of project concept and RFQ submittal, we have a project team which includes the following key members:

- **EAH** (Development, Property Management, Resident Services)
- **Van Meter Williams Pollack LLP** (Architect and Lead Design)
- **Adobe Associates Inc** (Civil Engineer)

With deep and long-established roots in Marin County, EAH would be delighted to earn an invitation to partner with the City of Mill Valley to develop a permanently affordable residential community. Welton Jordan, Chief Real Estate Development Officer, is authorized to negotiate, execute, and bind EAH to all future agreements with the City of Mill Valley.

Sincerely,

Welton Jordan
Chief Real Estate Development Officer
415-295-8876
Welton.Jordan@eahhousing.org

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A roof is just the beginning

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2) Housing Team Organization, Background, and Experience

EAH HOUSING
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The mission of ***EAH Housing*** *is to expand the range of opportunities for all by developing, managing and promoting quality affordable housing and diverse communities.*

A.1.i) EAH Housing Overview

EAH Housing (dba EAH Inc.) is a 501(c)(3) not-for-profit organization, established in 1968. EAH was founded in response to the death of Dr. Martin Luther King, Jr. to address the housing needs of low income families, people with special needs, supportive housing, and older adults.

EAH is one of the oldest and most experienced nonprofit housing management and development organizations in the western United States. Established in Northern California, EAH Housing has long since expanded beyond the borders of its original home. EAH continues to believe after 50 years of service that attractive affordable housing is the cornerstone to sustainable, healthy and livable communities.

Offices: San Rafael | Honolulu | Fresno | Los Angeles | Morgan Hill

▸ Creating Community	▸ Developing Housing	▸ Managing Properties
FOUNDED 1968	106 properties Over 8,400 units Developed & Acquired	SERVING OVER 25,000 RESIDENTS
RELATIONSHIPS WITH 87 municipalities 23 counties IN CALIFORNIA & HAWAI'I	$1.8+ billion Active development	222 properties OVER 13,000 UNITS
700+ EMPLOYEES	$2.2+ billion Developed housing	$172+ million Annual Cash Management

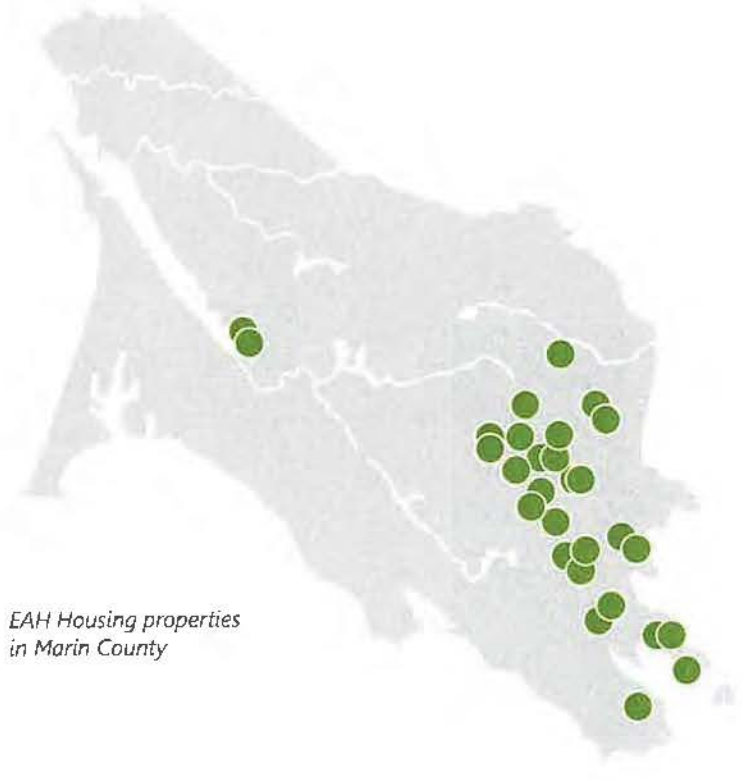
2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

A.1.ii) EAH Housing Communities in Marin County

Founded in Marin County in 1968 with the recognition that housing for all is a cornerstone to a fair and just society and considered at that time as one of the most challenging markets in all of California, EAH has developed and manages **more than 34** residential and mixed-use communities within Marin County, totaling greater than 950 rental apartments which presently houses more than 1,700 Marin County low-income residents who contribute daily to the vibrancy and health of the County.

Approximately **55%** of our Marin County income-restricted portfolio is designed and programmed as family rental housing, approximately **21%** as senior rental housing, and approximately **24%** as special needs housing. Please refer to the listing below, which captures the breadth and scope of our community-building work within Marin County and throughout the North Bay market area, a total of 1,567 affordable apartments owned, developed, and managed by EAH.



EAH Housing properties in Marin County

2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

A.1.iii) EAH Housing Real Estate Development Expertise

Experience. Working throughout California and Hawai'i, EAH Housing has developed and acquired over 8,400 units of affordable housing in 106 properties since 1968. These properties have an estimated aggregate development cost of over $2.2 billion. Today, EAH has over 1,000 affordable homes under construction within 8 separate projects, and is advancing another 2,000+ homes within 23 separate projects through active predevelopment work. Our properties are extremely well-designed, and built to be sustainable and financially self-sufficient. Our management team assures a lifetime of care.

Our Real Estate Development team supports all phases of development services:

- Site Identification and Project Design
- Rehabilitation and Resident Relocation
- Community Outreach and Acceptance
- Financing: Predevelopment, Construction, Equity, and Mortgage Financing
- Regulatory Approvals, Entitlements, Zoning, Environmental Clearances
- Project Construction

Local Context. EAH Housing communities range from rural, low-density complexes in Northern California, to the 32-story Kukui Tower in Honolulu. They include homes for older adults, large and small families, veterans, persons with disabilities, student housing and affordable workforce housing. Each community fits local needs.

Track Record. The EAH Housing Real Estate Development Department has an award-winning track record, with half a century of real estate development experience in projects ranging from traditional to complex. EAH residential communities have received numerous awards for architectural design and commendations from legislators at the federal, state and local levels.

Regulatory Expertise. Across two states and numerous counties, the EAH team handles the specific needs of each municipality and follows through to ensure that new affordable housing communities are successfully built and that all requirements, including monitoring and reporting, are met.

Commitment. As a mission-driven housing non-profit, we are in it for the long term and work to prevent the loss of as many affordable units as we can. Every year, in addition to new construction and property management, EAH Housing completes approximately two to four property acquisitions or rehabilitations to prevent displacement of low income households and improve our current assets to preserve them as affordable in perpetuity.

2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

A.1.iv) EAH Housing Property Management Expertise

EAH Housing understands that professional management of the physical asset, neighborhood relationships, local leadership and increasing resident quality of life is the key to a successful development. For us, *a roof is just the beginning*.

Local Context. EAH Housing has a distinctive property management model that incorporates customization based on location and population, excellence in resident services, ongoing employee training, and a reputation for conscientious site managers. Our management portfolio of over 13,000 unit leases ranges from rural, low-density duplexes, to urban and suburban garden-style walk-ups, to a 32-story downtown tower. It includes apartment homes for older adults, large and small working families, veterans, persons with disabilities, students, and people transitioning from homelessness. Across its more than 50 year history, EAH has experience managing both its own properties and the portfolios of others, adopting them into the family of EAH properties to create local and regional support networks, encourage their impeccable upkeep, and integrate within local communities.

Management Model. The EAH Housing Real Estate Management team provides complete property management and asset management services, combined with a commitment to people. Ongoing training through ***"EAH University"*** ensures that staff are well-prepared to meet all resident needs.

- Proven expertise in Tax Credit programs & HUD compliance
- EAH core values drive our management style
- Trained teams at all levels of property management
- Budgeting and fiscal oversight
- Green operations & maintenance
- Customized management style
- Social return on investment
- Strengths-based, trauma-informed approaches

Financial Reporting. EAH Housing is highly regarded for the quality of its financial reporting and other regulatory work. EAH provides the financial status of each community on a consistent basis with in-depth, interactive descriptions personalized to each asset and client.

- Quarterly, bi-annual, and annual reports are prepared under the compliance guidelines of the housing program, and at the request of Owners or Boards.
- Monthly reports provided by the on-site management team offer insight into projects, accomplishments, and changes ongoing at each community.

EAH Housing is the recipient of multiple national awards and numerous commendations for exemplary property management from the United States Department of Housing and Urban Development (HUD), and from legislators on the federal, state and local levels.

2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

A.1.v) Resident Services & *StayWell!*

At EAH Housing, our *StayWell!* Resident Services represent the heart of our work. We believe that sustainable communities are those that provide opportunities for all its members, regardless of socioeconomic background, ethnicity, age, disability status, gender, or any other aspect of one's path in life.

Resource Coordinators (RC) and the Resident Services Department are responsible for evaluating community needs, building relationships and trust between residents and staff, making residents aware of programs and services that are available in the local community, and bringing programs and partnerships to the site. To best serve the diverse population of the property, the onsite RC evaluates the needs of the community and develops supportive services programs and partnerships. All team members participate in ongoing training in utilizing strengths-based approaches, trauma-informed practice, and de-escalating conflict.

RCs coordinate and implement regular and ongoing services and most have a background in social services that is focused on serving youth, seniors, and families, as well as knowledge of reputable community organizations that provide local services. The Resource Coordinator is an integral component of the onsite management team and is supervised by leadership within the Resident Services Department. The RC works hand-in-hand with the resident manager, maintenance, and any third-party case management partners to support residents in need.

The *StayWell!* program is the service delivery model for EAH Housing that prioritizes six main areas critical to resident housing retention and wellness: Healthy Eating, Active Living, Community Building, Physical & Mental Health, Education and Civic Engagement. Services are developed in each of these priority categories to best fit the interest and needs of the community as communicated by the residents through surveys, one-on-one interactions, and community meetings.

Resident Services focus on helping residents maximize their ability to maintain stable housing and living happy, healthy, productive, and independent lives. EAH Housing has engaging opportunities for family development focused on supporting the whole-family, individually and as a unit, as well as specialized attention for aging adults.

2) Housing Team Organization, Background, and Experience

VAN METER WILLIAMS POLLACK LLP

A.2.i) VMWP Overview and Experience

Van Meter Williams Pollack is an award-winning Architecture and Urban Design firm based in San Francisco, Denver, and Minneapolis. Since 1989 we have provided a full range of comprehensive design and planning services for a variety of project types, scales and clients. The partners and staff bring their knowledge and expertise to all aspects and phases of our projects.

VMWP's comprehensive and innovative design approach considers environmental, social, economic, and client needs to create buildings and communities that resonate with people. From small towns grappling with pressures of sprawl, to major urban centers requiring infill and redevelopment, one of our strengths is the ability to work in the variety of communities that make up diverse, growing regions.

Local Experience. Van Meter Williams Pollack emphasizes "community building" and sustainable design as the foundation of their affordable housing of community planning. VMWP has experience in affordable housing developments on similar small tight sites including Fairfax Victory Village Senior Housing , Warner Creek Apts. in Novato, Lafayette's Belle Terre Senior and Connecticut Avenue Family Housing among others. VMWP is also the Architect for Vivalon/Whistlestop Healthy Aging Campus in San Rafael. Rick Williams, Partner, has lived in Marin over 50 years, including a stint in Mill Valley, and is familiar with the project site and surrounding recreation activities and neighborhood. Rick Williams and VMWP has teamed with EAH on a previous 24-unit development in Oakley and has a long standing relationship with EAH, advocating for affordable housing in Marin.

VMWPs project team has experience on many of these developments with a focus on both design and sustainability. Elaine Uang was the PA for Victory Village Fairfax and Elitsa Shepard is the PA for Vivalon and was also on Warner Creek in Novato. Michael Kloefkorn is our sustainability leader and Rick Williams is the Partner in Charge and will focus on the design and community outreach and engagement.

Qualifications. Affordable Housing on Sloped Sites: VMWP has worked on a variety of sloped properties, designing affordable housing developments. Fairfax steps up the hill as a 2,3, and 4th floor of housing, creating accessible courtyards and access on a variety of living levels. The John King Senior Community rises 5 levels above the street stepping up the hill of a road above. And providing a set of stairs along side, which provide safety and security and a convenient path for students to the nearby school. 1101 Connecticut Avenue Family Housing provides a strong street presence as it cascades down the hill 3 stories and rises three stories above; and Lafayette Senior building has courtyards on multiple levels and a strong street presence with an elegant stair and arcaded ramp to provide accessible entry as the building steps up a hill. VMWP works with a team of landscape designers and engineers to provide a quality design which will fit well into this community, provides quality housing for its residents and be cost effective to construct and maintain, while being as sustainable in energy and materials.

2) Housing Team Organization, Background, and Experience

VAN METER WILLIAMS POLLACK LLP

VMWP works on complex developments and development sites which often involve General Plan and Re-Zoning, lot splits. Working with the development team, Civil Engineer and City we assist in defining the parcel or lease site to work with the concept design to achieve the shared goals of the development. We did just these steps on the Victory Village, in Fairfax, while also including a subdivision for other parcels and shared street to provide the access to all properties.

Sustainability and Resilience. VMWP includes sustainability in our design process so that its integrated into each decision from site planning integrating landscape and irrigation with stormwater management, Building design for energy conservation and energy production, efficient and cost effective systems including all-electric buildings, as well as material selection for recycled or recyclable materials. Management and maintenance of the building over the life of the building, working closely with the management team assures long term maintenance and minimal refuse over time.

VMWP is committed to the AIA 2030 challenge with the goal of carbon-neutral buildings by 2030. We have a sustainability committee with office leaders overseeing the sustainability goals and previous current and future projects evaluation to measure our outcomes and success in moving towards these goals.

2) Housing Team Organization, Background, and Experience

A.2.ii) Adobe Associates Overview and Experience

Adobe Associates, Inc. was established in 1982 and is a leading provider of Civil Engineering, Land Surveying, and Land Development services in Sonoma, Marin, Napa, Lake, Mendocino, and other counties in the State of California. While working with private developers, landowners, and a multitude of public agencies, we have grown steadily to become a widely known, and well-respected, full service land surveying and civil engineering firm. In our growth we have brought together a staff of 41 professionals who share our commitment to quality and our clients' objectives. Our staff members possess a wide range of talent and experience.

Adobe Associates, Inc. operates under the leadership of - President and CFO - David Brown, Adobe's Principal Civil Engineer. The company work structure is comprised of the civil engineering, survey, and wastewater departments. We apply our expertise to each task and pride ourselves on developing and maintaining excellent working relation ships with clients, public agencies, and consultants.

Adobe Associates offers comprehensive civil engineering and land surveying services for public and private projects. Our principal civil engineers have many years of experience in planning, organizing, and completing engineering projects - both residential and commercial. As civil engineers, our concerns range from the practical (storm water runoff, site topographic characteristics, grading and drainage, etc.) to the relationship between project goals, state and local laws and ordinances, and government agency processing.

From preliminary feasibility studies and the definition of project objectives to finished improvement plans, cost esti mates, and construction specifications, our civil engineers provide technical skills, precision, and knowledge of each element of project design.

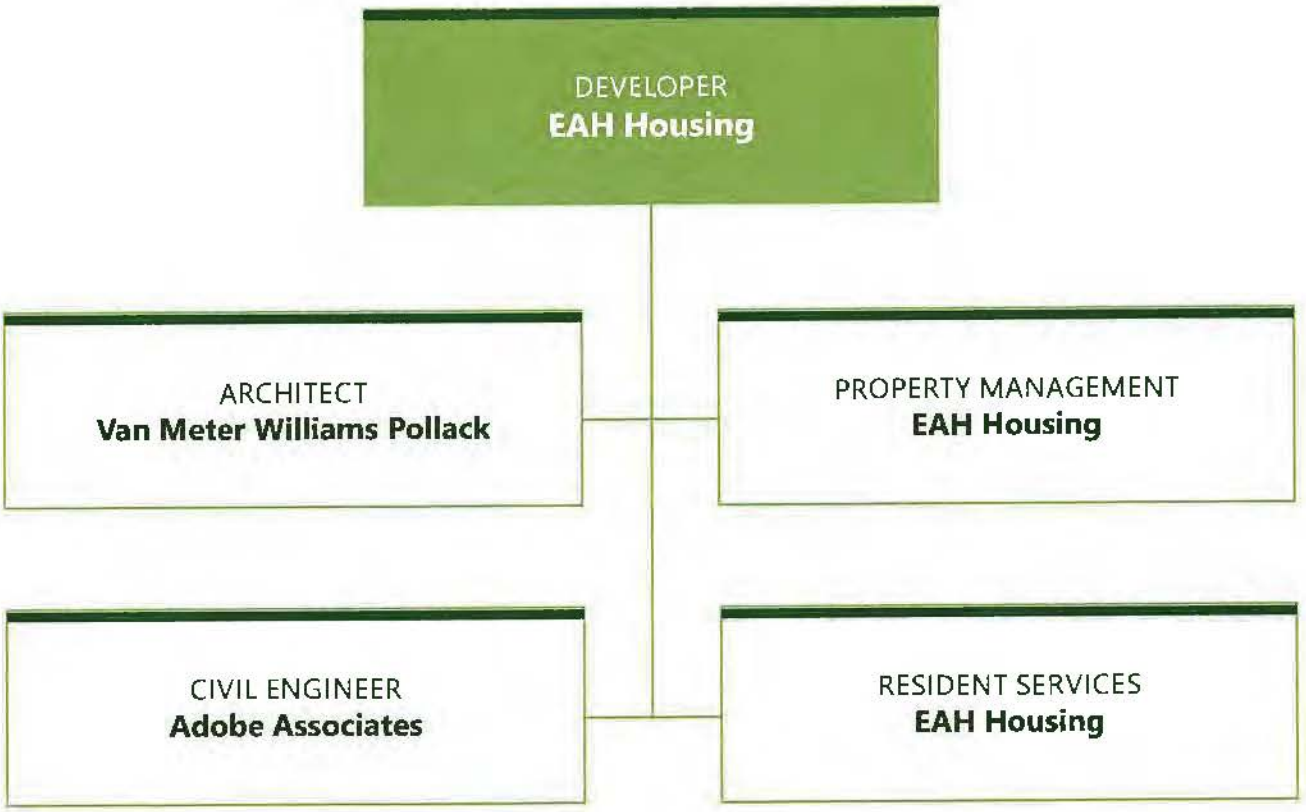
From the earliest stages of project planning through the final phases of construction supervision, Adobe Associates functions as an experienced team of professional engineers and technicians that solve problems with skill, resource fulness, and sharp decision making.

We have learned many lessons over the last 38 years which is of great benefit to our clients to avoid timing and cost issues. We continue to utilize up-to-date technology in our land surveying, civil engineering design, and computer drafting equipment to maintain our competitive advantage.
Our success in business is a result of our team approach and understanding our client needs. Completed projects and the loyalty and satisfaction of our clients are evidence of the commitment we offer.

2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

B) Team Organizational Chart



2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

C) Affordable Housing Experience

EAH Housing. 100% of EAH Housing developed communities are designed to house low income individuals, families, veterans, persons with special needs, supportive housing. EAH Housing have a 53 year track record and received multiple national awards and numerous commendations for exemplary property management from the United States Department of Housing and Urban Development (HUD), and from legislators on the federal, state and local levels.

EAH manages all properties it developed which reflects our long term commitment to the people we serve. The core of EAH Housing Real Estate Management Team is made up of our Property Supervisors and Resident Managers. All Resident Managers are required to have or obtain their state Real Estate License and are encouraged to pursue their Certified Occupancy Specialist designation from the National Center for Housing Management. Our Property Supervisors are seasoned managers who have grown with the organization and earned the increased levels of responsibility that come with managing a portfolio of properties. They are experienced with a variety of housing programs such as:

- HUD Multifamily
- HOME
- Section 8
- Rural 515
- Low Income Housing Tax Credit (LIHTC) Program
- Below Market Rate (BMR) Housing
- Housing for Formerly/Chronically Homeless
- And more

Serving Low-Income residents for more than 53 years, EAH housing has a Resource Coordinator position in most of our managed properties, in which its main function is to link residents to local, regional, and national resources. EAH Housing is dedicated to enhancing the quality of life for all residents in the communities and surrounding neighborhoods that we serve.

VMWP. Plan, design, and build a wide variety of affordable housing from high-density urban communities to small-lot single-family housing. Our work has received numerous design awards in national and local design competitions. Most recently, Victory Village won the 2021 PCBC Gold Nugget Grand Award for Best Affordable Senior our Eagle Park was awarded the 2020 Structures Award for Community Impact. As cost and quality of life are primary concerns in our housing, we use simple elements of construction, building materials and scale to create beautiful spaces.

2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

Adobe Associates. Adobe Associates will be responsible for civil engineering and land surveying services, including storm water runoff/retention, grading/ drainage, paving/utilities, survey/mapping, easement/right-of-way dedications, and municipal service extensions/annexations (as may be necessary). As a North Bay firm with extensive experience working within the Marin municipal agency network, Adobe brings long-standing relationships and knowledge regarding the State laws and the local ordinances and municipal controls (County of Marin, City of Larkspur, City of San Rafael, Central Marin Sanitation Agency, etc.) that will inform the future development of the city property.

D) Team Experience Working Together

As mentioned in the VMWP overview section, Rick Williams and VMWP has teamed with EAH Housing previously on a 24-unit development in Oakley, CA. The community is for special needs and designed to accommodate various amenities that will serve the said population. EAH decided to partner with VMWP for this project due to long standing relationship with each other and familiarity with the location and design considerations for the proposed site. EAH and VMWP shares the same mission in advocating sustainable affordable housing in Marin.

EAH Housing and Adobe Associates have worked together on various new construction and rehabilitation developments. Most recent projects are Fellowship Plaza in Saratoga, Walnut Place in Pt. Reyes Station, and Don De Dios Apartments in San Jose.

2) Housing Team Organization, Background, and Experience

EAH HOUSING
A roof is just the beginning

E) Key Staff - EAH Housing



LAURA HALL

President & CEO
CA DRE #01910456

Laura Hall has more than 25 years of leadership experience, including real estate development – new construction & acquisition/ rehabilitation, facilities management and client services. She is a source of expertise in strategic planning, contract negotiations and operations management.

- Over 20 years of high-level operational and management expertise
- Real Estate Broker's License in California
- MBA, Dominican University; BA in Political Science, UC Berkeley
- Joined EAH Housing in 2008



WELTON JORDAN

Chief Real Estate Development Officer (CREDO)

Welton Jordan manages a team of real estate development professionals and oversees the EAH pipeline, which includes business development, property acquisition, rehabilitation and new construction activities in California and Hawai`i.

- Over 10 years of experience in multifamily housing development, real estate finance and economics
- MA in Business Economics, University of Arkansas; BS in Economics, Southern University
- Certified Housing Development Finance Professional, National Development Council
- Joined EAH Housing 2013



ROBERT SCHRAEGER

Senior Vice President, Real Estate Management (REM)
CA DRE #011393639

Robert Schraeger is responsible for the full portfolio of EAH-managed properties in California and Hawai`i. With the Real Estate Development Department, he reviews potential sites, develops budgets, and implements plans for future staffing.

- Over 30 years of multi-state real estate management experience in several Vice President roles
- Real Estate Broker's Licenses in California and Washington
- Affordable Housing Management Association (AHMA), Board of Directors
- Joined EAH Housing in 2017

2) Housing Team Organization, Background, and Experience

EAH HOUSING
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E) Key Staff - EAH Housing



DAVE EGAN

Vice President
Development and Construction

Dave Egan focuses on active communication with the seller, lender, and equity partners with coordination and supervision of the property management and construction teams. His facilitates project challenges beginning with the property acquisition process through occupancy stabilization and permanent loan closing.

- Over 30 years of experience within the market rate residential real estate development industry
- Real Estate Broker's License in California
- MBA, Golden Gate University; BA, University of California, Santa Barbara
- Joined EAH Housing in 2008



STEVE PRATT

Business Development Manager
Real Estate Development (RED)

Steve Pratt manages business development and early pipeline activity from site acquisition and feasibility through entitlements. This includes, site due diligence, valuation, preliminary financial projections, responding to Requests for Proposals and community engagement. Steve works with our public partners and third-party consultants to bring conceptual developments through the entitlement process.

- Over 15 years of experience within real estate valuation and investments
- Real Estate Sales License and Appraisal License
- MBA, Santa Clara University
- Joined EAH Housing in 2018



KRISTIN TAYLOR

Director
Resident Services

Kristin Taylor oversees all resident services initiatives, including resident advocacy, digital literacy, supportive services partnerships. Her team of resource coordinators, leads and managers encompasses staff at over 50 properties throughout California and Hawai'i.

- Over 15 years of experience in social services, youth development, and program management
- Certified in Crisis Prevention Intervention (CPI)
- Mental Health First Aid Certified: Youth and Adult
- Board Member of AHMA-NCH
- Joined EAH Housing in 2017

PARTNER RESUME

Rick Williams

Architect / Urban Designer



PROFESSION

Architect, Licensed in the State of CA, MS, and NV

EDUCATION

- University of Calif., Berkeley; Master of Architecture, 1990
- University of Calif., Berkeley; Master of Planning - Urban Design, 1990
- California Polytechnic State University, San Luis Obispo, CA; B.S. Arch., 1982

PERSONAL PROFILE

A partner and founder of Van Meter Williams Pollack, Rick Williams is a leader in urban design and transit-oriented development. With a background in both planning and architecture, Rick focuses on planning and urban design projects involving mixed-use, transit oriented community plans and architectural design. His architectural work ranges from residential to mixed-use neighborhoods, urban infill, multifamily affordable and workforce housing throughout the Bay Area. Rick's understanding of building types and the public realm informs urban design projects that benefit from realistic implementation strategies, development regulations and design guidelines. His urban design efforts include national and west coast TOD and infill plans. His diverse experience also includes commercial and institutional projects.

Rick has worked extensively with public agencies, cities, nonprofit organizations, and diverse and disenfranchised communities. He is adept at negotiating the regulatory framework and writing innovative codes and guidelines to articulate the design parameters for mixed-use, pedestrian and transit-oriented development. Rick's primary focus is the implementation of complex, visionary design projects whose success depends on high quality design, strong community involvement, unique financing and public-private development partnerships. Rick also continues to lead efforts on a variety of affordable housing developments within a wide number of communities in the Bay Area. Rick has lectured extensively on issues of contemporary urban planning, and his urban design projects have been published in books and leading design and planning journals.

SELECTED PROJECT EXPERIENCE

- Warm Springs Transit Village, Fremont, CA - *master plan*
- Sunnydale HOPE SF Master Plan, San Francisco, CA - *master plan, public housing*
- San Jose Design Guidelines, CA - *standards and guidelines*
- MacArthur BART Station, Oakland, CA - *master plan*
- Balboa Reservoir, San Francisco, CA - *mixed-income, workforce housing*
- Whistlestop, San Rafael, CA - *affordable senior housing*
- Fairfax Victory Village, Fairfax, CA - *affordable senior housing*
- Westbourne Park, Fremont, CA - *mixed-income, mixed-use*
- 4840 Mission St., San Francisco, CA - *affordable, mixed-use housing*
- Bay Fair Mall TOD Specific Plan, San Leandro, CA - *master plan*
- El Camino Real Precise Plan, Mountain View, CA - *strategic plan*
- 703 Third Street, San Rafael, CA - *mixed-income*
- San Mateo County Event Center, San Mateo, CA - *vision plan*
- SSF Downtown Strategy Plan, South San Francisco, CA - *master / strategic plan*
- Mountain View Downtown Plan, San Francisco, CA - *master plan*

VAN METER WILLIAMS POLLACK LLP

ASSOCIATE PRINCIPAL RESUME

Michael Kloefkorn

Associate Principal



PROFESSION

- Architect, Licensed in the State of Colorado
- LEED Accredited Professional (Legacy)

EDUCATION

- Cal Poly State University, San Luis Obispo, CA; B. Architecture, 1994

FIRM RESPONSIBILITIES

As an Associate Principal Michael oversees multiple projects, from feasibility through construction, leads the firm wide sustainable design efforts coordinating and educating staff for all project scales inlcuding building science development and alternative systems & materials research.

PERSONAL PROFILE

Mr. Kloefkorn brings a mixture of experience in California, Colorado, and Australia including: interior design, commercial/retail, mixed-use, multi-family residential, adaptive-reuse, infrastructure and construction. He joined VMWP in 1998 and relocated to Colorado in 1999 to assist in establishing the new Denver office. He returned to Californa in 2005 to raise his family. He specializes in sustainable urban architecture and infrastrucure and is the authority on sustainability at VMWP, pushing the envelope on every project, knowing that sustainable design begins during feasibility, is measured beyond the walls of the development, and impacts everyone. He is currently heading up VMWP's first Living Building Challenge Affordable Housing Pilot efforts at 180 Jones in SF.

Mr. Kloefkorn is active, professionally and in the community, to promote better human environments while decreasing the human impact on the natural environment. He is an advocate for affordable housing and for moving our profession from green to sustainable to regenerative design. In his spare time, Michael enjoys snowboarding, hiking, backpacking.

SELECTED PROJECT EXPERIENCE

- Richardson Hall, San Francisco, California - *affordable housing, mixed-use, LGBTQ housing, historic re-use, senior housing, GreenPoint Rated*
- 180 Jones, San Francisco, California - *affordable housing, LBC lead*
- 2175 Market Street, San Francisco, California - *mixed income, mixed-use, LEED for homes Midrise Platinum*
- Rebuild Potrero - Hope SF 1101 Connecticut, San Francisco, California - *affordable housing, LEED for Homes Midrise Platinum, Master Plan & Infrastrucure*
- Bell Street Gardens, Fremont, California - *affordable housing, motel rehab, all-electric, Prelim - LEED for Homes Gold*
- Cottonwood Place Senior Apartments, Fremont, California - *affordable housing, senior housing, mixed-use, LEED for Homes Midrise Platinum, GreenPoint Rated 208 pts, Bay Friendly Landscape Certified*
- Warner Creek Senior Housing, Novato, California - *affordable housing, senior housing, GreenPoint Rated*
- Rotary Plaza, South San Francisco, California - *affordable housing, rehab, senior housing, Energy Updgrade CA, 15%*
- Hope VI - Valencia Gardens, San Francisco, California - *mixed income, affordable family housing, senior housing*
- RailYard Lofts, Denver, Colorado - *market rate, historic preservation, adaptive reuse*

VAN METER WILLIAMS POLLACK LLP

ASSOCIATE RESUMÉ

Elitsa Shepherd

Associate / Project Architect



PROFESSION

- Architect, Licensed in the State of California
- LEED AP Homes Accredited Professional
- Certified Passive House Designer

EDUCATION

- UC Berkeley: Bachelor of Arts in Architecture, 2012

FIRM RESPONSIBILITIES

Elitsa works closely with clients, consultants, engineers and city staff to ensure that projects meet the needs of the owner, the future residents, the city and the neighbors. She oversees projects from initial conception to completed construction. Elitsa is the project architect of Vivalon Healthy Aging Campus & Senior Housing in San Rafael (a mixed-use project with 64 senior affordable residential units, currently completing construction documents) and Casa Roseland & Plaza Temporal in Santa Rosa (76 family affordable units with an adjacent temporary food trucks park). Elitsa is also working on a mixed-use project in Redwood City (300 market rate and veteran affordable units, commercial kitchen, bar and event space for the American Legion, currently in Schematic Design). Elitsa was the project manager of 1101 Connecticut in San Francisco, the first phase of Rebuild Potrero, completed in December 2018.

PERSONAL PROFILE

Elitsa has lived in San Francisco, the Peninsula, and the East Bay and loves exploring hiking trails with her dog Cooper. In her spare time, Elitsa has volunteered at Habitat for Humanity, working at the construction site at Mt. Burdell Place in Novato, CA.

VMWP PROJECT EXPERIENCE

- Vivalon Healthy Aging Campus & Senior Housing, San Rafael, CA - *mixed-use, 64 units senior affordable housing*
- American Legion, Redwood City, CA - *mixed-use, 300 units market rate & veteran affordable housing, large event space and facilities for American Legion Post*
- 3575 Mendocino Ave, Santa Rosa, CA - *94 units affordable senior housing*
- Casa Roseland and Plaza Temporal, Santa Rosa, CA - *76 units affordable housing & temporary food plaza*
- 703 Third Street, CA - *120 units, mixed-use, mixed-income housing*
- Vallco Town Center, Cupertino, CA - *mixed-use, multi-family housing*
- Rebuild Potrero 1101 Connecticut, San Francisco, CA - *72 units affordable housing*
- Colorado Park, Palo Alto, CA - *60 unit affordable housing renovation*
- Rotary Plaza, South San Francisco, CA - *179 units senior housing, renovation*
- Belle Terre, Lafayette, CA - *46 units senior affordable housing*
- Cottonwood Place, Fremont, CA - *mixed-use, 98 units senior affordable housing*

AWARDS

- Gold Nugget Award of Merit for Best Affordable Housing Community - *Rebuild Potrero 1101 Connecticut, San Francisco, 2020*

VAN METER WILLIAMS POLLACK

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civil engineering | land surveying | wastewater

"A Service You Can Count On!"

David Brown, RCE
President and CFO
Principal Engineer
LEED AP, QSD/QSP
DBrown@adobeinc.com



Education
- B.S. Civil & Environmental Engineering 1982, University of Wisconsin

Professional Licenses & Accreditations
- Registered Civil Engineer, State of California #41833
- LEED Accredited Professional
- Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP), Certification #21612

Professional Affiliations
- American Council of Engineering Companies (ACEC), Past North Coast President
- North Coast Builders Exchange (NCBE)
- American Society of Civil Engineers (ASCE)
- National Society of Professional Engineers (NSPE)
- Santa Rosa Chamber of Commerce
- United States Green Building Council (USGBC)
- Sonoma County Alliance

Work History
- 1982 - Present, President & Principal Engineer, Adobe Associates, Inc.

Professional Experience

David Brown has been with Adobe Associates, Inc. since its founding in 1982, and under his leadership, Adobe has become a formidable player in the industry. Dave has enjoyed much success in providing quality engineering and land surveying services to private landowners, private developers, and public agencies in Northern California, especially Sonoma County, for more than 39 years.

One of Dave's strong suits is collaborating with clients and consultants during the prelim design phase through entitlement approvals and the construction phase in order to achieve optimum project goals. He provides the project team with technical support and allocates staff resources. As the signing professional civil engineer on project documents, he provides an additional blanket of quality assurance.

Project management experience includes supervision of design teams in the initial feasibility studies and master planning phase for projects of various sizes and the design and preparation of construction drawings and bid documents for a variety of public and private projects. Public project history includes Hwy 12 Pilot Project (Sonoma Springs Area), fire stations for local cities (Bolinas, Cloverdale, Fairfield, Geyserville, and Santa Rosa), and improvements within City, County and State right-of-ways. Other related projects include preparation of plans, specifications, and bid documents for the Santa Rosa Kaiser Hospital expansion projects, Cypress Ridge affordable housing project, and Highway 12/121 improvements for the Sonoma Valley Business Park.
Dave takes pride in Adobe's growth and continued success, and pleasure in having a part in clients and staff reaching their goals.

References
- Ed Nagel, Developer/Project Coordinator, (707) 833-1070
- Tennis Wick, Director of Permit Sonoma 707-565-1925
- Andy Allen, Supervising Engineer, Utilities Department, City of Santa Rosa, (707) 543-4291

Recognition
- Honored as a Top 10 Leading CFOs in the North Bay, NBBJ/2014

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"A Service You Can Count On"

Timothy Schram, RCE
Principal Engineer
LEED AP, QSD/QSP
TSchram@adobeinc.com



Education
- B.S. Civil Engineering 2001, Colorado State

Professional Licenses & Accreditations
- Registered Civil Engineer, State of California #67890
- LEED Accredited Professional, May 2009
- Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP), Certification #21612

Professional Affiliations
- American Council of Engineering Companies (ACEC), Past North Bay President and Treasurer
- Active 20-30 Club of the North Bay, Board Member 2006-2014, President 2008
- Northern California Engineering Contractors Association (ECA)
- ACES Certified Underground Utility Locator

Work History
- 2000-Present, Project Manager / Principal, Adobe Associates, Inc.

Professional Experience
Tim Schram has been a member of the Adobe Associates team since 2000 since graduating from Colorado State University. Tim has worked his way up through the ranks be working as a land survey crew member, designer, and now project manager and Principal. He is familiar with all aspects involved in leading his client's projects to successful completion. As a project manager, Tim is the "go-to man" when clients, consultants, and colleagues have questions or concerns.

Mr. Schram's experience encompasses a wide variety of projects including the design of public and private improvements as well as the planning and processing of the project entitlements for said projects with the appropriate agencies. He has managed improvement plans for schools, fire stations, medical office buildings, landfill infrastructure improvements, wineries, resort & spas, high end estates, and affordable housing projects. Improvement designs include street design (plan, profiles, cross sections, bike and pedestrian improvements), grading and drainage, storm drains, sanitary sewer, water, and fire mains and appurtenances and utility feasibility studies, best management practices for storm water quality studies and design, preparation and filing of State NOI and SWPPP, hydrology and hydraulic studies, erosion control studies and designs, and cost estimating.

Services also include construction administration on all of the projects that Tim has prepared and processed. His experience and knowledge on construction sites has helped to reduce or eliminate potential added construction costs.
As a civil engineer and project manager, Tim embodies the positive attitude, effectiveness and focus on client relationships that have shaped Adobe Associates' growing success.

References
- Robin Black, Client, (619) 306-9111
- Scott Carter, Engineer, Sonoma County Water Agency, (707) 547-1975
- Ruth Wilson, Client, (707) 670-0770
- Laurie Doyle, PM, Regal Development Group, Inc., (559) 347-6980

Recognition
- North Bay Business Journal Award–Winner of the North Bay Business Leaders Forty under the Age of 40, Published April 2011

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"A Service You Can Count On"

Quan H. Nguyen, PE
Associate Civil Engineer
QSD/QSP, ACP
QNguyen@adobeinc.com



Education
- B.S. Civil Engineering 1997, Hochiminh Polytechnic University, Vietnam
- M.S. Geotechnical Engineering 2002, Osaka Sangyo University, Japan
- Ph.D Geotechnical Engineering 2005, Osaka Sangyo University, Japan

Professional Licenses & Accreditations
- Registered Civil Engineer, State of California RCE #76804
- Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP), Certification #23661
- Autodesk Certified Professional, ACP #00254745

Professional Affiliations
- Japanese Society of Civil Engineers (JSCE)
- Japanese Geotechnical Society (JGS)
- North Bay Civil Users Group (NBUG)

Work History
- 2006-Present, Associate Civil Engineer/CADD Manager, Adobe Associates, Inc.
- 2005-2006, Deputy Project Manager, Bachy Soletanche, Vietnam
- 2005-2006, Lecturer, Hochiminh Polytechnic University, Vietnam
- 1997-1999, Site/Project Engineer, REACTEC, Vietnam

Professional Experience

Quan Nguyen has been part of the Adobe Associates civil engineering team for more than 15 years. He started as a CAD Designer and has worked his way up to become an Associate Civil Engineer and CADD Manager. Back in 1997, Quan worked as a site engineer and project engineer on a number of highway construction projects in the Southern Vietnam provinces. He also successfully served as Deputy Project Manager for high-rise building construction sites for Bachy Soletanche Vietnam in 2005-2006 before relocating to the United States.

Mr. Nguyen has a solid background in civil engineering, highway engineering and geotechnical engineering. He continues to expand and improve his knowledge, skill and technical prowess through intensive education, industrial research and professional practice. He utilizes alternative study and problem solving in his engineering practice know-how.

Quan has been proven as an experienced engineer in a wide variety of projects including public and private land development, transportation, site and utility improvement, hydrology and hydraulic analysis, quantity take off and cost estimating, and stormwater pollution prevention management. Quan loves to incorporate his extensive knowledge and hands-on experiences in each of his designs to improve its buildability, functionality and cost effectiveness.

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"A Service You Can Count On"

James L. Jensen, P.E.
Civil Engineering Supervisor
QSD/QSP/QISP
JJensen@adobeinc.com



Education

- B.S. Civil Engineering 2006, California State University Sacramento

Professional Licenses & Accreditations

- Registered Civil Engineer, State of California #73042
- Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP), Certification #24666
- Qualified Industrial Stormwater Practitioner (QISP), Certification #01036
- Autodesk Certified Associate, #00178526

Professional Affiliations

- North Bay Engineer's Club

Work History

- 2013-Present, Civil Engineering Supervisor, Adobe Associates, Inc.
  (Previous titles at Adobe Associates: Associate Civil Engineer and Project Manager)
- 2001-2012, Associate Civil Engineer, Phillippi Engineering, Inc.

(Previous titles at Phillippi: Designer, Junior Engineer, and Staff Engineer)

- 2001, Engineering Intern, City of Vacaville, California
- 1999-2001, Engineering Aide, City of Dixon, California

Professional Experience

James has over 20 years of experience in civil engineering and land development, with a wide variety of design and construction experience in commercial, municipal, and subdivision projects. His design experience includes roadways; hydrology and storm water collection, conveyance and detention systems; water distribution systems; sewer collection systems and lift station design; master plan and infrastructure studies; preparation of construction drawings; construction administration and cost estimating; and assisting clients with due diligence and entitlement.

Since joining Adobe Associates, Inc., James has been involved in several utility studies, utilizing software such as WaterCAD v8i, Autodesk Storm and Sanitary Analysis, and Hydrographs Extensionfor Civil 3D. These programs are often used for purposes of computing hydrology and hydraulics for various commercial and housing projects, fire flow analysis, and water distribution system modeling.

James currently serves Adobe in a technical and managerial capacity, being involved with project design when the need arises, keeping staff on task in order to deliver projects on time and to the standard Adobe clients have come to expect, preparing scopes of service and proposals for various projects, coordinating sub-consultants, and much more.

James and his staff have recently assisted the Sonoma County Office of Education with topographic surveying and construction document preparation for the El Colegio Preschool facility in Rohnert Park, and topographic mapping of SCOE's School and College Legal Services Building. He was also involved with a full suite of services that Adobe provided to Sebastopol Independent Charter School for its recently constructed facility in Sebastopol, including onsite wastewater disposal design, surveying (including a record of survey), construction documents, and a State water system permit.

References

- John Boies, Area Manager, Granite Construction Company, 707-974-0886
- Derek Rayner, Director of Public Works, City of Calistoga, 707-942-2827
- Gabe Osburn, Acting Deputy Director-EDS, City of Santa Rosa, 707-543-3853

3) References

EAH HOUSING
A roof is just the beginning

EAH Housing References

County of Marin
3501 Civic Center Drive, San Rafael, CA 94903

Leelee Thomas
Affordable Housing Planning Manager
lthomas@co.marin.ca.us | (415) 473-6697

Public partner and CDBG/HOME/gap funding provider for multiple EAH Housing developments in Marin. Ms. Thomas oversees the Federal Funds Division and was instrumental in allocation of HOME funds to several EAH Housing properties.

City of Morgan Hill
17575 Peak Avenue, Morgan Hill, CA 95037

Rebecca Garcia
Housing Manager
rebecca.garcia@morganhill.ca.gov | (408) 310-4637

Public partner responsible for approving several EAH Housing project loans in Morgan Hill, CA. Projects include Orchard Ranch and Bella Terra.

City of Hayward
777 B Street, 2nd Floor, Hayward, CA 94541

Christina Morales
Housing Division Manager, Office of the City Manager
Christina.morales@hayward-ca.gov | (510) 583-4243

Public partner worked with EAH Housing on Cathedral Gardens (when formerly employed in Oakland) and Mission Paradise, senior housing and Pimentel Place, family housing.

REFERENCES

CITY OF SAN RAFAEL

Steve Stafford
Senior Planner
415-458-5048
steve.stafford@cityofsanrafael.org

City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Vivalon Healthy Aging Campus, 703 Third Street

TOWN OF FAIRFAX

Norma Fragoso,
Planning Commissioner,
Town of FairfaxFormer Redevelopment Manager, City of South San Francisco

415-225-7822
nfragoso49@gmail.com

Town of Fairfax
142 Bolinas Rd., Fairfax,
California 94930

Victory Village (Town of Fairfax) Grand Oak Apartments, (City of South San Francisco)

CITY OF FREMONT

Clifford Nguyen
Urban Initiatives Manager
510-284-4000
cnguyen@fremont.gov

David Wage
Senior Planner
510-494-4447
wage@fremont.gov

Wayland Li
Principal Planner
510-494-4453
wli@fremont.gov

Aki Snelling
Associate Planner
510-494-4534
asnelling@fremont.gov

City of Fremont
3300 Capitol Ave.
Fremont, CA 94538

Fremont Multi-Family Design, Standards and Guidelines

CITY OF SAN CARLOS

Al Savay, Community Development Director
650.802.4209
asavay@cityofsancarlos.org

City of San Carlos
600 Elm Street
San Carlos, CA 94070

San Carlos Downtown Site Evaluations, Wheeler Plaza Feasibility Evaluation; Downtown Site Studies and Feasibility Evaluations; School District Properties Evaluations and Major Project Design Review

CITY OF MOUNTAIN VIEW

Martin Alkire
Principal Planner
650-903-6306
martin.alkire@moutainview.gov

Rebecca Shapiro,
Deputy Zoning Administrator
650-903-6306
rebecca.shapiro@moutainview.gov

City of Mountain View
500 Castro Street
Mountain View, CA 94039

El Camino Precise Plan, Mountain View Downtown Plan Luna Vista, Mountain View Rowhouse Guidelines, North Bayshore Precise Plan, California Street Master Plan

VAN METER WILLIAMS POLLACK LLP

Adobe Associates Inc. References

City of Healdsburg Public Works

401 Grove Street, Healdsburg, CA 95448

Mario Landeros

City Engineer

(707) 431-3346

mlanderos@ci.healdsburg.ca.us

Public agency reference for Foss Creek Court Apartments

Town of Windsor

9291 Old Redwood Highway, Windsor, CA 95492

Richard Burtt

Town Engineer & Public Works Director

(707) 838-1000

rburtt@townofwindsor.com

Public agency reference for Windsor Redwoods Apartments

Sonoma County PRMD

2550 Ventura Avenue, Santa Rosa, CA 95403

Yoash Tilles

City Engineer

(707) 565-4232

Yoash.Tilles@sonoma-county.org

Public agency reference for Ortiz Plaza Farmworker Housing

4) Completed Project Summaries

EAH HOUSING
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EAH Housing Comparable Projects

The succeeding pages will showcase cutsheets of comparable projects.

1. San Clemente Place - Corte Madera, CA - There was a strong neighborhood opposition to the construction of this development but after a series of community engagements and forums, EAH Housing was able to get approval and acceptance from city council and the community. EAH was able to showcase that the development would benefit the community by serving families, seniors and special needs households while using sustainable development practices and conversing energy and maintaining a natural beauty that Marin is known for.

Project Reference: Leelee Thomas | Affordable Housing Planning Manager | County of Marin | lthomas@co.marin.ca.us | (415) 473-6697

2. Shelter Hill - Mill Valley, CA - Originally developed by EAH in 1975, EAH was asked to acquire the property in 2010 through assumption of the owner nonprofit corporation known as Interfaith Housing Foundation which gave EAH control of the property thereby furthering its mission to provide permanently affordable housing.

Project Reference: Leelee Thomas | Affordable Housing Planning Manager | County of Marin | lthomas@co.marin.ca.us | (415) 473-6697

3. Drake's Way - Larkspur, CA - A transit-oriented development located in a vibrant mixed-income neighborhood. EAH conducted a series of forums with affordable housing advocates, surrounding neighbors, both commercial and private homeowners to gather inputs prior of its development. Drake's Way is one of the first projects of the EAH Housing Building Sustainability Communities Initiative.

Project Reference: Leelee Thomas | Affordable Housing Planning Manager | County of Marin | lthomas@co.marin.ca.us | (415) 473-6697

4. Cathedral Gardens - Oakland, CA - Cathedral Gardens is an affordable rental housing community centrally located near downtown Oakland, 1/2 mile from a BART train station. This infill urbanized redevelopment site incorporates new construction and historic rehabilitation. Landscaping and irrigation were developed on all sides of the buildings, beautifying the neighborhood.

Project Reference: Christina Morales | Housing Division Manager | City of Hayward | Christina.morales@hayward-ca.gov | (510) 583-4243 (Ms. Morales used to work for City of Oakland)

5. Estrella Vista - Emeryville, CA - Working with two different cities and various agencies, EAH underwent high level of coordination among multiple financing partners from a dozen independent entities, including local, county, state and federal programs. Additionally, EAH navigated the complex process of environmental mitigation for the Estrella Vista project, effectively allowing the site to be reused for its highest and best use.

Project Reference: Jennifer Cado | Sr. Administrative Analyst | County of Alameda jenniferc@haca.net | (510) 670-6474

San Clemente Place | Family 76 units

33 San Clemente Drive
Corte Madera, CA 94925



Development Team

Developer: EAH Housing

Architect: Chris Lamen & Associates

Gen. Contractor: Nordby Construction

Construction commenced: **2006**

Year completed: **2008**

San Clemente Place is a community for families, seniors and special needs households in Corte Madera. Two and three story buildings surround an open courtyard and lovely gardens. Landscaped entryways and private balconies with bay, mountain or garden views bring a sense of openness and natural beauty.

San Clemente Place showcases sustainable development practices that conserve energy through efficient building systems and convenience of location. The community is close to transportation, schools, jobs, shopping and recreation. On-site services connect all residents to a variety of activities and skills-training.



Total Units	79 rental apartments
Density	28.8 DU/acre
Financing Participants	• Tax-Exempt Bonds • Low-Income Housing Tax Credits • State of California Multifamily Housing Program/Voter-Approved Prop. 46 Funds • Citibank • National Equity Fund • Marin Community Foundation • County of Marin HOME and CDBG Programs • Tamalpais Pacific • Town of Corte Madera
Total Cost	$33,046,000

EAH HOUSING
A roof is just the beginning

CA Lic. 853495 | HI Lic. RB-16985
www.EAHHousing.org

Shelter Hill | Family 75 units

37 Miwok Way
Mill Valley, CA 94941



Development Team

Developer: EAH Housing

Architect: Basis Architecture and Consulting

Developed: **1975**

Rehabilitation completed: **2013**

Shelter Hill is nestled in the foothills of Mt.Tamalpais in southern Marin County and is located near several state and county parks. There are outdoor play areas on-site, a community room and a computer learning center, with landscaped interior and exterior courtyards.

Located in an excellent school district, Shelter Hill's community services include after school tutoring. It is close to historic downtown Mill Valley, public transportation, several shopping malls with grocery stores, medical facilities, pharmacies and other conveniences.



Total Units	75 rental apartments
Density	41.23 DU/acre
Financing Participants	• 4% Low-Income Housing Tax Credits & State LIHTC • Marin County CDBG • Seller Take Back Loan • Tax-Exempt Bond Financing: City Community Capital
Total Cost	$31,769,024

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www.EAHHousing.org

Drake's Way | Family 24 units

20 Drake's Way,
Larkspur CA 94939



Development Team

Developer: EAH Housing

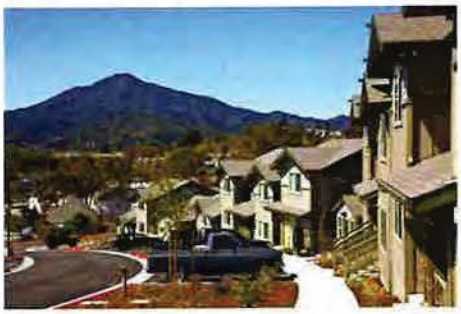
Architect: Russell + Davis Architects

Gen. Contractor: L & D Construction

Year completed: **2009**

Drake's Way, a vibrant mixed-use Larkspur Landing neighborhood, is conveniently located close to shopping, restaurants, offices, and Larkspur Ferry Terminal. The community offers assigned parking and common areas such as a computer learning center, kitchen, laundry, large deck and children's play area, in the community center building.

The 24 rental homes are offered to very-low and extremely-low income households. A host of green features make Drake's Way an environmentally sustainable community, including photovoltaic panels and Energy Star appliances, as well as state-of-the-art mechanical and structural systems.



Total Units	24 rental apartments | 46 parking spaces
Density	9.67 DU/acre
Financing Participants	• Citibank • Union Bank of California • Voter Approved Proposition 46 Funds (Calif. Dept. of Housing and Community Dev.) • County of Marin (HOME, CDBG, and HOPWA Programs) • Marin Community Foundation • Tamalpais Pacific • City of Larkspur
Total Cost	$13,630,639

EAH HOUSING
A roof is just the beginning

CA Lic. 853495 | HI Lic. RB-16985
www.EAHHousing.org

Cathedral Gardens | Family 100 units

638 21st Street
Oakland, CA 94612



Development Team

Developer: EAH Housing

Land Owner: Oakland Housing Authority

Architect: Chris Lamen & Associates

Construction commenced: **2012**

Year completed: 2015



EAH HOUSING
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CA Lic. 853495 | HI Lic. RB-16985
www.EAHHousing.org

Cathedral Gardens is an affordable rental housing community designed for families. Centrally located near downtown Oakland, 1/2 mile from a BART train station, the community consists of 100 apartment homes built on an infill urbanized redevelopment site. 43 of the units have project-based vouchers (PBV) and 5 units are fully ADA-accessible.

The development incorporates new construction and historic rehabilitation. Two new buildings, three and four stories, were constructed on either side of a 110-year-old historic rectory building (photo: left). The four-story building is over a parking garage with a landscaped podium deck to provide outdoor space for residents. The rectory was rehabilitated using the Secretary of the Interior's Standards for the Treatment of Historic Buildings. Landscaping and irrigation were developed on all sides of the buildings, beautifying the neighborhood.

Total Units	100 rental apartments | 100 parking spaces
Density	73 DU/acre
Financing Participants	• City of Oakland Redevelopment Agency Funds • Oakland Housing Authority Land Donation • Alameda County HOPWA Funds • California State MHSA Funds • Federal Home Loan Bank of San Francisco AHP Funds • California Tax Private Activity Bonds • 4% Low Income Housing Tax Credits • Senior Lender: JP Morgan Chase • Tax Credit Equity Investor: Merritt Community Capital
Total Cost	$40,729,000

Estrella Vista | Family/Mixed-Use 87 units

3706 San Pablo Avenue
Emeryville, CA 94608



Development Team

Developer: EAH Housing
Architect: KTGY Group
Gen. Contractor: J.H. Fitzmaurice

Construction commenced: **2017**
Construction completed: **2020**

Estrella Vista is an affordable mixed-use apartment community in Emeryville, CA, providing studios and one- through four-bedroom apartments for families in a 6-story mid-rise building. Located by the "star" intersection of San Pablo Avenue, W. MacArthur Boulevard, and Adeline Street, Estrella Vista provides ground level retail on an infill site and is close to transit, shopping and local job centers.

The community has several indoor and outdoor common spaces for residents and utilizes sustainable sources of energy, including solar thermal generation and a photovoltaic (PV) system. Project anticipates LEED Platinum certification.



Total Units	87 rental apartments | 1 Commercial | 98 parking
Density	77 DU/acre
Financing Participants	• City of Emeryville • City of Oakland • County of Alameda • Oakland Housing Authority • Housing Authority of the County of Alameda • Wells Fargo • California Community Reinvestment Corporation • California Department of Housing and Community Development • California Municipal Finance Authority • California Tax Credit Allocation Committee • California Debt Limit Allocation Committee • Federal Home Loan Bank • LIHTC financing 4%
Total Cost	$64,000,000

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www.EAHHousing.org













Senior Housing In a Beautiful, Natural Setting

Client: Resources for Community Development

Site Area: 51,000 S.F. / 2 acres

Density: 54 units - 27 DUA

Completion: 2020

Contact: Adam Levine
Resources for Community Development
510.841.4410 x331
alevine@rcdhousing.org

Fairfax Senior Housing is a 54 unit affordable senior housing development nestled in the trees just off Sir Francis Drake Boulevard in Fairfax, CA. The future building is sited between two hills and follows the terraces of the site's topography with a two-story portion of the building nearest Sir Francis Drake Boulevard. The central three story portion of the building wraps around two court yards and includes the main entry lobby, management and service offices, common laundry facilities, and resident common spaces for resident gatherings and events. Both courtyards are protected with deer fencing as they provide landscaped resident use areas. One courtyard provides raised accessible planter beds for resident's use and the other courtyard provides an outdoor area off the community room for outdoor resident events. The new building will be approximately 50,000 sf with 43 parking spaces.

The Fairfax Senior Housing Project proposes to develop a lively, affordable housing community, and hopes to encourage a connection with the surrounding outdoor environment while providing easy access to the surrounding communities via nearby transit.

Gold Nugget AWARDS
AWARD OF MERIT

Design Features

- Courtyards with raised planter beds and vegetation providing natural light and connection to outdoor environment
- Building materials and colors chosen to respond to natural environment
- Multiple entry locations
- Terraced building responding to the natural grade

Green Features

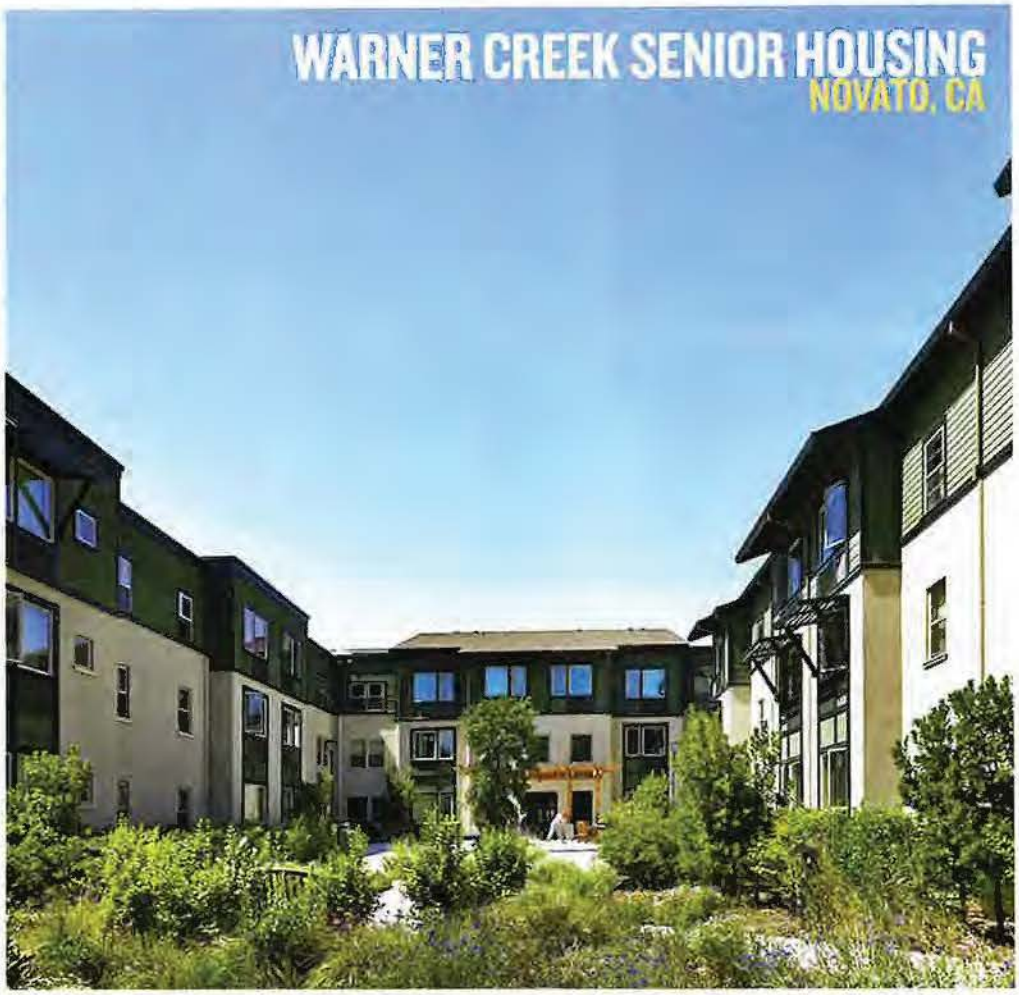
- Solar Thermal and PV panels
- Gray water
- Passive Solar Design, Sunshades
- Native, drought tolerant landscaping







WARNER CREEK SENIOR HOUSING
NOVATO, CA



Affordable Urban Infill Housing for Seniors

Warner Creek is a 61 unit affordable housing development for seniors built on a vacant lot in Novato, CA alongside a creek bank. This site along Diablo Avenue is the quintessential infill site, adjacent to mid-density apartments and condominiums of two and three stories and an occasional 4th story. The project site is located close to walkable community amenities including the Novato Fair Shopping Center, Golden Gate Transit lines that run along Novato Boulevard, and the Margaret Todd Senior Center.

The project is designed as an affordable residential community of one bedroom units for seniors over 55 to "age in place". Warner Creek is committed to it's residents independence through the building's design featuring 49 on-site parking spaces, landscaped courtyards, community gardens, an outdoor patio, walkable paths, a community room, and on-site service programs.

Client: Eden Housing
Site Area: 157,000 S.F. / 2.27 acres
Density: 61 units - 26.9 DUA
Completion: December 2012
Construction est.: $10.6M
Contact: Woody Karp
Senior Project Developer
Eden Housing
510.247.8119
WKarp@edenhousing.org

Peter Mugani
Construction Manager
P.L. Mak, Inc.
530.758.7838
peter@plmak.com

Design Features

- Landscaped courtyards and outdoor patio
- Community, exercise, computer rooms and lounge
- Walkable paths
- Nearby amenities and public transportation
- Community garden

Green Features

- GreenPoint Rated: 180 points
- On site bioswales and off-site bioswales through purchase with the Burdel Mitigation Bank
- Native drought tolerant landscaping
- Innovative storm water management
- Solar hot water heating









Committing to Marin's Seniors: Affordable Housing and Services

Client: EDEN Housing and Vivalon (formerly Whistlestop)

Site Area: 15,000 S.F.

Density: 67 units - 194 DUA

Completion: Anticipated 2021

Contact: Susie Criscimagna
EDEN Housing
510.852.1460

Joe O'Hehir
Vivalon (formerly Whistlestop)
415.456.9065

This new mixed-use senior center, located on the corner of Third and Brooks Street, will provide affordable housing to low and very low-income seniors. The building integrates high quality amenities including a community room, residential courtyard for gatherings and gardening, a computer center and exercise room, central laundry facility, and roof decks. The first and second floors house Whistlestop's extensive services program for the Marin Senior Community, providing meeting rooms, classrooms, service offices and some medical services as part of its Healthy Aging Campus.

Vivalon (formerly Whistlestop) has partnered with Eden Housing to help realize their vision for a new facility that will include 67 units of onsite affordable senior housing to complement its Healthy Aging Campus. This new development will allow a highly respected and admired local non-profit organization to continue serving Marin County seniors and become a symbol of San Rafael's commitment to their

Design Features

- Residents' courtyard
- Two roof decks with views of San Rafael and Mt. Tam
- Arcaded main entry
- Green walls at the stair towers
- Contemporary design with traditional building form

Green Features

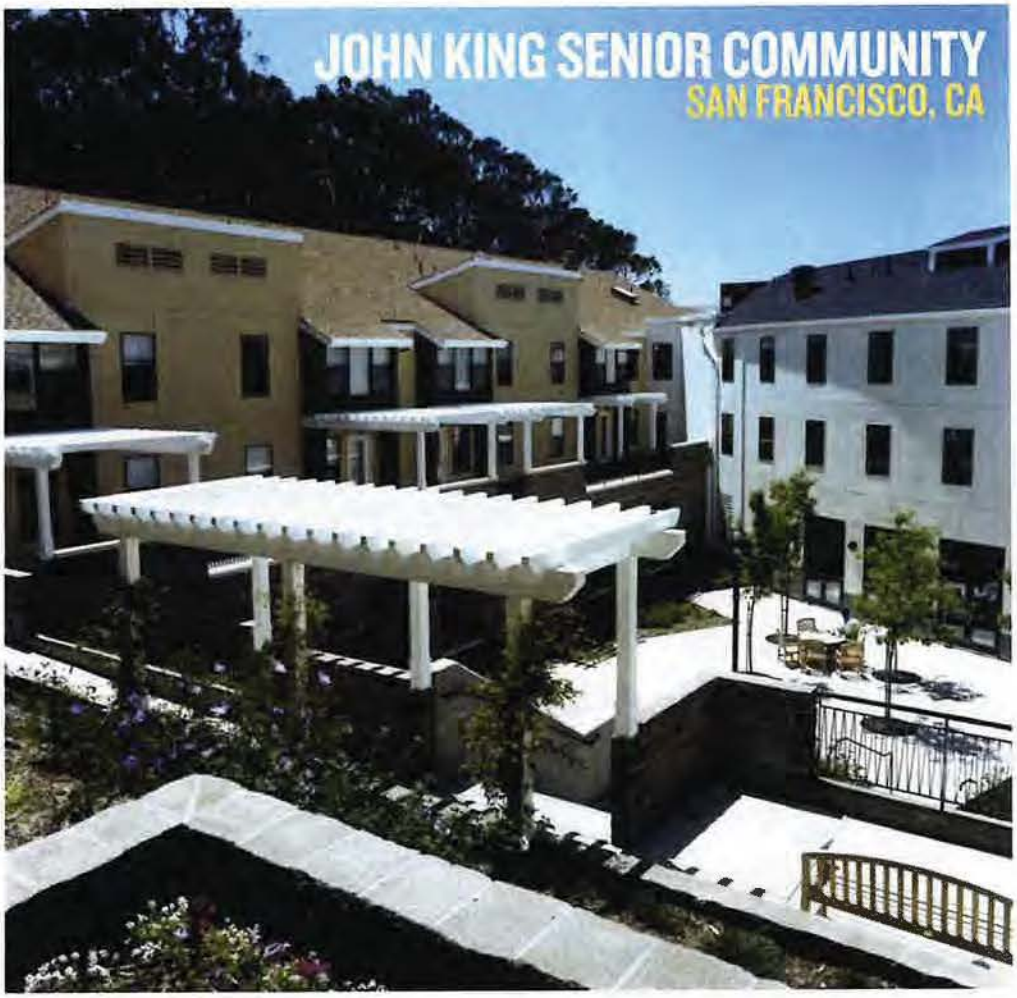
- Extensive use of photovoltaic panels
- Solar thermal hot water system
- Eneergy efficient appliances
- Recycled materials with low VOC content
- Reduced irrigation water use
- GreenPoint Rated
- Car-free community with direct transit access







JOHN KING SENIOR COMMUNITY
SAN FRANCISCO, CA



Client: Mercy Housing California, Housing Conservation & Development Corp.

Building Size/Acres: 90,000 sq.ft./ 2.3 acres gross

Density: 40 du/ac–

91 HUD 202 one bedroom units

Completion: June 2002

Construction est.: $11.46M

Contact: Barbara Gualco

Mercy Housing California
1360 Mission Street, Ste. 300

San Francisco, CA 94103

415.335.7117

Scott Smith

Roberts-Obayashi Corporation

20 Oak Court

Danville, CA 94526
925.820.0600

Services and Housing for the Entire Community

DESCRIPTION - Located on a 2.3 acre former school site adjacent to McLaren Park in San Francisco, the John King Senior Community is nestled into a steep hillside and includes a senior center with dining facilities for 100, a childcare center, common spaces for the residents and greater community along with 91 one-bedroom senior units. The uses are organized around outdoor courtyards which provide separate activity zones for each use. Planting beds are provided in the senior garden for use by the residents. Natural daylit corridors, ample outdoor space, and stunning views to the south have all been prioritized in the design.

VISION - Create a safe, vibrant and inviting residential community with supportive services.

PROJECT REQUIREMENTS - Integration of housing, senior center, and child daycare while providing for individual identity and space.

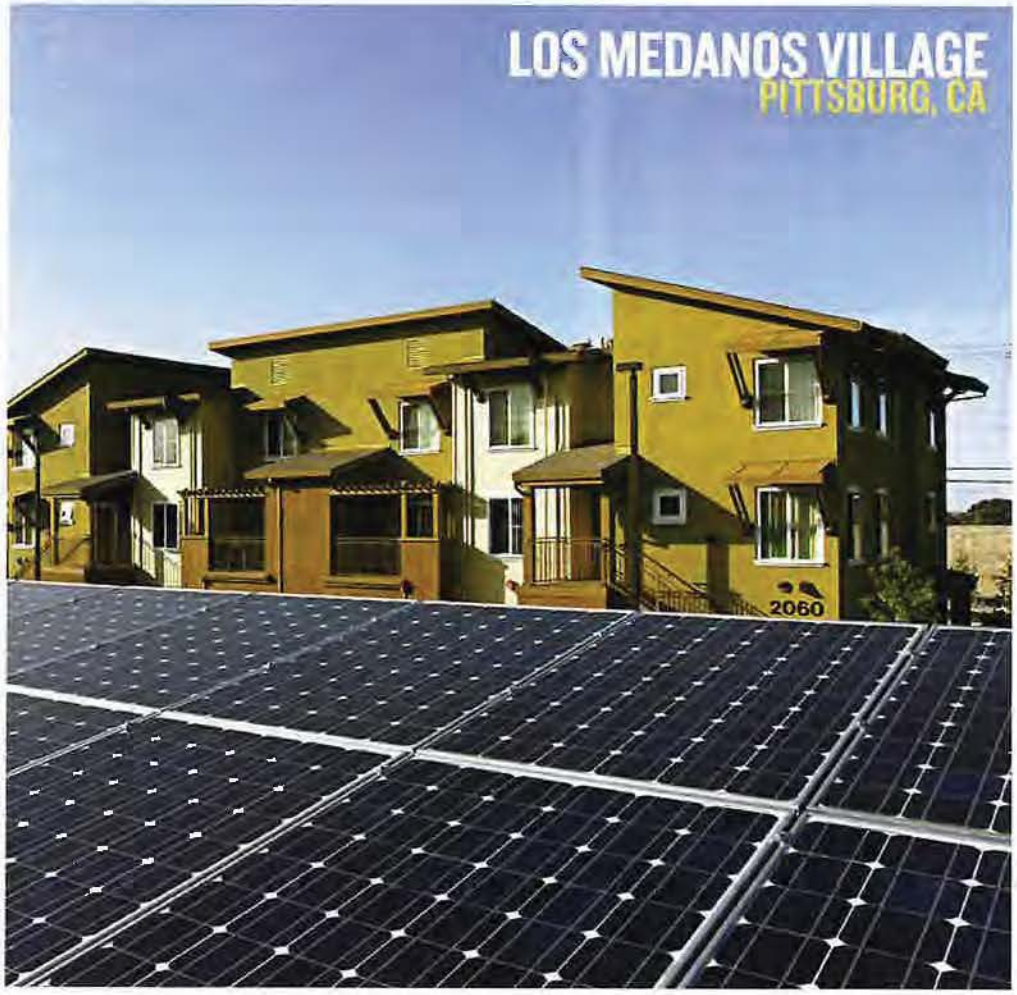
Design Features

- Building mass responds to steep topography
- Well-lit corridors create quality circulation space
- Courtyards define separate uses
- Design process included numerous community and planning department meetings









Intergenerational Affordable Family Housing

Client: Resources for Community Development

Site Area: 7 Buildings / 3.25 acre

Density: 71 units - 21.8 DUA

Completion: 2009

Contact: Carolyn Bookhart
Resources for Community Development
510.2841.4410 x320

Los Medanos Village provides 71 units of afforadable rental housing for families in Pittsburg, CA. The development was broken down into 7 buildings to better relate to the scale of the residential neighborhood. To encourage ownership of the project by the residents, and to enhance safety, all units have front porches, individual entries, and views of the street and common spaces. A community building provides classroom space for supportive services and spills out to the patio and central courtyard where two tot lots, a play lawn, and a resident garden encourage interaction among the residents. Environmentally preferable materials, solar thermal hot water, and photovoltaics help Los Medanos Village be a healthy place to live.

Design Features

- Building massing relates to the residential character of the neighborhood with front porches for each unit
- Units facing onto public spaces to enhance security
- Buildings located on site to maximize the quality and quantity of open space
- Design uses appropriate shading devices to address Pittsburg's hot climate

Green Features

- Solar hot water heating
- Photovoltaic panels
- Environmentally preferable interior finishes
- Secure Bicycle Storage
- Energy Star® appliances
- Dual-glazed windows
- Exceeds Title 24 by at least 22%

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Foss Creek Court Apartments
Healdsburg, California

Project Description:

Foss Creek Court is an affordable housing project comprised of 64 apartments of family rental housing near downtown Healdsburg. The unit mix includes 14 one-bedroom units, 30 two-bedroom units and 20 three-bedroom units configured as both townhouses and flats. The project also includes a community building, community learning center, two tot lots, community garden, two laundry buildings, and maintenance building.

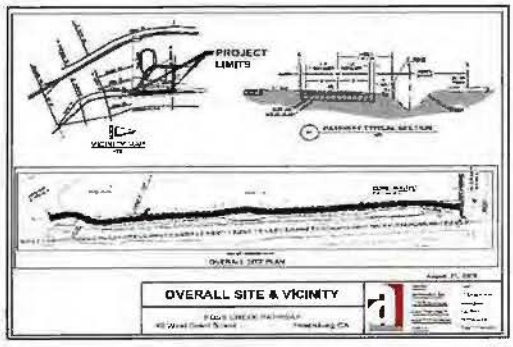
Adobe Associates, Inc. provided the topographical survey, record document research, entitlement consultation, final map preparation, condominium plan, elevation certificates, prepared & processed improvement plans with the City of Healdsburg, drainage analysis, construction admin, and construction staking services.

In addition to the housing elements, design services and construction documents were prepared for an 800 ft length of 10' paved pedestrian pathway. This span of the pathway provides a much needed connection for pedestrians traveling south to the city center a few blocks away where in the past individuals would walk along the tracks.

Adobe also prepared and coordinated the improvement plans for the pathway that included a plan and profile of the pathway for construction and to demonstrate ADA compliance, pedestrian crossing layout, protective fence barricade layout and details, re-graded drainage ditch parallel to the railroad tracks, tree protection measures, erosion and sediment control plan and details, storm drain crossings in coordination with neighboring projects runoff, and the layout of a pedestrian bridge crossing at Norton Slough.

Project included coordination with outside design consultants with regards to pathway lighting, geotechnical findings, and the pedestrian bridge and also prepared access easements where necessary to acquire the necessary rights on adjacent parcels. This segment of the path is within the SMART corridor and was coordinated, reviewed, and approved by NCRA, the North Coast Regional Water Quality Control Board, and the City of Healdsburg.

The project is GreenPoint Rated and includes many sustainable features such as photovoltaic solar panels, solar hot water panels, energy star appliances, use of native and drought-tolerant landscaping, and other water and energy-saving features.



Reference:

Mario Landeros, City Engineer
City of Healdsburg Public Works
401 Grove Street, Healdsburg, CA 95448
P. (707) 431-3346
mlanderos@ci.healdsburg.ca.us





Windsor Redwoods
Windsor, California

Project Description:

Windsor Redwoods is a 65-unit affordable apartment rental complex located between Shiloh Road and Old Redwood Highway in Windsor, California. The project site is approximately 2.29 acres and included the construction of six multi-unit buildings, parking lots, frontage improvements to Kendall Way and Old Redwood Highway, and off-site drainage improvements in adjacent properties, Shiloh Road, and Hembree Lane.

Adobe Associates, Inc. provided entitlement, planning & preliminary design, construction documents, SWPPP, construction administration, construction staking, topographic survey, boundary surveys, drainage studies, drainage calculation & analysis, legal descriptions, and improvement plans.

(Completed in 2011)



Reference:

Richard Burtt,
Town Engineer & Public Works Director
Town of Windsor
9291 Old Redwood Hwy
Windsor, CA 95492
(707) 838-1000
rburtt@townofwindsor.com





Ortiz Plaza Farmworker Housing
Santa Rosa, California

Project Description:

The Ortiz Plaza Farmworker Housing project involved the construction of 32 two-bedroom, one-and-a-half bathroom apartments, laundry facilities, management office, kitchen, picnic area, community gardens, and a recreation area. The apartments were built to support the area's low-income farmworkers who are an important part of the regions wine-making industry.

Adobe Associates, Inc. provided Construction Documents, Construction Staking, SWPPP & NOI, Qualified SWPP Practitioner, Encroachment Permitting, Site Planning and Utility Modification, ALTA Survey, and Fire Flow Calculation.



Reference:

Yoash Tilles, City Engineer
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403
(707) 565-4232
Yoash.Tilles@sonoma-county.org

5) Approach To Mill Valley Project

EAH HOUSING
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A) Anticipated Project Timeline

MILESTONE	ESTIMATE
RFQ submittal	9/3/2021
Developer Selection	September 2021
Community Engagement	Q4 2021- Q4 2022
Due Diligence	Q4 2021 – Q1 2022
Schematic Design Complete	Q2 2022
Entitlements - GPA and Re-zone	Q4 2022
Design Development and Construction Drawings	Q3 2023
Financing (TCAC)	Q3 2023
Building Permit	Q4 2023
Construction Start	Q4 2023
Construction Complete – Lease-Up	Q2 2025

5) Approach To Mill Valley Project

EAH HOUSING
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B) Creative Strategies

Design Approach, Concepts and Considerations. VMWP blends our urban design and architectural engagement processes to provide a comprehensive approach to listening, creating options to illustrate tradeoffs and education of the community to affordable housing , what it means and community benefits it brings. The team would propose a variety of communication tools which we can use to collect input into the understanding concerns and conversations around what it means to have such a community in this very public place. We would propose a number of efforts depending on the Covid situation, though we would not let that keep us for having an in depth conversation with the stakeholders and community. These efforts would include:

- Larger community meetings to present information and take feedback and answer questions,
- "Coffee clutches" or smaller neighborhood meetings to discuss the design and project with a small group of individuals such as adjacent neighbors,
- Meeting with stakeholders who use the surrounding recreation facilities, along with City officials and Police and Fire officials, to determine which facilities may need to be replaced and build consensus on how best to do that?
- Walking the neighborhoods to discuss the broader issues which residents may want to discuss is also an option if it is found that they have difficulty attending a group session.
- We have found that a combination of zoom meetings and in person out-door masked meetings have worked well to allows that personal interaction while maintaining safety and comfort and convenience for folks throughout the process.

While more detailed meetings may be needed throughout the projects process the initial conceptual design phase should be able to be able to be completed in six (6) months with 4 larger meetings and 2 to 4 smaller meetings as when within this timeframe.

The four primary meetings would follow somewhat this process of:

1. Introductions of the team and listening to the community, potentially with some existing conditions analysis.
2. Conceptual Alternatives and the Pros and Cons , or tradeoffs of each and comments to address each option by the community,
3. Refined Options 1-2 or Preferred Option with Sub-Options
4. Concept Design Presentation for Review and Comments

5) Approach To Mill Valley Project

EAH HOUSING
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The team could then continue to develop the project design and move towards the entitlement package while continuing to have periodic meetings with the neighborhood and community to elicit input into the project design as well as the entitlement process.

Design Options Approach. This design approach will present various concepts or options for the site development with the community in regards to building placement, parking, building type, and development feasibility. The development sites slope and existing conditions will require a custom solution to address the building entry location for residents and visitors, parking, and the visual impacts of a structure potentially stepping up the hill.

There should also be consideration for the existing facilities. The park parking will need to be supplemented possibly through redesign of the public facilities property or along the street, as well as formalized in the other area of the park with the dirt lot adjacent to the baseball fields and PG&E facility. The public rest rooms might be better suited on the park side of the property, so that children don't have to cross the street to use the facilities.

The design concepts will be developed evaluated and discussed with the community as a series of tradeoffs to be selected which are best for the community and the developments feasibility. It is this discussion of tradeoffs , which help to build consensus around the eventual preferred solution.

This is a challenging site which will require an evaluation of options and discussion of tradeoffs between community facilities and affordable housing, costs and construction impacts and feasibility as well as technical limitations of the site which are yet to be determined. And with these challenges there are true benefits for potential residents. They will be able to live in a quality, stable neighborhood, with easy access to schools and shopping and of course recreation. It provides an opportunity to share the unique qualities of this neighborhood and area with residents whom may not have had the access to these community benefits, which the residents of Mill Valley consider everyday amenities.

5) Approach To Mill Valley Project

EAH HOUSING
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C) Feasibility of Affordable Housing

We acknowledge that, regardless of ultimate development partner selected by the City, the site planning, building scale, unit mix as well as the neighborhood facilities improvement plan, to be envisioned for public parking and park restroom facilities, will require significant public and private stakeholder engagement. This is particularly true of the non-housing/ public-use amenities woven into what will eventually become a final project design.

EAH Housing is deeply experienced and well-resourced, and our track-record of success demonstrates our capacity to conceive, develop, manage, and sustain community values of the long term. We model our work on the basis of public-private partnerships, that we put into practice through strategic management of our internal working capital, combined with other public and private partner financial resources invested into our developments. Consistent with sound underwriting standards and risk evaluation, EAH's strong balance sheet allows us to deploy appropriate capital at the front-end for predevelopment expenditures, thereby creating greater flexibility and advance project work in a timely and efficient manner.

With the value of the city's proposed land contribution and or Below-Market-Rate ("BMR") ground lease, in combination with other County, State and Federal funding sources we expect the ability to competitively leverage the appropriate amount of debt/equity sources necessary to deliver within a reasonable timeframe. A more detailed financing plan will be provided subsequent to developer selection by the city and initial community input on programming and design.

The EAH Housing Real Estate Development team utilizes a wide variety of federal, state and local financing programs and opportunities for the benefit of the project and its residents. EAH prides itself on being a leader in executing complex acquisition/rehabilitation and new construction transactions where HUD regulations governing an array of its financing programs are involved. Most of these developments involve the integration of HUD programs, state and local subsidy loan programs on the debt side, as well as 4% and 9% low income housing tax credits (LIHTC) to provide project equity. Many of these transactions also involve public housing authorities as providers of project based rental subsidies, as well as in the capacity of joint venture developers. The team has decades of experience with a variety of financing instruments and has developed and restructured projects under several different federal and state programs.

Our future planning will account for the parcel's significant grade and topographical challenges by working with the hillside in a manner that is responsive to hillside stability, drainage, retainage, circulation, accessibility, and storm water retention while balancing the investments required in foundations,

5) Approach To Mill Valley Project

retaining walls, and potential hillside stabilization measures. Our site planning and building design will seek to make use of existing grade and topography to achieve maximum density yield without overburdening the project's development cost.

At the front end, keeping development costs low will be essential for the project's economic feasibility and financial leverage. Consistent with future site and massing assessment, we will aim to design/build to a reasonably efficient density range and scale, and to use cost effective design/build systems and methods as we further develop the design concepts.

D) Construction Staging Strategies

EAH's approach would be to address the public use components first (i.e. relocate the existing restroom facilities and public parking improvements) and then focus on the residential components. All the while maintaining site safety and traffic control measures as necessary to foster an orderly process. We would also envision that construction materials would be delivered to the site on an "As Needed" basis to minimize traffic congestion due to material deliveries during construction hours. We recognize the challenges of construction staging on the site and therefore will engage in a dialog with our public partners and neighbors to develop a strategy that explores the use of the public safety building parking lot and surrounding land as well as the dirt lot adjacent to the baseball field and PG&E facility.

E) Long-Term Property Management Plan

Please refer to ***Attachment 7.B***

6) Outreach, Community Engagement & Affirmative Marketing

EAH HOUSING
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A) Community Engagement Experience and Plan

More than 50 Years of working with diverse communities.

Since its founding, EAH has been a social justice organization rooted in building equity for vulnerable populations and retaining diverse communities in areas where affordable housing is a scarce resource. EAH treasures cultural diversity, and we support authentic efforts aimed at increasing equity. EAH promotes a collaborative and inclusive organizational philosophy, working with property management, the resident services department, and local organizations to create channels for resident and community input in designing appropriate spaces for physical, social, and emotional growth at home.

EAH is a longstanding member of several housing advocacy organizations that work towards these goals, and in the 1970's even initiated one of the first-ever education and advocacy roles in an affordable housing organization on the West coast. Today, EAH employs an Engagement Manager to:

- Regularly engage residents from diverse backgrounds and geographic locations
- Provide resident training and community building
- Track policy proposals, housing committees and legislation
- Share resident stories with audiences of decision makers at the local and state levels
- Provide input to city councils and planning commissions

EAH is an active member of many local and regional community advocacy organizations, including but certainly not limited to: Housing California, Residents United Network (RUN), and Nonprofit Housing Association of Northern California (NPH). In addition to advocacy organizations, EAH Housing is a valued partner among numerous other local non-profits, faith-based organizations, public health and safety officials, and other community stakeholders. Below is a comprehensive representation of local community partners that work alongside EAH Housing in supporting and empowering our residents, whether on site or at nearby location:

- ExtraFood
- Integrated Community Services
- Performing Stars
- Adopt A Family Marin
- Side by Side
- Agricultural Institute of Marin
- SF- Marin Food Bank
- Homeward Bound
- Lifehouse
- Center Point
- Ritter Center
- Marin VOAD
- Red Cross
- Marin Interfaith Council
- Marin Health and Human Services
- Urban Equity Group
- Dominican University
- YWCA of Marin
- West Marin Community Services

6) Outreach, Community Engagement & Affirmative Marketing

EAH HOUSING
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The following outreach strategy is a framework of the program that EAH employs to gain community acceptance of our proposed affordable housing developments.

PHASE 1: Information Gathering

Meet with city staff, planning commissioners and city council to identify supporters and potential opponents, and to document neighborhood and community concerns regarding the development of affordable housing. Assess the level of community support or opposition to the project, and scale (and target) the community outreach efforts accordingly. This can be achieved through conversations with local citizens groups and HOA board members, or through more formal survey tools. This first phase usually consists of informal one-on-one meetings or small group meetings.

PHASE 2: The Focused Community Outreach and Participation Program

Through a couple of design focused meetings we will have a dialog between the development team, local residents, and other key stakeholders to solicit feedback and input about the design. This may include a design charette or another type of iterative process that allows community members to help shape what is ultimately submitted in the planning application. Prior to being submitted to the City for review and approval, the preferred design concept will be presented at a final community open house.

PHASE 3: Support Decision Makers

Clearly communicate to elected and appointed representatives all the support for the project from the various the community business leaders and neighbors. Document this support with letters and encourage the supporters to speak at public hearings in favor of the proposed development plan. Give the decision makers good reason to approve the project.

PHASE 4: Ongoing Community Outreach

EAH Housing staff will continue to reach out to our neighbors long after project approval, from site development, construction, and through full occupancy. We pride ourselves in being an active and supportive partner in the communities where we develop and manage affordable housing. We consider our community outreach program as the first step in a long term relationship between EAH and our neighbors.

VMWP works in a wide variety of communities, and blends our community planning processes into the affordable housing engagement with the community, We listen, educate, integrate comments, ideas, and questions, present alternatives and build consensus around a design which meets community objectives and address concerns in a realistic and feasible manner.

6) Outreach, Community Engagement & Affirmative Marketing

EAH HOUSING
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In Victory Village in Fairfax, we listened to neighbors concerns, developed options for consideration discussing pros and cons of each strategy and worked closely with the City to achieve a design which received nearly unanimous support by the time the development was reviewed by the Planning Commission and City Council, each of which unanimously approved the development.

B) Sample Leasing Marketing Plan

Please refer to ***Attachment 7.A***

7) Attachment

A. Sample Long Term Management Plan and Marketing Plan

EAH Housing Core Values

PASSION:

For our mission, our work, our residents, and our communities.

ETHICS:

- In our culture from one generation of employees to the next.
- In our relationships with partners, contractors and vendors.
- In our reputation with lenders, donors and public servants.

AMBITION:

- To fulfill our common vision by building excellent affordable housing.
- To serve a critical need in society today.
- To create social justice.

COLLABORATION:

With respect, integrity, openness, and encouragement in our team efforts.

EXCELLENCE:

- Developing and managing each property to ensure financial integrity, permanent affordability and architectural designs that enhance neighborhoods: EAH Housing communities are built to last.
- Each property is a source of pride and a testament to the dedication, creativity and talents of the whole team.
- Ensuring a high quality of life for our residents, a roof is just the beginning.

www.EAHHousing.org

Offices: San Rafael, Honolulu, Fresno, Los Angeles, Morgan Hill
CA Lic. 853495 | HI Lic. RB-16985



EXHIBIT S

STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Senior Planner

VIA: Patrick Kelly, Director of Planning and Building

SUBJECT 1 Hamilton Drive: Receive report from staff on recommended next steps to build affordable rental housing on the northern portion of 1 Hamilton Drive (Assessor's Parcel Number 030-250-01) ("the Property"), which includes: 1) the approval of an Exclusive Negotiating Agreement (ENA) between the City of Mill Valley and EAH Housing; 2) allocation of Affordable Housing Trust Funds in support of the ENA; and 3) approval of Community Outreach Plan.

DATE: February 7, 2022

Approved for Forwarding:

Alan E. Piombo, Jr., City Manager

Issue: Approval of next steps to partner with EAH Housing and conduct predevelopment activities including but not limited to community outreach, site planning and design, and environmental review to build affordable rental housing on the northern portion of 1 Hamilton Drive.

Recommendation: Staff recommends that City Council receive a report from staff, consider public comments, and adopt Resolution No. 22-__: A Resolution (ATTACHMENT 1) authorizing the following:

1) Execution of an Exclusive Negotiating Agreement ("ENA"/ATTACHMENT 2) between the City of Mill Valley and EAH Housing to allow the City and EAH to negotiate with respect to the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of the 1 Hamilton Property; and

ITEM 6

2) Release and allocate Affordable Housing Trust Funds to support predevelopment activities, including but not limited to community outreach, site planning, design, and environmental review; and

3) Approval of the Community Outreach Plan (ATTACHMENT 3).

Background: On September 20, 2021 City Council took action to: 1) declare a portion of the property located at 1 Hamilton Drive as "exempt surplus land" as required under the California Surplus Land Act (Government Code 54220 et seq.) pursuant to Government Code Section 54221(f)(1)(A)[1] and 2) authorize the City Manager to negotiate and draft an Exclusive Negotiating Agreement (ENA) with EAH Housing for the purpose of negotiating the terms and conditions for the potential ground lease or sale of property and development of affordable rental housing on the Northern portion of 1 Hamilton Drive, as described herein.

The EAH Housing Team ("EAH Team") was selected by City Council on September 20, 2021, based on their qualifications and recommendations of the selection committee (City Manager, Planning and Building Director, two members of the Housing Advisory Committee), which interviewed the EAH Team on September 10, 2021. The EAH Team is comprised of the following firms:

- EAH Housing: Development, property management, and resident services
- Van Meter Williams Pollack LLP: Lead design and architect
- Adobe Associates, Inc: Civil Engineer

As noted during the September 20, 2021, Council meeting, the EAH Team has direct experience in guiding successful public/private partnerships to create affordable housing opportunities within Marin County communities as well as the greater Bay Area and California.

Discussion: Staff is returning to City Council to report back on negotiations with the EAH Team to build affordable rental housing on the Northern portion of 1 Hamilton Drive. For purposes of this report, the proposed site for affordable housing will be referred to as the "Property," whereas the larger 1 Hamilton Drive parcel will be referred to as "1 Hamilton."

Staff and City Council has acknowledged that a team of experts is required to further determine the number of potential homes that can be placed on the Property, balancing the interests of the

[1] Because the City plans to ground lease (or sell) the Property for the development of a 100% affordable housing project to persons and families of low or moderate income, the proposed lease (or sale) meets the criteria for "exempt surplus land" under Government Code Section 54221(f)(1)(A), including the following provisions: (a) Not less than 80 percent of the area of the parcel will be used for the development of housing; and (b) Not less than 40 percent of the total number of those housing units developed on the parcel shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households, and at least half of which shall be affordable to very low-income households; and (c) Dwelling units produced for persons and families of low or moderate income under Government Code Section 37364 shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years, with such regulatory agreement recorded in the office of the county recorder in which the housing development is located.

community, construction feasibility, and financing opportunities. The ENA will allow City staff to exclusively partner with EAH Housing to focus on site planning and preliminary design, which includes the relocation of existing restrooms, electric charging station, and public parking (with the goal of providing up to a total of 50 spaces).

The EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country. The architectural team also has a deeply established connection to Marin County and has successfully designed multi-family projects in the area.

The ENA provides EAH Housing with a specific time during which the Property is not available to other parties and sets forth a framework for the selected developer's performance during the ENA period. The ENA also sets forth the City's terms to fund a portion of pre-development studies, necessary because non-profit organizations do not have large amounts of funding for this work. The ENA does not grant any rights related to land use entitlements, project approvals, or any other future City action not specified in the ENA.

Staff recommends that Council adopt the attached Resolution (ATTACHMENT 1) authorizing the City Manager to execute an ENA with EAH Housing in substantially the form attached (ATTACHMENT 2). The resolution also allocates Affordable Housing Trust Funds as part of cost sharing negotiations outlined in the ENA for predevelopment activities as well as approving the Draft Community Outreach Plan to allow the City to kick off site planning and design work with the community. Details about the ENA, proposed outreach and budget are discussed below.

Exclusive Negotiating Agreement (ENA). The ENA (ATTACHMENT 2) outlines the general scope, cost sharing, and expectations with respect to predevelopment work and negotiations for a final project and disposition of the site.

The ENA does not commit the City to ground lease or sell the Property nor grant the City's approval of the development of the Property, but rather sets the terms under which the parties will negotiate for a final project and disposition and the predevelopment activities that are necessary to move the project forward towards design. The ENA includes performance milestones and expected schedule for the period needed to design the project. The ENA also outlines the City of Mill Valley's commitment to advance the project, including a loan for certain pre-development expenses such as preliminary design, site planning including relocation of public parking and restrooms.

The following provides a summary of some key points contained in the ENA:

- Term: The ENA sets out a "Negotiation Period," which shall extend until September 1, 2023. The City has the option to extend the Negotiation period.

- Milestones: The ENA includes a Schedule of Performance (Exhibit B) which establishes milestones with respect to community outreach, design and entitlements, environmental review, and a financing plan.

- City Responsibilities: City agrees to negotiate in good faith with EAH and not to negotiate with respect to the site with any other parties during the term of the ENA. City also agrees to loan the Housing Team up to $150,000, to be used towards certain predevelopment costs. Assuming the project is approved, the ENA lays out the terms for repayment. The City also agrees take steps with respect to the zoning and entitlements on the site, which will include hiring various consultants to conduct the environmental review for the project.

- EAH Responsibilities: EAH agrees to negotiate in good faith with the City with respect to the disposition of the site, to share any work product that arises from the predevelopment work with the City, to work with the City on community outreach as described in the Community Outreach Plan, and to meet other specified milestones with respect to due diligence and predevelopment work on the site. If the project is approved, EAH agrees to repay the predevelopment loan issued by the City through project financing.

If Council authorizes the City Manager to execute the ENA, staff and the EAH Housing Team will begin negotiating an agreement for the final disposition of the site, as well as conducting due diligence and predevelopment work. In addition, the City will kick off community outreach, which is discussed below. Once CEQA review and approval of project entitlements occurs, it is anticipated that the City would enter into a development agreement and formal ground lease (or sale) with the EAH Housing Team.

Community Outreach Plan. City Council has continued to emphasize the importance of outreach and community participation in the design of the project since its initial discussion on June 21, 2021. The EAH Team is looking forward to kicking off the outreach program to gather input from the community on interests and concerns that will help guide the site planning and design process.

Community outreach is divided into three different phases: 1) information gathering, 2) focused outreach on design concepts and 3) confirming design and assembling materials for the planning and entitlement application. Outreach will begin upon adoption of the resolution. Staff and the EAH Housing Team anticipate hosting the first community workshop in mid-March. This workshop is part of the information gathering stage and will focus on gathering community input on preliminary site planning work, such as the relocation of public parking and restrooms and the overall massing for the site. The workshop will also provide an opportunity for the community to ask questions and identify concerns

The illustration on page 5 summarizes the overall outreach process and timing. See ATTACHMENT 3 containing the Draft Community Outreach Plan for additional details.

Proposed Community Outreach Process and Timeline



Affordable Housing Trust Fund. At its June 21, 2021, City Council meeting, Council authorized use of the Affordable Housing Trust Fund to assist in preliminary site investigations. Staff is further recommending that City Council authorize use of the Affordable Housing Trust Funds to assist in the cost sharing of predevelopment activities, as outlined in the ENA. The ENA provides that the City will provide up to $150,000 to EAH as a predevelopment loan to assist with specified predevelopment costs including site analysis and design. Approval of the resolution will also allow City staff to hire consultants to conduct the environmental review of the proposed project.

Staff believes the $150,000 loan to EAH for predevelopment activities is appropriate, particularly since the EAH team will be providing design and consultant assistance to plan and design off-street public parking in the surrounding area and the relocation of the public restrooms. The EAH team is also contributing substantial staff time and organizational resources to provide preliminary conceptual designs to support the planning application for Planning Commission and City Council review and approval.

Environmental Review: Site planning and preliminary design will help inform the environmental review required for the eventual housing development. The level of environmental review will be determined once the scope of the project is determined.

The resolution before Council is not subject to the California Environmental Quality Act ("CEQA") because the approval of an ENA and the other activities authorized by the resolution are excluded from the definition of a "project" by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. A "project" is an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment." The proposed actions direct staff to execute an ENA that establishes the contractual agreement to commence negotiations regarding disposition of a portion of 1 Hamilton Drive, as well as initiating preliminary site analysis and design work that will further define an affordable housing development that would constitute a "project" under CEQA. The proposed actions are therefore considered an administrative activity of government which does not result in direct or indirect physical change to the environment. No commitment to any project is being made at this time.

Notwithstanding that there is no "project" for purposes of CEQA, as discussed above, the City's actions are also covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA Guidelines § 15061(b)(3). There is no evidence that the City's agreement to negotiate with a potential affordable housing development partner or undertake predevelopment activities or community outreach will have any direct or indirect effect on the environment, since the City is not committing itself to any final project now and may still decide not to move forward with a project on the site.

CEQA review requirements must and will be completed before any commitment to a housing development occurs and appropriate environmental review pursuant to CEQA will be completed and considered by the City Council at such time.

Fiscal Impact: There is no impact to the City's General Fund. The City intends to authorize Affordable Housing Trust Funds as part of executing the ENA and work on predevelopment activities.

Next Steps: Should City Council adopt the proposed resolution; staff will work to execute the ENA. Once the ENA is signed by both parties, staff and the Housing Team will begin site planning and design and kick off the community engagement process. Assuming the project proceeds forward, CEQA review would occur, and Council would later consider project entitlements based on Planning Commission's recommendations, along with separate agreements with EAH for development and disposition (ground lease or sale) to construct the housing.

Overview of Next Steps



Solicit Developer
July 19, 2021

- Prepare Request for Qualifications (RFQ) per City Council direction
- Issue RFQ
- Provide site tours, answer questions

Select Dev Partner
September 20, 2021

- Review submittals for completeness
- Panel to interview
- City Council to authorize

Design Project
2022

- Sign exclusive agreement with EAH Housing
- Community input on design, including workshops, charettes
- Conduct studies for CEQA, subdivision map act, surplus land act, etc.

Entitle Project
2022-23

- Identify any development impact to be mitigated
- Survey/Split Parcel
- Public hearings including public input and testimony to approve Planned Development

Finance & Build
2023-24

- Can take 2+ years to obtain financing
- Can take 2 years to build
- Open in 2025 or 2026

Attachments:

1. Resolution No. 22-___: Authorizing execution of an Exclusive Negotiating Agreement with EHA Housing, authorizing the allocation of Affordable Housing Trust Funds and approval of the Community Outreach Plan
2. Exclusive Negotiating Agreement
3. Community Outreach Plan

Online Materials and Resources:

- Project website: https://ca-millvalley.civicplus.com/931/Hamilton-Drive

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AUTHORIZING THE EXECUTION OF AN EXCLUSIVE NEGOTIATING AGREEMENT WITH EAH HOUSING, INC. TO NEGOTIATE THE TERMS UNDER WHICH THE CITY WOULD ALLOW THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING ON THE NORTHERN PORTION, AS DESCRIBED HEREIN, OF A CITY-OWNED PARCEL LOCATED AT I HAMILTON DRIVE [ASSESSOR'S PARCEL NO. 030-250-01], AUTHORIZING THE ALLOCATION OF AFFORDABLE HOUSING TRUST FUNDS FOR PREDEVELOPMENT ACTIVITIES ON THE SITE, AND APPROVING THE COMMUNITY OUTREACH PLAN

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City of Mill Valley ("City") is the owner in fee simple of that certain real property located at 1 Hamilton Drive (Assessor's Parcel 030-250-01).

SECTION 2. The City desires to ground lease or sell a portion of the property located at 1 Hamilton Drive, such portion is generally the northern portion of the current parcel, incorporated herein by reference (the "1 Hamilton Property"), to be developed as a 100 percent affordable housing development that complies with Government Code Section 37364.

SECTION 3. At its June 21, 2021 meeting, City Council directed staff to issue a Request for Qualifications ("RFQ") to solicit interest from multifamily developers to partner with the City of Mill Valley to build and manage affordable housing on the Property.

SECTION 4. On July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property.

SECTION 5. Because the proposed affordable housing development will meet the requirements of Government Code Section 37364, the City Council adopted Resolution (CC21-51) declaring the Property to be "exempt surplus land" at its regularly scheduled meeting of September 20, 2021.

SECTION 6. In response to the RFQ, EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

ATTACHMENT #1

SECTION 7. EAH Housing was selected based on a City Council's review of the selection committee's (City Manager, Planning and Building Director, and two members of the Housing Advisory Committee, who are City Council and Planning Commission liaisons) review of their qualifications and responses to interview questions held on September 10, 2021.

SECTION 8. The City is interested in entering into an Exclusive Negotiating Agreement ("ENA", attached hereto as ATTACHMENT 2) to establish the mutually acceptable terms and conditions to guide the process of negotiations for the potential ground lease or sale and development of affordable housing on the Property consistent with Government Code Section 37364.

SECTION 9. The ENA does not commit the City to ground lease or sell the Property nor grant approval of any project or development of the Property, but rather allows the City to partner with a Housing Team to work with the community to plan and design for the above-referenced housing.

SECTION 10. The Mill Valley Municipal Code Section 20.80.070(B) establishes the Affordable Housing Trust Fund and on March 16, 2020, City Council approved the Affordable Administrative Guidelines for Housing Trust Fund, whereby the City Council may authorize the use of Trust Fund monies by way of resolution. The City Council desires to authorize the use of Affordable Housing Trust Fund moneys for predevelopment costs for the Property including but not limited to the provision of a predevelopment loan to EAH pursuant to the ENA, as well as environmental review of the proposed project.

SECTION 11. The City Council desires to engage in a robust community outreach process with respect to the potential development of the Property.

SECTION 12. City Council held a public hearing on February 7, 2022, and considered the information presented by staff as well as public testimony.

SECTION 13. The City Council hereby takes the following actions:

A. Finds that the above recitals are true and correct and are incorporated into this Resolution.

B. Authorizes the City Manager to execute an ENA between the City of Mill Valley and EAH Housing in substantially the form attached, with any minor clerical or clarifying changes requested by the City Manager and approved by the City Attorney.

C. Approves the Community Outreach Plan (ATTACHMENT 3) and authorizes staff to move forward with a robust program of community outreach to engage citizens and interested stakeholders. Changes to the Community Outreach Plan schedule that only impact dates and do not result in a less robust outreach and public engagement may be approved by the City Manager.

D. Authorizes and approves the use of Affordable Housing Trust Fund monies for the purposes of funding budgetary terms set forth in the ENA and other predevelopment expenses related to the proposed housing development as approved by the City Manager.

E. That the staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to implement this Resolution.

SECTION 14. The City Clerk shall certify as to the adoption of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **7th day of February 2022**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John McCauley, Mayor

ATTEST:

Kelsey Rogers, City Clerk / Management Analyst III

EXCLUSIVE NEGOTIATION AGREEMENT

THIS EXCLUSIVE NEGOTIATION AGREEMENT is dated as of _____ __, 2022 ("**Effective Date**"), and is entered into by and between the CITY OF MILL VALLEY, a municipal corporation ("**City**"), and EAH INC., a California nonprofit public benefit corporation ("**Developer**")(collectively, the "**Parties**").

RECITALS

A. The City owns certain property located 1 Hamilton Drive (Assessor's Parcel 030-250-01).

B. The City desires that a portion of the parcel located at 1 Hamilton Drive---such portion is generally the northern portion of the current parcel more specifically depicted on Exhibit "A", attached hereto (the "**Site**")---be developed as a 100 percent affordable housing development.

C. The City Council of the City of Mill Valley ("**City Council**") authorized and directed staff to issue a request for qualifications ("**RFQ**"), for an affordable housing project on the Site consisting of 100 percent of the units restricted for rental to very low and low income households at affordable rent on June 21, 2021.

D. on July 19, 2021 the City of Mill Valley released the RFQ and notified all California Housing Finance Agency certified developers that have notified the California Department of Housing and Community Development of their interest in purchasing or leasing surplus local land for affordable housing development in Marin County or any county in California, and other public entities with possible jurisdiction over the Property. in response to the RFQ EAH Housing submitted qualifications to the City in a timely manner and whereby EAH Housing proposes to ground lease or purchase the Property from the City and develop the Property with 100% affordable rental housing pursuant to Government Code Section 37364.

E. As noted in the Developer's statement of qualifications, the EAH Team is deeply experienced and well-capitalized not-for-profit corporation grounded in the belief that attractive, permanently affordable rental housing is the cornerstone to sustainable communities. Founded in Marin County based on the recognition that housing for all is a cornerstone to a fair and just society, the Developer is one of the oldest and most experienced nonprofit housing management and development organizations in the Country,

F. A selection committee consisting of the City Manager, Planning and Building Director, two members of the Housing Advisory Committee (City Council and Planning Commission liaisons) reviewed statement of qualifications submitted in response to the RFQ and conducted interviews on September 10, 2021

G. On September 20, 2021, the City Council declared the Site "exempt surplus property" pursuant to Government Code Sections 54221(b) and 54221(f)(1)(A) by way of Resolution CC21-51.

H. On September 20, 2021, the City Council selected the Developer and directed staff to negotiate an Exclusive Negotiation Agreement (this "**Agreement**") with Developer for the Site based on the Developers qualifications and the selection committee recommendations, as documented in the September 20, 2021 Staff Report, by way of Resolution CC21-52 .

ATTACHMENT #2

I. The Parties intend to cause the Site to be developed under California Government Code Section 37364, which requires that dwelling units be restricted by regulatory agreement to remain continually affordable to low and moderate income households for the longest feasible time, but not less than 30 years, and that such regulatory agreement shall be recorded in the office of the county recorder in which the housing development is located; such regulatory agreement shall not be subordinated to any deed of trust.

J. City desires to increase the availability of affordable housing within the City by causing the development of the Site with approximately 40 units of rental housing that is 100 hundred percent affordable ("**Project**").

K. City and Developer desire to negotiate exclusively with each other regarding the potential terms and conditions of a disposition and development agreement ("DDA") between City and Developer for Developer to acquire and develop the Project on the Site, in accordance with the terms and conditions of this Agreement..

1. Negotiation of DDA. During the Negotiation Period (defined in Section 3 herein) and subject to the terms and conditions of this Agreement, both City staff and Developer shall negotiate the potential terms, conditions, covenants, restrictions and agreements of a DDA for the Site and Project. City agrees not to solicit any other proposals from or negotiate with any other person regarding development of the Site during the Negotiation Period. During the Negotiation Period, Developer shall complete all of the actions described in the "**Schedule of Performance**" attached to this Agreement as Exhibit "B," within the time period specified for each such action in the Schedule of Performance. Nothing in this Agreement shall be interpreted or construed to be a representation or agreement by either City or Developer that a mutually acceptable DDA will be produced from negotiations under this Agreement. Nothing in this Agreement shall impose any obligation on either Party to agree to or approve a definitive DDA in the future. Nothing in this Agreement shall be interpreted or construed to be a guaranty, warranty or representation that any proposed DDA that may be negotiated by City staff and Developer will be approved by the City Council of the City.

2. Developer Acknowledgments. Developer acknowledges and agrees that: (a) under this Agreement, City is not committing itself or agreeing to enter into a DDA or undertake any exchange, sale, lease or other transfer of real property, any disposition of any real property interests to Developer, approve the Project or any land use entitlements or undertake any other acts or activities; (b) no provision of this Agreement shall be deemed to be an offer by City, nor an acceptance by City of any offer or proposal from Developer, for City to convey any estate or interest in the Site to Developer or for City to provide any financial or other assistance to Developer for development of the Project or the Site; (c) Developer has not acquired, nor will acquire, by virtue of the terms of this Agreement, any legal or equitable interest in real or personal property from City; (d) further efforts by either Party to perform due diligence, arrange or obtain financing, or carry out other acts in contemplation of the possible acquisition, transfer or development of the Site or the Project shall not be deemed evidence of intent by either Party to be bound by any terms, conditions, covenants, restrictions or agreements relating to acquisition, transfer or development of the Site or the Project. Developer acknowledges and agrees that City's consideration of the Project and DDA is subject to the sole and absolute discretion of the City Council after conducting environmental review and any and all legally required public hearings, public meetings, notices, factual findings and other determinations and procedures required by law.

3. Negotiation Period.

3.1 Duration. The "**Negotiation Period**" shall begin on the Effective Date and shall expire at 5:00 p.m. Pacific Time on September 1, 2023, unless extended pursuant to Section 4 or earlier terminated pursuant to Section 3.2.

3.2 Termination. This Agreement shall terminate upon the earliest to occur of the following events: (a) the expiration of the Negotiation Period; or (b) the occurrence of an Event of Default by Developer under Section 13.1 of this Agreement, unless such breach is expressly waived in writing by the City; or (c) entry into a DDA by both City and Developer.

4. Extension of Negotiation Period. The City Manager shall have the right to extend the Negotiation Period three times for a period of ninety (90) days each (for an for an aggregate total of two hundred and seventy (270) days) provided that each such extension is in writing, and provided, further, that Developer is not in default of its obligations under this Agreement and has completed all of the actions described in the "**Schedule of Performance**" which are required to have be performed by Developer as of such date.

5. Possible DDA Provisions.

5.1 DDA Essential Terms and Conditions. The DDA may include provisions addressing all of the following described subjects:

5.1.1 Site Control. The Site may be purchased or leased from City by Developer, or Developer's permitted assignee.

5.1.2 DDA Schedule of Performance. A schedule of performance, attached to the DDA, may set forth deadlines for various actions of Developer.

5.1.3 Scope of Development. The Project is proposed by Developer to include approximately 40 affordable housing units serving households at or below 60% of Area Median Income (AMI) with a minimum parking ratio of 1:1, a plan for replacement and relocation of a minimum of 34 public parking stalls, and a plan for replacing the public restroom if the site area is needed for affordable housing development.

5.1.4 Financing Plan. In connection with the negotiations, the Developer shall submit a plan for financing the construction and operation of the Project to the City for review and approval. Such financing plan shall, at a minimum, include an obligation of Developer to apply for federal tax credits, and such other financing as is necessary in Developer's reasonable discretion to finance the development and operation of the Project, and all such tax credits must be awarded, and tax credit equity committed and available, and all other financing committed, closed and available as conditions to the close of escrow for the sale or lease.

5.1.5 City Financial Assistance. City shall provide up to $150,000 in the form of a predevelopment loan during the Negotiation Period (the "Predevelopment Loan") to pay for reasonable documented costs incurred by Developer in completing the tasks required of Developer under this ENA provided the costs are reasonably described in advance in a written budget to be provided by the Developer and approved by the City Manager in writing ("Eligible Expenses").

Such Predevelopment Loan will bear 0% interest, be evidenced by a promissory note acceptable to City (the "Note") and will be secured by assignment by the Developer to the City of any work product relating to the Project that have been paid for in

whole or in part using the proceeds of the Predevelopment Loan (the "Work Product"), and the collateral assignment documents and written consents from contractors/architects/engineers and others necessary to effectuate such collateral assignment and assignment to City (upon failure to timely repay the loan) must be acceptable to the City Manager and City Attorney. The Predevelopment Loan shall become due upon the termination of this ENA, or the expiration of this ENA without a DDA being approved and signed; however, the City's sole recourse shall be limited to the Work Product. The City will disburse Predevelopment Loan proceeds to pay for Eligible Expenses on a reimbursement basis, quarterly, and as a condition to the County's disbursement obligation, Borrower will submit a disbursement request package ("Disbursement Request"). Each Disbursement Request shall include any applicable invoice or other documentation indicating the cost to be paid and showing the cost constitutes an Eligible Expense of the Project, dated less than thirty (30) days prior to the date of the Disbursement Request, unless submittal of an older invoice has been approved by the City. It is anticipated that the DDA will provide that the Predevelopment Loan will convert from a predevelopment loan to a below market, 55 year, residual receipts construction/permanent loan secured by the Site (but subordinate to deeds of trust securing any other secured financing necessary for the Project) upon the closing of the Developer's acquisition of the Site pursuant to the terms and conditions of the DDA.

5.1.6 Developer Compliance with Laws. Developer shall comply with the requirements of all applicable City ordinances, resolutions, regulations or other laws or approvals in all aspects (planning, design, construction, noise limits, management, and occupancy) of developing and operating the Project on the Site.

6. License to Enter Site. City authorizes Developer, its contractors, agents and employees to enter the Site during normal business hours for the purpose of performing tests, surveys and inspections, and obtaining data necessary or appropriate to negotiate the DDA or perform investigations related to the Project; provided, however, Developer shall deliver written notice (which may be delivered via electronic mail to _____) seventy-two (72) hours prior to City of any such entry and written evidence of Developer's satisfaction of all insurance requirements of this Agreement prior to entering the Site. Developer shall promptly deliver copies of all written inspection results, tests and reports to the City.

7. Costs and Expenses. Except as set forth in Section 5.1.5 and Section 9 hereof, all fees or expenses of engineers, architects, financial consultants, legal, planning or other consultants or contractors, retained by Developer for any study, analysis, evaluation, report, schedule, estimate, environmental review, planning or design activities, drawings, specifications or other activity or matter relating to the Site or the Project or negotiation or documentation of a future DDA that may be undertaken by Developer during the Negotiation Period, pursuant to or in reliance upon this Agreement or in Developer's discretion, regarding any matter relating to this Agreement, a future DDA, the Site or the Project, shall be the sole responsibility of and undertaken at the sole cost and expense of Developer and no such activity or matter shall be deemed to be undertaken for the benefit of, at the expense of or in reliance upon City. Developer shall also pay all fees, charges and costs, make all deposits and provide all bonds or other security associated with the submission to and processing by the City of any and all applications and other documents and information to be submitted to the City by Developer pursuant to this Agreement or otherwise associated with the Project or the Site.

8. No City Approval. Nothing in this Agreement, nor any comments provided by City staff, nor any failure of City staff to provide comments to any submittal under or pursuant to this Agreement shall: (1) modify or replace any land use entitlement process of either the City applicable to the Project, (2) limit the police power land use jurisdiction of either the City relative

to the Project, (3) constitute an approval of all or any portion of the Project by the City pursuant to the police power land use jurisdiction of either the City or (4) constitute any approval of all or any portion of a future DDA with Developer by the City.

9. CEQA Compliance. The Developer acknowledges that all applicable requirements of the California Environmental Quality Act ("CEQA") must be met in order to execute and deliver the DDA and approve project entitlements allowing development of the Site and that this may require reports or analyses for CEQA purposes. In this regard, the City shall, at the City's cost and expense, undertake an Initial Study of the proposed Project pursuant to Section 15063 of CEQA or other appropriate documentation in order to determine the appropriate environmental documents and procedures that may be necessary to comply with CEQA as to the consideration and potential approval of the DDA by the City Council. The Developer hereby agrees to provide all assistance to the City necessary for it to carry out its obligations under CEQA. The Developer will fully cooperate with the City in the preparation of such analyses and reports.

10. City Due Diligence. City reserves the right to reasonably obtain further information, data and commitments to ascertain the ability and capacity of Developer to purchase, lease, develop and operate the Site or the Project. Developer acknowledges that Developer may be requested to make certain financial disclosures to City, City staff, legal counsel or other consultants, as part of the financial due diligence investigations of City relating to the potential sale of the Site and development of the Project on the Site by Developer and that any such disclosures may become public records. City shall maintain the confidentiality of financial information of Developer to the extent allowed by law, as determined by the City Attorney for the City.

11. Developer Indemnity. Developer shall indemnify, defend and hold harmless City, and the elected and appointed officials, officers, agents and employees of City (individually or collectively, an "**Indemnified Party**") against any and all losses arising out of any claim, liability, loss, damage, demand or cause of action, or any action or other proceeding, whether meritorious or not, arising through Developer, Developer's contractors or employees that relates to or arises out of: (i) property damage or bodily injury or death of any person in connection with this Agreement; (ii) entry upon the Site by Developer, its contractors or employees; (iii) any inspection of the Site by Developer, its contractors or employees; or (iv) the preparation of any report or plans commissioned by Developer; provided, however, that no Indemnified Party shall be entitled to indemnification under this Section 10 for matter caused by such Indemnified Party's gross negligence or willful misconduct or for any matter arising solely from the discovery of any pre-existing condition upon the Site. In the event any action or proceeding is brought against an Indemnified Party by reason of a claim arising out of any loss for which Developer is obligated to indemnity, defend or hold harmless the Indemnified Party, and upon written notice from such Indemnified Party, Developer shall, at Developer's sole expense, answer and otherwise defend such action or proceeding. The provisions of this Section 11 shall survive the expiration or termination of this Agreement.

12. Developer Insurance.

12.1 Types of Insurance. Without in any way limiting Developer's indemnification obligations under this Agreement, subject to the other provisions of this Section 12 and subject to approval by City of the insurers and policy forms, Developer shall obtain and maintain, at Developer's expense, the following insurance throughout the Negotiation Period and shall cause City to be an additional insured thereunder:

12.1.1 Liability Insurance. "**Liability Insurance**" means and refers to commercial general liability insurance against claims for bodily injury, personal injury, death, or property damage occurring upon, in, or about the Site or adjoining streets or passageways, at least as broad as Insurance Services Office Occurrence Form CG0001, with a minimum liability limit of Two Million Dollars ($2,000,000) for any one occurrence and which may be provided through a combination of primary and excess or umbrella insurance policies. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Site or the general aggregate limit shall be twice the required minimum liability limit for any one occurrence.

12.2 Nature of Insurance. All Liability Insurance and Automobile Liability Insurance policies this Agreement requires shall be issued by carriers that: (a) are listed in the then current "Best's Key Rating Guide—Property/Casualty—United States & Canada" publication (or its equivalent, if such publication ceases to be published) with a minimum financial strength rating of "A-" and a minimum financial size category of "VII"; and (b) are authorized to do business in the State of California by the State of California Department of Insurance. Developer may provide any insurance under a "blanket" or "umbrella" insurance policy, provided that: (i) such policy or a certificate of such policy shall specify the amount(s) of the total insurance allocated to the Site, which amount(s) shall equal or exceed the amount(s) required by this Agreement; and (ii) such policy otherwise complies with the insurance requirements in this Agreement.

13. Restrictions Against Change in Ownership, Management or Control of Developer; Assignment of Agreement.

13.1 Developer Assignment. City and Developer acknowledge and agree that City is entering into this Agreement with Developer on the basis of the particular experience, financial capacity, skills and capabilities of Developer. This Agreement is personal to Developer and is not assignable without the prior written consent of City, which may be given, withheld or conditioned in City's sole and absolute discretion. Consent to assignment shall be in writing and may be executed by the City Manager.

13.2 Assignment to Project Partnership. Notwithstanding the foregoing, Developer may assign this Agreement, without City's consent, to a limited partnership in which Developer or a limited liability in which Developer is the sole member acts as the sole and managing general partner of such limited partnership, subject to all of the following conditions: (i) Developer provides the City with at least ten (10) days prior written notice of such proposed assignment, (ii) such limited partnership's sole purpose is development, ownership and operation of the Project on the Site; (iii) such limited partnership expressly assumes all of the obligations of Developer under this Agreement in a written assumption agreement delivered to and reasonably satisfactory to City; and (iv) Developer shall have delivered the LP-1 and partnership agreement to the City. Notwithstanding any assignment of this Agreement, Developer, shall, at all times, be responsible and obligated directly to City for performance of Developer's obligations under this Agreement.

13.3 Definitions. For the purposes of this Agreement, the term "**Affiliate**" means any person, directly or indirectly, controlling or controlled by or under common control with Developer, whether by direct or indirect ownership of equity interests, by contract, or otherwise.

14. Developer Events of Default and City Remedies.

14.1 Developer Events of Default. The occurrence of any of the following shall constitute an "**Event of Default**" on the part of Developer under this Agreement:

14.1.1 Schedule of Performance. Failure of Developer to meet a performance milestone by the applicable date contained in the Schedule of Performance, if such failure is not cured within thirty (30) days after written notice of such failure.

14.1.2 Misrepresentation. Any material breach of any representation or warranty made by Developer in this Agreement that is not cured within thirty (30) days after written notice from City to Developer of such breach.

14.1.3 Unauthorized Assignment. Any assignment or attempted assignment by Developer in violation of Section 12.

14.1.4 Insurance. Failure of Developer to procure or maintain any of the insurance coverage required by this Agreement resulting in a lapse in required insurance coverage.

14.2 City Remedies. If there is an Event of a Default by Developer, City may, in City's sole and absolute discretion, terminate this Agreement by delivering written notice of termination to Developer. Upon any such termination, neither Party shall have any further rights or obligations to the other under this Agreement, except obligations that expressly survive termination of this Agreement.

15. Developer Representations and Warranties. Developer represents, warrants and covenants to and for the benefit of City, as of the Effective Date and at all times during the Negotiation Period, as follows:

15.1 Valid Existence; Good Standing; Joint Venture Relationships. Developer is a nonprofit public benefit corporation duly organized and validly existing under the laws of the State of California. Developer has all requisite power and authority to own its property and conduct its business as presently conducted. Developer has made all filings and is in good standing in the jurisdiction of the State of California.

15.2 Authority. Developer has all requisite power and authority to enter into and perform this Agreement.

15.3 No Limitation on Ability to Perform. Neither Developer's articles of incorporation nor any other organizational document regarding Developer in any way prohibits, limits or otherwise affects the right or power of Developer to enter into or perform this Agreement. Developer is not a party to or bound by any contract, agreement, indenture, trust agreement, note, obligation or other instrument that could prohibit, limit or otherwise affect Developer's entry into or performance of this Agreement. To the best of Developer's knowledge, no consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person or entity is required for the due execution, delivery or performance by Developer of this Agreement or any of the terms or covenants contained in this Agreement. There is no pending or threatened suit or proceeding or undischarged judgment affecting Developer before any court, governmental agency, or arbitrator that might materially adversely affect the enforceability of this Agreement, the ability of Developer to perform the transactions contemplated by this Agreement or the business, operations, assets or condition of Developer.

15.4 Valid Execution. The execution and delivery of this Agreement by Developer have been duly and validly authorized by all necessary action of Developer and others. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms. Developer has provided to City a written resolution of Developer's Board of Directors authorizing Developer's entry into and performance of this Agreement.

16. Notices. A notice or communication under this Agreement by either Party to the other shall be sufficiently given or delivered, if in writing and delivered by messenger, overnight air courier or registered or certified first class mail with return receipt requested (for U.S. mailings) to the appropriate Party at its address as follows:

In the case of a notice or communication to City:

City Manager's Office
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941
Attn: Alan Piombo

With a copy to:

Richards, Watson & Gershon
One Sansome Street, Suite 2850
San Francisco, CA 94104
Attn: Inder Khalsa

And in the case of a notice or communication sent to Developer:

EAH, Inc.
22 Pelican Way
San Rafael, CA 94901
Attn: Bianca L. Neumann, Director Business Development

With a copy to:

Bocarsly Emden Cowan Esmail & Arndt LLP
633 West 5th Street, 64th Floor
Los Angeles, CA 90071
Attn: Nicole Deddens

Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

17. General Provisions.

17.1 Amendments. This Agreement may be amended or modified only by a written instrument signed by both City and Developer.

17.2 Severability. If any provision of this Agreement, or its application to any person or circumstance, is held invalid by any court, the invalidity or inapplicability of such provision shall not affect any other provision of this Agreement or the application of such provision to any other person or circumstance, and the remaining portions of this Agreement shall continue in full force and effect, unless enforcement of this Agreement as so modified by and in response to such invalidation would be unreasonable or grossly inequitable under all of the circumstances or would frustrate the fundamental purposes of this Agreement. Without limiting the foregoing, in the event that any applicable federal or state law prevents or precludes compliance with any material term of this Agreement, the Parties shall promptly modify, amend or suspend this Agreement, or any portion of this Agreement, to the extent necessary to comply with such provisions in a manner which preserves to the greatest extent possible the benefits to each of the Parties to this Agreement. However, if such amendment, modification or suspension would deprive City or Developer of the substantial benefits derived from this Agreement or make performance unreasonably difficult or expensive, then the affected Party may terminate this Agreement upon thirty (30) days written notice to the other Party. In the event of such termination, neither Party shall have any further rights or obligations under this Agreement except as otherwise provided herein.

17.3 Non-Waiver. No waiver made by either Party with respect to the performance, or manner or time of performance, or any obligation of the other Party or any condition to its own obligation under this Agreement will be considered a waiver with respect to the particular obligation of the other Party or condition to its own obligation beyond those expressly waived, to the extent of such waiver, or a waiver in any respect in regard to any other rights of the Party making the waiver or any other obligations of the other Party.

17.4 Non-Liability. No member, official, agent or employee of City will be personally liable to Developer, or any successor in interest (if and to the extent permitted under this Agreement), in an event of default by City or for any amount that may become due to Developer or successor or on any obligations under the terms of this Agreement. No director, officer, agent or employee of Developer will be personally liable to City in an event of default by Developer or for any amount that may become due to City or on any obligations under the terms of this Agreement.

17.5 Successors and Assigns; Third Party Beneficiary. This Agreement shall inure to the benefit of and bind the respective successors and assigns of City and Developer, subject to the limitations on assignment by Developer set forth in Section 12. This Agreement is for the exclusive benefit of the Parties to this Agreement and not for the benefit of any other person and shall not be deemed to have conferred any rights, express or implied, upon any other person.

17.6 Governing Law. City and Developer acknowledge and agree that this Agreement was negotiated, entered into and is to be fully performed in the City. City and Developer agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the substantive and procedural laws of the State of California, without application of conflicts or choice of laws principles.

17.7 Compliance with Law. Developer acknowledges that any future DDA, if approved by City governing body, will require Developer (among other things) to carry out the development of the Project on the Site in conformity with all applicable laws, including all applicable building, planning and zoning laws, environmental laws, safety laws and federal and state labor and wage laws.

18. Interpretation of Agreement. No inference in favor of or against any Party shall be drawn from the fact that such Party has drafted any part of this Agreement. The Parties have both participated substantially in the negotiation, drafting, and revision of this Agreement, with advice from legal and other counsel and advisers of their own selection. A word, term or phrase defined in the singular in this Agreement may be used in the plural, and vice versa, all in accordance with ordinary principles of English grammar, which shall govern all language in this Agreement. The words "include" and "including" in this Agreement shall be construed to be followed by the words: "without limitation." Each collective noun in this Agreement shall be interpreted as if followed by the words "(or any part of it)," except where the context clearly requires otherwise. Every reference to any document, including this Agreement, refers to such document, as modified from time to time (excepting any modification that violates this Agreement), and includes all exhibits, schedules, addenda and riders to such document. The word "or" in this Agreement includes the word "and." Every reference to a law, statute, regulation, order, form or similar governmental requirement refers to each such requirement as amended, modified, renumbered, superseded or succeeded, from time to time. Headings at the beginning of each section or sub-section of this Agreement are solely for the convenience of reference of City and Developer and are not a part of this Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to sections are to this Agreement. All exhibits referred to in this Agreement are attached to this Agreement, unless otherwise specified.

18.1 Entire Agreement. This Agreement (including the attachments and exhibits) contains all of the representations of and the entire agreement between the Parties with respect to the subject matter of this Agreement. Any prior correspondence, memoranda, agreements, warranties or representations relating to such subject matter are superseded in total by this Agreement. No prior drafts of this Agreement or changes from those drafts to the signed version of this Agreement shall be introduced as evidence in any litigation or other dispute resolution proceeding by either Party or any other person and no court or other body shall consider those drafts in interpreting this Agreement.

18.2 Time for Performance.

18.2.1 Expiration. All performance, expiration or termination dates (including cure dates) in this Agreement (including the attached Schedule of Performance) expire at 5:00 p.m., Pacific Time, on the specified date.

18.2.2 Weekends and Holidays. A date that falls on a Saturday, Sunday or City holiday is deemed extended to the next day on which the City is open for performance of general City functions with regular City personnel.

18.2.3 Days for Performance. All periods for performance specified in this Agreement in terms of days shall be calendar days, and not business days, unless otherwise expressly provided in this Agreement.

18.2.4 Time of the Essence. Time is of the essence with respect to each provision of this Agreement.

18.3 Counterparts. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

18.4 Survival. Notwithstanding anything to the contrary in this Agreement, each indemnity obligation under this Agreement shall survive expiration or termination of this Agreement. Further all other obligations under this Agreement that arise and were not satisfied before expiration or termination of this Agreement shall survive any expiration or termination of this Agreement.

18.5 Non-Discrimination. Developer covenants by and for itself and its successors or assigns, and all persons claiming under or through it, and this Agreement is made and accepted upon and subject to the following conditions:

18.5.1 Standards. That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (l) of subdivision (p) of Section 12955, and Section 12955.2 of the Government code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Site nor shall Developer, itself, himself or herself, or any person claiming under or through it, him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, subtenants, sublessees, or vendees in the Site.

18.6 Relationship of the Parties. The subject of this Agreement is a private development with neither Party acting as the agent of the other Party in any respect. None of the provisions in this Agreement shall be deemed to render City a partner in Developer's business, or joint venturer or member in any joint enterprise with Developer.

IN WITNESS WHEREOF, City and Developer have signed and entered into this Agreement as of the Effective Date by and through the signatures of their respective authorized representative(s), as follow:

CITY:

CITY OF MILL VALLEY,
a municipal corporation

By: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Inder Khalsa, City Attorney

DEVELOPER:

EAH, INC.,
a California nonprofit public benefit corporation

By: _____
Print Name: _____
Title: _____

EXHIBIT "A"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Description of the Site

[Attached behind this cover page]

1 Hamilton Road, Mill Valley

Assessor's Parcel 030-250-01

Approximate Site Area of Affordable Housing Parcel

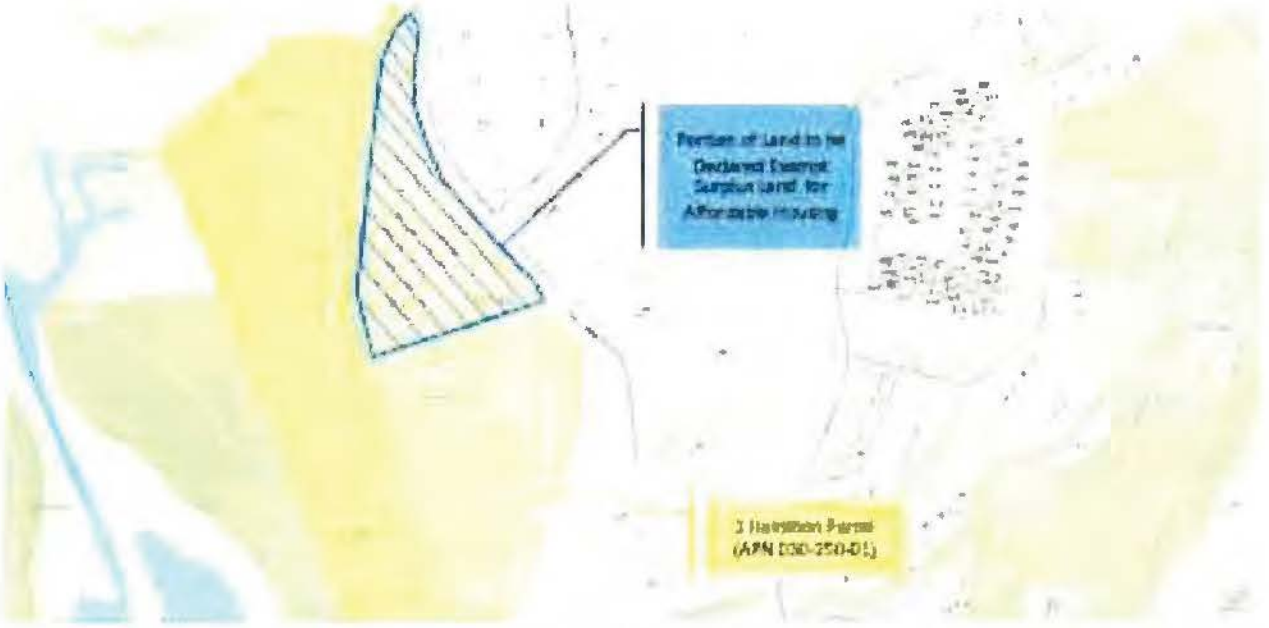




EXHIBIT "B"
TO
EXCLUSIVE NEGOTIATION AGREEMENT

Schedule of Performance

[Attached behind this cover page]

Schedule of Performance

Re: 1 Hamilton Road, Mill Valley

Scope: Exclusive Negotiation Agreement period (February 2022 to March 2023*)

Exclusive Negotiation Agreement	
Executed Agreement	Feb. 2022
Community Outreach	
Community Outreach Plan	Feb. 2022
Outreach to Community Groups: Small Targeted Discussions to Identify Community needs	Feb. 2022 to Sept. 2022
Community Meeting 1: Introduction to team and project concept	Feb. 2022
Community Meeting 2: Interactive Input	April 2022
Community Meeting 3: Report out, project changes, and integrations of community input	June 2022
Community Meeting 4: Pre-Submittal Design	Sept. 2022
Design, Rezoning, and Entitlements	
Initial Site Plan and Fit Studies	Dec. 2021 to Feb. 2022
Schematic Design	Feb. 2022 to July 2022
Pre-Entitlement Package	Sept. 2022
Entitlement Submittal	Feb. 2023
General Plan Amendment for Rezoning	Feb –June 2023
***Environmental**	
Environmental Phase 1	Feb. 2022
Geotechnical Reports	March 2022
Environmental Phase 2 (if required)	April 2022
CEQA and NEPA Approval	Jan. 2023 to Aug. 2023

Finance

City Predevelopment Loan *(approved with ENA)*	Feb. 2022
Financing Concept	March 2022
Financing Plan	June 2022
Land Dispossession Agreement	March 2023

* Above assumes a mitigated negative declaration. Should a full EIR be required entitlement process could take up to 24 months. Schedule for Initial Study will be determined in coordination with the selected environmental consultant; overall project schedule will be determined upon completion of an initial study.

Community Outreach & Engagement Plan

Updated: January 14, 2022

Overview

EAH and Van Meters William Pollack (the development team) recognize that community participation is a critical component of the planning process. Providing the opportunity for public input encourages citizens to be invested in the future of their community. The public outreach and engagement plan describes how community members, project partners and stakeholders will be engaged throughout the planning and design process. The outreach and engagement plan serves as a guide for community involvement and is subject to change based on input received.

Approach

PHASE 1: Information Gathering

Identify key stakeholders and document neighborhood and community interests and concerns regarding the development of the 1 Hamilton site. This first phase usually consists of one community meeting to kick off the project, followed by small informal focus group meetings with community stakeholders.

The purpose of this phase is to assess the areas of community interest, and shape outreach materials accordingly.

PHASE 2: The Focused Community Outreach

Engage community residents and stakeholders to participate in design discussions, which include input and feedback on design concepts to refine the site plan and architectural details.

The goal of this phase is to obtain consensus on a preferred site plan and schematic design concept which will be submitted to the City for review and approval.

PHASE 3: Entitlement Package Submittal and Support

Provide on-going support to assist in the development review and approval process. Attend public hearings and document community support for the project.

PHASE 4: Ongoing Community Outreach

EAH Housing staff will continue to reach out to our neighbors long after project approval, from site development, construction, and through full occupancy. We pride ourselves on being an active and supportive partner in the communities where we develop and manage affordable housing. We consider our community outreach program as the first step in a long-term relationship between EAH and our neighbors.

ATTACHMENT #3

Communication Methods

Our methods for communication are adaptive and flexible to reach the broadest segment of the population. Utilizing both analog and digital platforms, the development team will find the means to inform and engage the community in the development process. Dependent on Covid guidelines and community preference, some or all these methods can be utilized.

Analog

Direct Mail: will be sent to residents within a defined catchment. Information will include upcoming community meetings and opportunities to provide input on the proposed development and information on general project updates.

Door to Door: information on the development and events can be delivered on doorsteps. Our development team can visit local businesses, community centers, and churches to provide information on the future development.

Local Newspapers: ads can be placed in local newspapers to inform the community about upcoming meetings and provide general information on the future project and general development updates.

Community Events: the development team can attend local community events, such as street fairs, to engage and inform the community about the future project.

Small Focus Groups: the development team will meet with small local targeted groups, such as the immediate neighbors Friends of Hauke Park, Sustainable Mill Valley, etc. to discuss specific concerns or questions regarding the future development.

In-Person Community Meetings: the development team will have community meetings to publicly discuss the development process and the specific elements of the future development project.

Digital

Direct Email: will be sent to those that sign up for our email list. Information shared will include upcoming community meetings, opportunities to provide input on the proposed development (examples: surveys or planning meetings), and general project updates.

Project Website: will provide general information on the proposed development, including a site map, affordability information, project team and contacts, upcoming events, general development timeline, frequently asked questions, and the ability to sign-up for project updates.

Online Community Groups: information can be shared via local online community forums such as Nextdoor and/or local Facebook groups.

Online Community Meetings: the development team can have community meetings using an online platform to publicly discuss the development process and the specific elements of the future development project.

Planned Community Meetings

The meetings below are the general guide to the types of community meetings we will have and the projected timeline. Additional meetings can be added. More specifically, community meetings 2 & 3 can be an iterative process with multiple rounds of community input and reporting.

At all community meetings, there will be assigned note-takers to capture community comments. Questions and answers will be shared via the development webpage.

Community Meeting 1: Project and Team Introduction
When: March 2022
Location: Mill Valley Community Center (or online*)
Goal: Lay out existing site conditions and opportunities, introduce the project and project team, and collect community questions and concerns.
Format: Formal presentation followed by an open house with stations addressing specific topics

Description:
The project team will give a short formal presentation introducing themselves, the project, and the format for the open house. At each topic station, there will be a subject matter expert and a note-taker. Individuals will be encouraged to visit stations, ask questions and give feedback on the various topics discussed below.

Information Stations. Break out rooms, or informational stations, will be used to collect input and answer questions on the following:

1. Affordable Housing Overview- What is affordable housing, rents, incomes, and how households qualify for affordable housing.
2. Development timeline and process.
3. Replacement of current uses- parking and bathroom relocations options.
4. Conceptual Design- views, massing, and site plan overview.
5. EAH property management and services.
6. Other topics areas, as needed.

*If online breakout rooms will be used in place of stations.

Focus Group Input: Small group meetings
When: Between kick off and Workshop 2
Location: Varies
Goal: Address specific concerns associated with site design and layout. Talk to direct neighbors and take suggestions for further view impact evaluations.
Format: Varies. May include online surveys or meetings on-site with the project team to discuss neighborhood concerns, led by the Architect, VMWP.

Description:
Information gathering to discuss the site layout, including affordable housing opportunities, concerns about view impacts, replacement parking, and circulation, and park restroom. The project team will document expressed concerns and take requests into design considerations.

Community Meeting 2: Initial Concepts
When: April 2022
Location: Mill Valley Community Center (or online*)
Goal: Present initial concept and collect community feedback
Format: A formal presentation followed by a design charrette.

Description:
The development team will present 2-3 concepts for site layout. For each of the concepts, the tradeoff will be presented regarding the number of homes created, parking, and massing. The team will also provide an initial overall replacement plan illustrating options for replacement parking and circulation and relocation of the park restroom. The community will then be asked to participate in a design charrette providing feedback on elements and suggestions for improvements.

The development team will collect all community comments and integrate, where feasible, into the next iteration of the design concept.

*If online breakout rooms will be used for virtual design charrette, with survey questions for design elements.

Community Meeting 3: Project Concept Update
When: June 2022
Location: Mill Valley Community Center (or online)
Goal: Layout the feedback received at the previous meeting and how those suggestions have been integrated into the updated project concepts to establish consensus for the project design concept.
Format: Formal presentation and question and answerer session followed by an open house with stations addressing specific elements of the development.

Description:
The development team will present the consensus or preferred option with small sub-options for the development as well as for surrounding potential public improvements to parking and circulation and park restroom. Time will be taken to lay out how the design was arrived at based on the community input from the previous design charrette. Once the formal presentation is completed, community members will be given the opportunity to ask questions in an open forum.

After the open forum, community members will be invited to explore stations addressing specific elements of the project's development to ask questions, provide feedback, and provide solutions. Examples of stations that may be included are parking and traffic, site plan, and/or architectural design (style or optional styles) for the development.

*If online, breakout rooms will be used in place of stations.

Community Meeting 4: Pre-Submittal Design
When: September 2022
Location: Mill Valley Community Center (or online)
Goal: Provide a final opportunity for community comment and prior to preparing entitlement package
Format: Formal presentation and open form question and answer session.

Description:
The development team will present the refined design, which is intended for submittal for design review and the zoning and general plan amendment process. It provides the community an opportunity to see the submitted proposal before the design review and provide final comments to the development team.

Ongoing Small Group Meetings
When: February to September 2022
Location: Various
Goal: Address specific concerns in small group settings to build consensus and support.
Format: Small group meetings in person or via an online platform.

Description:
The development team will continue to work with local organizations to inform and engage them in the development process for the future development at 1 Hamilton Drive.

EXHIBIT T

From: Patrick Soluri
Sent: Monday, September 19, 2022 4:12 PM
To: 'Inder Khalsa'
Cc: 'Danielle Staude'; 'Patrick Kelly'; 'Zachary M. Heinselman'; 'Todd Cusimano'; 'Diana Varat'; Mae Ryan Empleo
Subject: RE: Additional Comments to the City of Mill Valley's Notice of Preparation

Ms. Khalsa, In the interest of time I paste below your email that I received at 1:42 pm today along with my responses in yellow.

> Mr. Soluri,
>
> You sent me a letter at the end of August that asked the following question and requested I provide a "yes or no" answer.
>
> Does the project to be analyzed in the so-called "Housing Element EIR" include changes to 1 Hamilton's General Plan land use and zoning designations to allow residential use for that site?
>
> This not a yes or no question. [This is false. See next comment.] The Housing Element is a policy-level document that provides direction but does not result in the actual "rezoning" of 1 Hamilton. It does, however, amend the General Plan (since the Housing Element is one of the required elements of the General Plan). Therefore, to maintain internal consistency within the General Plan, we will amend the land use designations in the General Plan Land Use Element concurrent with the adoption of the Housing Element update. [So the answer to my question is "yes."] See, Gov't Code Section 65302(a). [This citation does not require a Land Use Element to be updated concurrently with a Housing Element.] The Housing Element EIR will analyze, at a "program EIR" level, the change of General Plan land use designation, including population density and building intensity, for the 1 Hamilton site. [This conclusory assertion ignores applicable case law, previously submitted to the City, explaining that the City must disclose and analyze all that it reasonably can about the proposed residential development at 1 Hamilton. (CEQA Guidelines, § 15126 [EIR's impact analysis must consider all phases of a project]; *Laurel Height Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376 [EIR must analyze "reasonably foreseeable consequence" of a project.) The City has provided no response.]
>
> The actual rezoning for 1 Hamilton, which will establish the full array of development regulations applicable to the site, will occur later, concurrently with the project-level environmental review and approval of a ground lease and project/building design. [This subsequent "rezoning" becomes legally irrelevant when the General Plan land use designation and density has been changed since a General Plan takes priority over a zoning. Indeed, the Housing Accountability Act ("HAA") provides: "This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a ***site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element***, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation." Cal Gov Code § 65589.5 (emphasis added). Thus, the proposed later rezoning has no legal significance in this context.] Housing Element law envisions that the rezoning of sites identified in the sites inventory may occur subsequent to the adoption of the Housing Element. See, Gov't Code Section 65583(c)(1). [This citation does not support an argument that the Land Use Element must be updated concurrently with the Housing Element. In

fact, the deadline is "no later than ***three years after*** either the date the housing element is adopted." (Gov Code § 65583(c)(1)(A) (emphasis added).]

As I said in my previous letter to you, the City plans to conduct a robust project-level CEQA analysis (at this time anticipated to be an EIR) prior to any approval of the rezoning or ground lease associated with the development of housing on the site. [The City's "plan" in this regard is meaningless since the City would likely argue later that any deficiencies in that later EIR are not prejudicial and so defects – even those identified by a court – require no correction. (*Del Cerro Mobile Estates v. City of Placentia* (2011) 197 Cal.App.4th 173, 179 [rejecting argument that by "preparing and certifying the EIR as if CEQA applied, the City waived any right to later invoke a potential CEQA exemption"].) I explained this point on August 15, 2022, and the City has provided no response.]

Since your letter, we have received a number of public comments to the effect that the City is planning to conduct the rezoning of 1 Hamilton concurrent with the adoption of the Housing Element update in order to somehow avoid conducting a robust CEQA analysis of the potential impacts of the proposed housing development. That is not the case. [I vigorously disagree, and support this position with analysis that the City has consistently failed to address.] If you could correct this misunderstanding with your clients, I would appreciate it. [This is not a misunderstanding on our part. This email misleads the public, and perhaps even the Council, regarding the necessity, nature and legal significance of the proposed City action on the Housing and Land Use Elements as respects 1 Hamilton.]

Regards,
Pat

Patrick M. Soluri

☎ *tel:* 916.455.7300 ▪ *fax*: 916.244.7300 ▪ *mobile:* 916.599.0474 ▪ ✉ *email*: patrick@semlawyers.com

---

From: Inder Khalsa <IKhalsa@rwglaw.com>
Sent: Monday, September 19, 2022 1:42 PM
To: Patrick Soluri <patrick@semlawyers.com>
Cc: 'Danielle Staude' <dstaude@cityofmillvalley.org>; Patrick Kelly <pkelly@cityofmillvalley.org>; Zachary M. Heinselman <ZHeinselman@rwglaw.com>; Todd Cusimano <tcusimano@cityofmillvalley.org>; Diana Varat <DVarat@rwglaw.com>
Subject: RE: Additional Comments to the City of Mill Valley's Notice of Preparation

Mr. Soluri,

You sent me a letter at the end of August that asked the following question and requested I provide a "yes or no" answer.

> Does the project to be analyzed in the so-called "Housing Element EIR" include changes to 1 Hamilton's General Plan land use and zoning designations to allow residential use for that site?

This not a yes or no question. The Housing Element is a policy-level document that provides direction but does not result in the actual "rezoning" of 1 Hamilton. It does, however, amend the General Plan (since the Housing Element is one of the required elements of the General Plan). Therefore, to maintain internal consistency within the General Plan, we will amend the land use designations in the General Plan Land Use Element concurrent with the adoption of the Housing Element update. See, Gov't Code Section 65302(a). The Housing Element EIR will analyze, at a "program EIR" level, the change of General Plan land use designation, including population density and building intensity, for the 1 Hamilton site.

The actual rezoning for 1 Hamilton, which will establish the full array of development regulations applicable to the site, will occur later, concurrently with the project-level environmental review and approval of a ground lease and

project/building design. Housing Element law envisions that the rezoning of sites identified in the sites inventory may occur subsequent to the adoption of the Housing Element. See, Gov't Code Section 65583(c)(1).

As I said in my previous letter to you, the City plans to conduct a robust project-level CEQA analysis (at this time anticipated to be an EIR) prior to any approval of the rezoning or ground lease associated with the development of housing on the site.

Since your letter, we have received a number of public comments to the effect that the City is planning to conduct the rezoning of 1 Hamilton concurrent with the adoption of the Housing Element update in order to somehow avoid conducting a robust CEQA analysis of the potential impacts of the proposed housing development. That is not the case. If you could correct this misunderstanding with your clients, I would appreciate it.

Inder Khalsa
Attorney

RICHARDS WATSON GERSHON
One Sansome Street, Suite 2850
San Francisco, CA 94104
T: 415.421.8484
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E: ikhalsa@rwglaw.com
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From: Mae Ryan Empleo <Legal@semlawyers.com>
Sent: Tuesday, August 30, 2022 4:35 PM
To: Inder Khalsa <IKhalsa@rwglaw.com>
Cc: Patrick Soluri <patrick@semlawyers.com>; James Crowder <james@semlawyers.com>; jwickham@cityofmillvalley.org; ucarmel@cityofmillvalley.org; sburke@cityofmillvalley.org; Sashi McEntee <smcentee@cityofmillvalley.org>; mperrey@cityofmillvalley.org; City Clerk <cityclerk@cityofmillvalley.org>; Kelsey Rogers <krogers@cityofmillvalley.org>
Subject: Additional Comments to the City of Mill Valley's Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

Dear Ms. Khalsa:

Please see attached letter from Patrick Soluri. Thank you.

Sincerely,

Mae Ryan Empleo
Legal Assistant
Soluri Meserve, A Law Corporation
510 8th Street, Sacramento, CA 95814
☎ *tel:* 916.455.7300 ▪ *fax*: 916.244.7300 ▪ *email*: legal@semlawyers.com
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Comment 22 is all of Exhibit 10
Total number of pages - 2

EXHIBIT 10

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

November 18, 2022

SENT VIA EMAIL (Reid.Miller@hcd.ca.gov)

Reid Miller
California Department of Housing and Community Development
c/o Land Use and Planning Unit
2020 W. El Camino Avenue, Suite 500
Sacramento, California 95833

RE: Additional Comments to City of Mill Valley's Draft Housing Element

Dear Mr. Miller:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides additional comments regarding the City of Mill Valley's ("City") draft Housing Element that are prompted by statements made by a City official on November 16, 2022.

During a Zoom conference entitled, *Understanding the State's Housing Element Requirement and its Impacts on Marin Cities and Towns*[1], the City's Planning Director presented the City's housing inventory map and relied heavily on fire danger as reasoning for the locations, stating that "65% of Mill Valley is with a high fire danger zone." This asserted basis for excluding 65 percent of the City's land area from its site inventory is inconsistent with the City's General Plan.

Following last night's presentation, we reviewed the City's General Plan and zoning ordinance to determine if residential development is prohibited in the very high fire hazard severity zone ("Fire Zone").[2] It is not. To wit:

- The Land Use Element does not mention fire hazard at all. The only policy in the Land Use Element that could arguably include consideration of fire hazard provides, "LU.1-3 The residential density (dwelling units per acre) of a new or redeveloped residential development project or residential development as part of a mixed- use project may be reduced to below the minimum density established by this General Plan where there is adequate evidence in the record that the physical

---

1 https://marinpost.org/notices/2022/10/19/understanding-the-states-housing-element-requirement-and-its-impacts-on-marin-cities-and-towns

2 Figure I-2 of the City's draft Housing Element identifies the scope of the Fire Zone.

characteristics of the site (including but not limited to lot size, slope, habitat value, soil conditions, flood hazard, etc.) or other conditions identified through the environmental review process clearly indicate that the minimum density cannot be met without appropriate mitigation or is determined to be detrimental to the health, safety, or welfare of the community." However, this language only limits density.

- Hazard and Public Safety Element. The Hazard and Public Safety Element discusses fire hazard areas (p. 184), but it does not provide any potential prohibitions. Additionally, Policy HZ.6-1 states, "Maintain an ongoing fire inspection program to reduce fire hazards associated with commercial and multi-family residential buildings, older buildings, critical facilities, public assembly facilities, and residential parcels in high-risk areas." This language suggests that there are no prohibitions to building in high fire risk areas.

- Zoning Ordinance. We also reviewed the City's zoning ordinances. A few ordinances mention prohibitions for residential properties in high fire areas, but they all have exceptions. Thus, there are no prohibitions.

Since the City's General Plan does not prohibit residential development in the Fire Zone, excluding otherwise-suitable properties on this basis creates inconsistency with the General Plan. Further, the City has now made it clear that it intends to amend the Land Use Element for "consistency" with the Housing Element. If the City were legitimately concerned about residential development in the Fire Zone, then the City could concurrently amend its General Plan to prohibit residential development in the Fire Zone. Its failure to do this is telling.

This is another example of how the City's site inventory is arbitrary and capricious, and further supports our concern that the City is intentionally constricting the scope of its housing inventory in order to justify its reliance on 1 Hamilton.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: City of Mill Valley:
Jim Wickham, Mayor
(jwickham@cityofmillvalley.org)

Urban Carmel, Vice Mayor
(ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember
(sburke@cityofmillvalley.org)
Max Perrey, Councilmember
(mperrey@cityofmillvalley.org)
G. Inder Khalsa, City Attorney
(gkhalsa@rwglaw.com)
Kelsey Rogers, City Clerk
(cityclerk@cityofmillvalley.org)

23

Comment 23 is all of Exhibit 11
Total number of pages - 2

EXHIBIT 11

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

November 28, 2022

SENT VIA EMAIL (jwickham@cityofmillvalley.org)

Mayor Jim Wickham and Councilmembers
City of Mill Valley
1 Sansome Street, Suite 2850
San Francisco, California 94104

RE: Additional Comments on Agenda Items 1 and 2 of the November 30, 2022, Joint City Council and Planning Commission Meeting

Dear Mayor Wickham and Councilmembers:

On behalf of Friends of Hauke Park ("FOHP"), this letter provides additional comments regarding both Item 1 (Housing Element and Land Use Element Update) and Item 2 (1 Hamilton Drive) of the November 30, 2022, Joint City Council and Planning Commission Meeting.

We obtained and briefly reviewed HCD's comments to the City's draft Housing Element. A few points must be brought to the Council's attention.

First, although set forth at the end of HCD's letter, the following comment is critically important going forward:

> HCD received a number of comments related to zoning and AFFH, particularly in relation to the City's apparent lack of units affordable to lower income West of Camino Alto. Many commentors also voiced concerns that, of the over seventy City-Owned sites in the City, only one was chosen to accommodate housing lower-income. HCD encourages the City to consider these comments.

(HCD letter, p. 13.)

This is not merely procedural guidance, i.e., to hold more public workshops. Rather, HCD's additional comments support our concern that the City's focus on 1 Hamilton is the result of a substantively flawed and incomplete analysis. As examples:

- HCD comments support FOHP's position that the City's site inventory, including City-owned sites, is incomplete. (HCD letter, pp. 5-7.)
- HCD comments support FOHP's position that The Housing Workshop's minimum parcel size of 0.75 acres is impermissibly restrictive. (HCD letter, p. 7.)
- HCD comments support FOHP's concerns about reliance on 1 Hamilton based on its present land use designation as well as the City's CEQA review strategy for that property. (HCD letter, p. 6).
- HCD comments support FOHP's position that the City's analysis of its duty to affirmatively further affordable housing "throughout the community" is incomplete. (HCD letter, pp. 4, 12-13.)

HCD's comments squarely support our concern that the City's myopic focus on 1 Hamilton has blinded itself to better opportunities for affordable housing in the City. In light of the above, the City will need to go back and prepare a complete analysis of sites that are suitable for residential development. The City will also need to prepare an adequate analysis of its obligation to affirmatively further fair housing "throughout" the City. The result of the new and revised analyses may lead the Council to conclude that 1 Hamilton is not the proper focus of its efforts at this time.

We look forward to a candid discussion of HCD's comments, and their impact on the City's housing strategy, at the meeting on November 30, 2022.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Patrick M. Soluri

cc: Urban Carmel, Vice Mayor (ucarmel@cityofmillvalley.org)
Stephen Burke, Councilmember (sburke@cityofmillvalley.org)
Max Perrey, Councilmember (mperrey@cityofmillvalley.org)
Kelsey Rogers, City Clerk (cityclerk@cityofmillvalley.org, krogers@cityofmillvalley.org)
G. Inder Khalsa, City Attorney (gkhalsa@rwglaw.com)

Response to Letter 34, Patrick M. Soluri, Soluri Meserve (Letter - March 3, 2023)

1. The first two paragraphs are introductory and raise general concerns that are detailed in subsequent comments, and therefore, addressed below.

   The draft SEIR is based on the draft Housing Element, which was posted on the City's website and made available to the public on or before September 1, 2022, well before release of the draft SEIR on January 17, 2023. The City circulated the draft SEIR for public review from January 17, 2023 to March 3, 2023, a total of 46 days. The City also held a public meeting on February 28, 2023 to accept oral public comments. Therefore, the City fully complied with the circulation requirements of CEQA.

   A revised version of the Housing Element Update reflecting edits and modifications to address HCD and additional public comments was made available to the public on February 16, 2023. See Section 3.0, "Changes to the draft SEIR," for a discussion of the changes to the Housing Element, as it related to the environmental review. The revisions to the Housing Element Update were largely administrative in nature and did not create any new significant impacts or worsen any identified significant impacts.

2. This comment is regarding the housing element NOP, and identifies incorrect information contained in the NOP regarding the 1 Hamilton Drive site. The NOP was circulated for public review beginning July 21, 2022. Based upon comments received from the public, the City revised the NOP (errata) to provide clarifications and edits in strikethrough and underlined text to clearly show the changes and circulated it for public review beginning September 16, 2023. Therefore, the City complied with the CEQA requirements for preparation and circulation of an NOP. No changes to the draft SEIR are necessary.

3. This comment is about evaluating land use designation changes for housing sites in the housing element (including the 1 Hamilton Drive site) and then evaluating the proposed development of a housing site in a separate, project-level EIR. See response to Letter 21, comment 2.

   Regarding the issues raised about CEQA Guidelines section 15183, subdivision (a), see response to Letter 18, comment 4.

4. This comment is about the aesthetic impacts of the proposed development at 1 Hamilton Drive. The draft SEIR broadly evaluated the aesthetic impacts associated with implementation of the Housing Element Update. See Section 4.0 Aesthetics, Light and Glare, and concluded that the number of units allowed at each of the housing sites, along with proposed changes in allowed height, would result in a less-than-significant aesthetic impact. One of the purposes of the 1 Hamilton Drive project-level EIR is to examine

whether there are project-specific significant effects which are peculiar to the project or its site (CEQA Guidelines section 15183), including aesthetic impacts. See also response to Letter 18, comment 4. No changes to the draft SEIR are necessary.

5. This comment is about the biological resource impacts of the proposed development at 1 Hamilton Drive. The draft SEIR broadly evaluated the biological resources impacts associated with implementation of the Housing Element Update. Section 7.0 Biological Resources, identified the following potential, significant impacts: loss of special-status plant species or their habitats; the loss of special-status wildlife species or their habitat; disturbance or fill of protected wetlands, waters of the U.S. and sensitive natural communities; and interference with the movement of wildlife species or with established wildlife corridors. A series of mitigation measures were included to reduce these potential, significant impacts to a less-than-significant level. Additionally, this section of the draft SEIR identified less-than-significant impacts associated with disturbance or removal of protected trees. The SEIR concluded that with implementation of the mitigation measures, implementation of the Housing Element Update would result in less-than-significant biological resources impacts. One of the purposes of the 1 Hamilton Drive EIR is to examine whether there are project-specific significant effects which are peculiar to the project or its site (CEQA Guidelines section 15183), including biological resource impacts. See also response to Letter 18, comment 4. No changes to the draft SEIR are necessary.

6. This comment is about the proposed 1 Hamiton Drive project's impacts on Hauke Park and elimination or relocation of the Hauke Park parking lot. The draft SEIR, Section 11.0, Public Services, which includes four (4) pages, not one (1) as purported by the commenter, broadly evaluated if implementation of the Housing Element Update would result in substantial adverse physical impacts associated with the provision of new or physically altered public parks, need for new or physically altered public parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. The draft SEIR concluded that, with the payment of in-lieu fees, housing projects pursuant to the Housing Element update would not result in a significant adverse environmental impact to public parks. One of the purposes of the 1 Hamilton Drive EIR is to examine whether there are project-specific significant effects which are peculiar to the project or its site (CEQA Guidelines section 15183), including environmental impacts to public parks, including impacts to Hauke Park. See also response to Letter 18, comment 4. No changes to the draft SEIR are necessary.

7. This comment is about the proposed 1 Hamiton Drive project's transportation related impacts; specifically, by creating roadway hazards at Hauke Park and vehicle miles traveled (VMT) impacts. The draft SEIR, Section 12.0, Transportation, evaluates the Housing Element Update's cumulative VMT impacts. The draft SEIR concluded "it is not known

whether TDM measures would be sufficient to entirely offset the VMT impact of the proposed project [Housing Element Update] even with implementation of the above-mentioned mitigation. Therefore, the VMT impact analysis for the proposed project [Housing Element Update] would conservatively remain significant and unavoidable with mitigation."

The average VMT for housing projects pursuant to the Housing Element Update would be 14.5 per resident, which is above the VMT threshold of 13.4 (draft SEIR, page 12.13). Therefore, development associated with the Housing Element Update, including development at 1 Hamilton Drive, would result in a significant VMT impact. Mitigation Measure 12-1 was presented, which requires a travel demand management (TDM) policy in the Housing Element Update requiring preparation of a TDM plan for housing projects pursuant to the Housing Element Update. Examples of TDM measures are presented in the Mitigation Measure. Because all TDM measures are not applicable to all types of housing projects, VMT and TDM will need to be reviewed for all housing projects pursuant to the Housing Element Update, to determine what, if any, TDM measures should apply. As such, the Housing Element was revised to include Program #33C, indicating that the City will further evaluate and develop VMT policies and standards applicable to various types of development.

The 1 Hamilton Drive project-level EIR will examine whether there are site-specific significant effects which are peculiar to the project or its site (CEQA Guidelines section 15183), including VMT impacts and roadway hazards to Hauke Park. See also response to Letter 18, comment 4. No changes to the draft SEIR are necessary.

8. The commenter suggests that the City remove the 1 Hamilton Drive site from the Housing Element Update, and that not doing so constitutes "piecemealing" of the 1 Hamilton Drive project in violation of CEQA. See response to Letter 21, comment 2. No changes to the draft SEIR are necessary. See also response to Letter 18, comment 4, as well as response to comments 3 through 7 above, regarding CEQA Guidelines section 15183.

9. The commenter requests an evaluation and consideration of an alternative project that does not include the 1 Hamilton Drive site. As presented in Section 17.3, Alternatives Considered but Rejected, of the draft SEIR, a number of scenarios reducing the total number of housing inventory sites or decreasing the residential density allowed on those sites would reduce the environmental impacts associated with the proposed project. However, a Housing Element Update must satisfy the City's Regional Housing Needs Allocation (RHNA) of at least 865 new residential units *ranging in affordability levels* [emphasis added] to be consistent with the requirements of State law. As a result, alternatives that reduce sites and/or allowable

densities to a level that fails to satisfy state requirements and the City's RHNA are legally infeasible and not further analyzed in the SEIR, including the following scenario (draft SEIR page 17-2):

Completely removing the 1 Hamilton Drive site would eliminate the City's ability to satisfy its lower income RHNA allocation and the recommended buffer of additional units for low income; therefore, an alternative that removes 1 Hamilton Drive from the sites inventory is legally infeasible.

Based on the evaluation of city-owned property, the northern portion of the 1 Hamilton Drive parcel was declared exempt surplus land by City Council on September 20, 2022 (Resolution CC21-51). City Council then entered into an Exclusive Negotiation Agreement (ENA) with EAH Housing on February 7, 2022 (Resolution CC22-13) to conduct predevelopment activities and outreach for building approximately 40-50 deed restricted very low- and low-income rental units. Housing Element Law and the HCD Sites Inventory Guidebook support the identification of city-owned property and the 1 Hamilton Drive site based on Council direction in assembling the Sites Inventory. An alternative that eliminates the 1 Hamilton Drive site from the sites inventory was not considered, as such an alternative would result in the reduction of 40-50 deed restricted very low- and low-income units and eliminate the recommended "buffer" (discussed below). The removal of 1 Hamilton would also solely rely on private development to satisfy all of the City's very low and low income RHNA housing units; whereas the development of privately owned parcels is more likely to include a variety of housing types and affordability levels yet to be determined (based on future private development applications and proposals).

As discussed in the draft SEIR Section 17.4, Alternatives Considered, the proposed project includes a "RHNA buffer" or margin of safety by identifying additional sites to generate additional units beyond the City's RHNA allocation. State guidance recommends that a jurisdiction's housing element sites inventory include a buffer of at least 15 percent beyond the City's RHNA allocation for the lower and moderate-income categories to ensure compliance with the State's "No Net Loss" requirements as the 8-year housing element cycle proceeds. Under the "No Net Loss Law," a jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times through the entire planning period. In addition, the jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient

capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. A jurisdiction may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA (HCD 2019). "No Net Loss" requires cities to demonstrate that capacity is available for affordable units throughout the 8-year planning period, including when a proposed development on a specific site would result in fewer units than were assumed to be possible on that site in the Housing Element Sites Inventory (Government Code Section 65863, "No Net Loss" requirements). For the City of Mill Valley, a 15 percent buffer requires capacity for 81 additional units above the City's RHNA allocation for the designated lower and moderate household income categories. The City's RHNA allocation for the lower and moderate-income categories totals 539 units.

Eliminating 1 Hamilton Drive, and its associated planning very-low and low-income units in the Housing Element Update, would result in only a three (3) percent buffer for the lower income categories, instead of the 14 percent buffer currently proposed in the Housing Element Update.

Rather than eliminating the site, the draft SEIR does identify alternatives that consider a reduced number of units on the site, see Alternatives 2 and 3, both of which partially satisfy the project objectives. The draft EIR therefore evaluated a reasonable range of alternatives and no changes to the draft SEIR are required.

10. This comment is regarding the City's identification of housing sites within Very High Fire Severity Zones. To clarify, parcels or sites located within the Very High Fire Severity Zone were not automatically removed from the Housing Element sites inventory. See Housing Element, Appendix C for sites inventory methodology and criteria for identifying sites. Environmental impacts regarding placing housing within this zone is addressed in Section 15.0, Wildfire. The draft SEIR's conclusion was that the impact would be less than significant with implementation of a mitigation measure for the City to prepare and adopt an update to the City's Safety Element of the General Plan, which shall incorporate a full evacuation traffic analysis in compliance with SB 1241 and 99 and AB 1241, 747 and 1409. The evacuation traffic analysis shall be prepared to the satisfaction of the City's Fire Chief and Public Works Director and shall be prepared and approved prior to final adoption of the Safety Element update. Other impacts associated with wildfire were determined to be less than significant. No changes to the draft SEIR are necessary.

11. This comment is regarding the 1 Hamilton Drive site's suitability for inclusion into the Housing Element Update. See response to comment 9 above. No changes to the draft SEIR are necessary.

12. This comment is regarding eliminating the 1 Hamilton Drive site from the project description or evaluating development of the 1 Hamilton Drive site at a project level in the Housing Element Update SEIR. See responses to Letter 1, Letter 5, and Letter 18. No changes to the draft SEIR are necessary.

13. This comment is "Exhibit 1" to Letter 34. Exhibit 1, in its entirety, along with its exhibits, is comment 13. This exhibit is a letter from the commenter to the California Governor's Office of Planning and Research, State Clearinghouse dated November 17, 2022 in opposition to a shortened public review period. The public review period was not shortened. See also response to comment 1 above. No changes to the draft SEIR are necessary.

14. This comment is "Exhibit 2" to Letter 34. Exhibit 2, in its entirety, is comment 14. This exhibit is an email exchange between the commenter and City staff, regarding the Notice of Availability of a Draft EIR and the Housing Element Update. See response to comment 1 above. No changes to the draft SEIR are necessary.

15. This comment is "Exhibit 3" to Letter 34. Exhibit 3, in its entirety, is comment 15. This exhibit is the Notice of Preparation of a Draft EIR for the 1 Hamilton Drive Affordable Housing Development. See response to Letter 21, comment 5. No changes to the draft SEIR are necessary.

16. This comment is "Exhibit 4" to Letter 34. Exhibit 4, in its entirety, is comment 16. This exhibit is a letter from the commenter to the City of Mill Valley dated August 15, 2022 regarding the Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments. See response to comment 2 above. No changes to the draft SEIR are necessary.

17. This comment is "Exhibit 5" to Letter 34. Exhibit 5, in its entirety, is comment 17. This exhibit is a letter from the commenter to the City Attorney dated August 30, 2022 regarding Additional Comments to the Notice of Preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments. See response to comment 2 above. No changes to the draft SEIR are necessary.

18. This comment is "Exhibit 6" to Letter 34. Exhibit 6, in its entirety, is comment 18. This exhibit is a letter from the commenter to City staff dated August 22, 2022 regarding Public Comments to the City of Mill Valley's Notice of preparation of the 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments. See response to comments 3 and 4 above. No changes to the draft SEIR are necessary.

19. This comment is "Exhibit 7" to Letter 34. Exhibit 7, in its entirety, is comment 19. This exhibit is the standard License Agreement for the California Natural Diversity Database June 2018. See response to comment 5 above. No changes to the draft SEIR are necessary.

20. This comment is "Exhibit 8" to Letter 34. Exhibit 8, in its entirety, is comment 20. This exhibit is a letter from the commenter to City staff dated July 29, 2022 regarding Public Comments to Mill Valley's Draft Housing Element. See response to comment 9 above. No changes to the draft SEIR are necessary.

21. This comment is "Exhibit 9" to Letter 34. Exhibit 9, in its entirety, is comment 21. This exhibit is a letter from the commenter to the California Department of Housing and Community Development dated October 31, 2022 regarding Public Comments to Mill Valley's Draft Housing Element. See response to comments 9 and 11 above. No changes to the draft SEIR are necessary.

22. This comment is "Exhibit 10" to Letter 34. Exhibit 10, in its entirety, is comment 22. This exhibit is a letter from the commenter to the California Department of Housing and Community Development dated November 18, 2022 regarding Additional Comments to City of Mill Valley's Draft Housing Element. See response to comment 9 above. No changes to the draft SEIR are necessary.

23. This comment is "Exhibit 11" to Letter 34. Exhibit 11, in its entirety, is comment 23. This exhibit is a letter from the commenter to the Mill Valley Mayor and Councilmembers dated November 28, 2022 regarding Additional Comments on Agenda Items 1 and 2 of the November 30, 2022, Joint City Council and Planning Commission Meeting. See response to comment 9 above. No changes to the draft SEIR are necessary.

From: mcgerity <mcgerity@yahoo.com>
Sent: Friday, March 3, 2023 4:29 PM
To: City Clerk <cityclerk@cityofmillvalley.org>; Danielle Staude <dstaude@cityofmillvalley.org>
Subject: [External] Mill Valley Housing Element DSEIR - For Planning Commission Review

1 Please distribute the attached Marin Civil Grand Jury report to all Mill Valley Planning Commission members in order for them to better understand the potential environmental risks in prematurely approving the change of 1 Hamilton's land use designation from its current "Community Facility (C-F)" land use designation to "Multi-Family (MFR-2)" land use designation in Mill Valley's updated General Plan.

Planning Commission members should be aware of the Marin County Grand Jury's findings in its investigation of the Corte Madera Town Council and Planning Department's approval process of the WinCup/Tam Ridge Residences, summarized by the following points (on pages 1-2 of the attached report):

2. Prior to the Town officials' adoption of the 2007-2014 Housing Element, astute developers and housing advocates (both internal and external to town staff), saw the opportunity to meet and even exceed state housing and planning mandates. Coincidentally, for the 2007-2014 time period for housing planning, the Association of Bay Area Governments (ABAG) mistakenly over-allocated the Town's Regional Housing Needs Allocation2 (RHNA) as 244 dwelling units.

3. Corte Madera's General Plan update for 2007-2014 was underway in 2006 when the WinCup property owner requested that the WinCup development be embedded in the Town's General Plan. The WinCup owner requested a higher density of 25.1–40 dwelling units per acre, as opposed to the earlier 15.1-25.0 units per acre. This higher density was passed within the Town's General Plan, although Town officials, through interviews, informed the Grand Jury that the Town Council perceived that the new higher density was negotiable. It was not.

4. The Grand Jury learned during its investigation tha it is uncommon for a municipality in California to approve a specific project embedded in its General Plan. However, since WinCup was embedded in the General Plan, no project specific Environment Impact Report (EIR) was required or completed. Rather, the EIR for WinCup was included in Corte Madera's General Plan EIR. A separate WinCup EIR would have placed the WinCup development in the public domain for a more comprehensive environmental analysis, a key process for citizen review and input.

5. The approval of the WinCup project included significant but unavoidable environmental effects identified in the General Plan Environmental Impact Report. The Town Council accepted these via a Statement of Overriding Considerations.

6. While the General Plan has a strong policy requiring responsible planning for the area around t WinCup property, the Town Council chose to override that policy by approving this high-density development.

7. In April 2011, the Town Council approved two specific ordinances permitting the WinCup development. Once these ordinances were approved, the property was formally entitled. Thereafter, the public would only be permitted to provide input concerning the design details (e.g. color, style, etc.) of the structure.

Thank you for sharing this important information with Mill Valley's Planning Commission members.

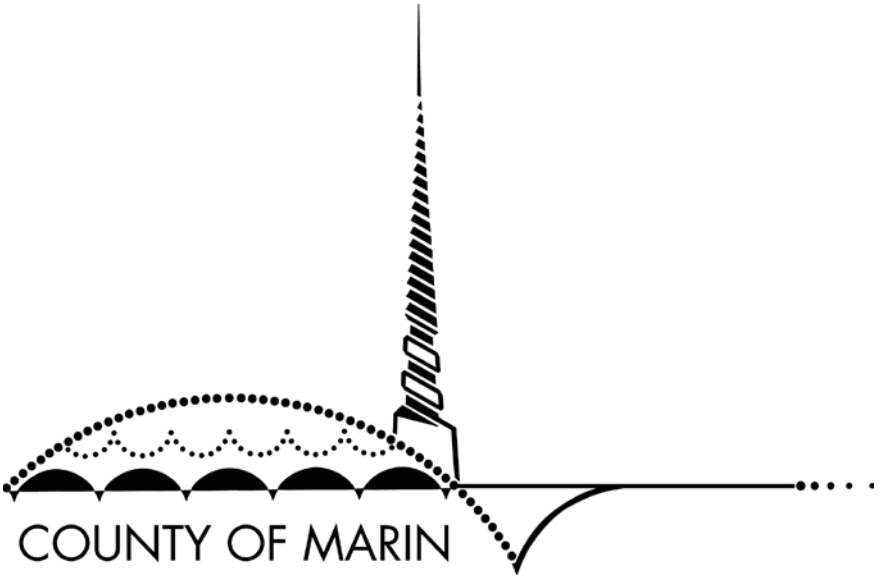
Mary McGerity
Sycamore Avenue
Mill Valley

1 cont'd

2014/2015 MARIN COUNTY CIVIL GRAND JURY

The WinCup/Tam Ridge Residences: How Did It Come to Pass?

Report Date: June 18, 2015
Public Release Date: June 24, 2015



1 cont'd

The WinCup/Tam Ridge Residences: How Did It Come to Pass?

SUMMARY

The Marin County Civil Grand Jury received a complaint concerning Tam Ridge Residences (hereafter referred to as WinCup) at the former WinCup factory site. The complaint charged malfeasance and bribery; it also questioned the integrity of the Town of Corte Madera's Town Council and Planning department members.

Through interviews and review of relevant documents, the Grand Jury's investigation found neither malfeasance nor bribery. The Town of Corte Madera (hereafter referred to as Town) in the main complied with the public notice requirements and held the required public meetings. However, the fact that the WinCup project was embedded in the Town's General Plan and was not specifically noted on the Town Council's agendas resulted in the public not actually knowing it was to be considered. When the WinCup development became physically visible, the community reacted by questioning the process by which this project was approved, feeling that they were not given sufficient notice and opportunity for input. Concerns included traffic, parking, and concessions made to the WinCup property owner.

The Grand Jury identified a number of factors in the WinCup approval process that led to the public outcry, including but not limited to:

1. In 1998, a group of housing advocates brought a lawsuit against the Town for not having a state required certified Housing Element. The purpose of the Housing Element is to ensure that local governments adequately plan to meet the housing needs of all people within the community, regardless of their income. The lawsuit was settled at great expense and thereafter the Town's officials were very concerned about future lawsuits. Harsh economic conditions prevailed while the Town's officials were considering the WinCup Project and more than one Town official indicated that another lawsuit would have been disastrous.

2. Prior to the Town officials' adoption of the 2007-2014 Housing Element, astute developers and housing advocates (both internal and external to town staff), saw the opportunity to meet and even exceed state housing and planning mandates. Coincidentally, for the 2007-2014 time period for housing planning, the Association of

1 cont'd

Bay Area Governments [1] (ABAG) mistakenly over-allocated the Town's Regional Housing Needs Allocation[2] (RHNA) as 244 dwelling units.

3. Corte Madera's General Plan update for 2007-2014 was underway in 2006 when the WinCup property owner requested that the WinCup development be embedded in the Town's General Plan. The WinCup owner requested a higher density of 25.1–40 dwelling units per acre, as opposed to the earlier 15.1-25.0 units per acre. This higher density was passed within the Town's General Plan, although Town officials, through interviews, informed the Grand Jury that the Town Council perceived that the new higher density was negotiable. It was not.

4. The Grand Jury learned during its investigation that it is uncommon for a municipality in California to approve a specific project embedded in its General Plan. However, since WinCup was embedded in the General Plan, no project specific Environment Impact Report (EIR) was required or completed. Rather, the EIR for WinCup was included in Corte Madera's General Plan EIR. A separate WinCup EIR would have placed the WinCup development in the public domain for a more comprehensive environmental analysis, a key process for citizen review and input.

5. The approval of the WinCup project included significant but unavoidable environmental effects identified in the General Plan Environmental Impact Report. The Town Council accepted these via a Statement of Overriding Considerations.[3]

6. While the General Plan has a strong policy requiring responsible planning for the area around the WinCup property[4], the Town Council chose to override that policy by approving this high-density development.

7. In April 2011, the Town Council approved two specific ordinances permitting the WinCup development. Once these ordinances were approved, the property was formally *entitled*. Thereafter, the public would only be permitted to provide input concerning the design details (e.g. color, style, etc.) of the structure.

The Grand Jury recommends that the Town ensure that the public is actually and clearly informed about potential actions to be discussed and taken, and that the Town require project specific EIRs for all projects that may have a significant impact on the environment.

Additionally, the Grand Jury recommends that Corte Madera's Town Council create a standing Design Review Committee and develop a Community Plan for the Tamal Vista Corridor.

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[1] See Glossary for definition, p. 11.
[2] See Glossary for definition, p. 13.
[3] Town of Corte Madera General Plan Draft EIR, Volume 1 April 2008 - Section 7.3 Long Term Implications of the Project.
[4] Corte Madera General Plan April 2009 – Policy (LU-1.6).

1 cont'd

BACKGROUND

The Marin County Civil Grand Jury received a citizen's complaint alleging illegal activities involving construction of the Tam Ridge Residences in Corte Madera, located at the former WinCup factory site. The complainant charged malfeasance and bribery, and questioned the integrity of Corte Madera's Town Council and Planning Department members. The Grand Jury determined that an investigation was warranted.

APPROACH

The Grand Jury conducted an eight-month investigation including eighteen interviews with the complainant and relevant project participants. Interviews were conducted with past and present Town Council members, administrative personnel, and a Planning Commission board member. The Grand Jury consulted with a member of the Marin County Counsel's office, newspaper journalists, professional consultants, citizen's activist group members and Marin County residents. Additionally, the following records and documents were reviewed:

- Town Council and Planning Commission meeting agendas and minutes 2008-2012
- Corte Madera Town resolutions and ordinances
- Internal communications among Corte Madera personnel
- General Plan Draft EIR (Vol. 1 & 2), April 2008
- Corte Madera Updated General Plan, 2005
- General Plan Revised Final EIR, April 21, 2009
- ABAG Planning Program, Service Programs, and Strategic Plan
- CEQA Statutes and Guidelines
- RHNA document
- Newspaper articles including comments, opinions, editorials and letters to the editor
- On-line sources

DISCUSSION

WinCup the Site

The WinCup site has a long and varied history. In 1969, HandiKup opened in Corte Madera and at one point employed approximately 250 workers. In 1986, it became known as WinCup, which was named for the Styrofoam cups and the name is identified with the property today. Currently, the development of the Tam Ridge Residences (commonly referred to as WinCup), a yet to be completed six-building, four story complex, is as noticeable in its imposing presence and colors as was its predecessor factory, with its vapor rising over Highway 101.

1 cont'd

California Housing and the Planning Mandate

In 1998, the Town's Housing Element,[5] a critical piece of its General Plan,[6] had not been certified by the state. As a result, a group of housing advocates brought a lawsuit against the Town. The lawsuit was settled at great expense to the Town, approximately $400,000. In addition, the Town agreed to adopt a state certified Housing Element, with new zoning districts that either required affordable housing or offered incentives for affordable units. This settlement made the current Town officials aware that future projects must contain an affordable housing component. Accordingly, the Town's Housing Element was ultimately certified by the State in 2011.

Through interviews, the Grand Jury learned that the absence of a California State certified Housing Element could result in additional legal entanglements, including mandatory compliance via a court order, suspension of local control on building decisions, court approval of housing developments, and substantial attorneys' fees.[7]

Town officials were aware that they needed to secure the State housing certification to avoid further litigation. During this period, without the Housing Element completed and certified, astute developers and housing advocates (both internal and external to town staff), saw opportunities to meet and even exceed state housing and planning mandates.

Association of Bay Area Governments (ABAG) Allocation

The State of California requires that every county, town and city plan for housing to accommodate future growth. Each county, town and city is assigned a Regional Housing Needs Allocation (RHNA)[8]. This allocation determines the number of dwelling units for which each county, town and city must plan. ABAG assigns RHNA allocations to communities in Marin, including Corte Madera. With that allocation, the Town is required to start planning for the next General Plan update, often referred to as the 'housing cycle', a seven-year planning window.

For the 2007-2014 Corte Madera General Plan update, ABAG declared the RHNA to be 244 dwelling units. This turned out to be an over-allocation for a town with a population of 9,253[9] and 2.7 square miles of developable land. While the Town formally protested the allocation, ABAG rejected the protest and the 244 dwelling units became the Town's baseline for planning and could not be changed. Later, for the 2015-2022 Housing Cycle, ABAG acknowledged the over-allocation and assigned a reduced allocation of 72 dwelling units to the Town. The new allocation of 72 dwelling units for the 2015-2022 Housing Cycle was decided well into the construction already taking place at WinCup, with 180 dwelling units.

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[5] See Glossary for definition, p. 13.
[6] See Glossary for definition, p. 12.
[7] Town of Corte Madera Planning Commission Staff Report January 9, 2015 - http://www.ci.corte-madera.ca.us/ArchiveCenter/ViewFile/Item/303
[8] See Glossary for definition, p. 13.
[9] 2010 United States Census

1 cont'd

The Town's Financial Strain

During the Town's consideration of WinCup, harsh economic conditions prevailed. The economy was in the middle of the Great Recession, sales tax revenues were down, property taxes were stagnant, the Park Madera Center purchase was creating increased financial pressure, and the Town needed new revenues. "Corte Madera depends on sales tax revenue as a major source of funding for the town. As a result, the town was hard hit by a 23% decline in sales tax revenues over the past seven years."[10] More than one Town official indicated that another lawsuit would have been disastrous.

Town of Corte Madera General Plan Update – The Thinking Behind The Town's Actions

The General Plan is intended to be the blueprint for future development and long range planning upon which the Town Council and Planning Commission base their land use decisions.[11] The 2005 Town Draft General Plan Update mandated a four-area Community Plan, one area of which is Fifer/Tamal Vista Boulevard, which includes WinCup, with a 15.1–25.0 dwelling units per acre specification. In 2006, in response to a request by the WinCup owner, the General Plan Update was modified to include the WinCup development with a mixed use designation and an increased density of 25.1–40 dwelling units per acre. Interviews determined that Town management supported this increased change.

Interviews with Town officials also disclosed that it was not uniformly understood that the Town would be locked into as many as 40 dwelling units per acre at the developer's discretion. There was a belief that the 25.1–40 dwelling units per acre was a negotiable range for discussion. It was not. The Grand Jury learned that several Town officials felt that they were misled by advisors regarding the allowable housing density. Any action by the Town Council to reduce the density could have left the Town open to legal action by the WinCup owner.

As noted, the General Plan requires the Town to develop a four-area Community Plan.[12] The General Plan also includes a policy requiring responsible planning for all these community areas, including Fifer Avenue/Tamal Vista Boulevard. This policy states that until a Community Plan is adopted, all development continues using existing zoning. For WinCup this was to be 15.1–25.0 dwelling units per acre, not the 25.1–40 dwelling units per acre requested by the WinCup owner.[13]

However, the Town Council chose to override the General Plan Update policy and approved a higher density development in the Fifer Avenue/Tamal Vista Boulevard area, as requested by the WinCup owner.

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[10] 2010/2011 Marin County Civil Grand Jury Report – "Corte Madera: Weathering The Economic Storm", June 2011.
[11] Citizens Guide to Planning: http://ceres.ca.gov/planning/planning_guide/plan_index.html.
[12] Corte Madera General Plan April 2009 – Policy (LU-1.6).
[13] ibid

1 cont'd

Even today, there remains no Community Plan, demonstrating serious shortcomings with the Town's planning process.

The WinCup Approval Process

2001 – 2005

Updating a General Plan is a complex undertaking. Between 2001 - 2005, a General Plan Steering Committee met to facilitate public participation in the preparation of the General Plan Update. In May 2005, the Town's Planning Commission recommended a 2005 Draft General Plan Update to the Town Council for adoption. That plan included a four-area Community Plan, one of which was the Fifer Avenue/Tamal Vista Boulevard area, which included WinCup, and authorized mixed use commercial development with an allowable range of 15.1-25.0 dwelling units per acre. Development in Corte Madera exceeding the authorized density of 15.1-25.0 dwelling units per acre was not discussed at the Planning Commission or Town Council public meetings held regarding the 2005 Draft General Plan Update.

2006 - 2012

In 2006, WinCup Holdings Inc. filed for Chapter 11 protection. The General Plan approval process became more complex when the WinCup owners requested the inclusion of the WinCup property in the General Plan with the higher density allotment. Public meetings and input are required before a town can take action to approve a proposed project. However, a majority of the public meetings held to approve the WinCup project were centered on approving the General Plan update within which the WinCup project was embedded. Was it clear to the public that the process to build the Tam Ridge Residences was part of the General Plan update? Possibly not.

In 2008, the Town's Planning Commission held 15 public meetings regarding the General Plan Update. Although the WinCup property was discussed at seven of the fifteen meetings, none of those meeting agendas specifically identified WinCup as a topic. It was discussed under the General Plan Update agenda item. Thus, the public had no specific notice that WinCup was going to be discussed.

On April 12, 2009, the Town Council approved the General Plan and associated General Plan Environmental Impact Report (EIR).[14] Included in this General Plan was the WinCup development at the higher density. This included 180 units and 10,000 square feet of commercial space. Also included, but never built, was Village Property including 300 residential units. (See Appendix A for details of the Village Property and other community concerns.)

The Grand Jury learned during its investigation that it is uncommon for a municipality in California to approve a specific project embedded in its General Plan. Since WinCup was embedded in the General Plan, no project specific Environment Impact Report (EIR) was required or completed. Rather, the environment impact of WinCup was included in Corte Madera's General Plan EIR. A separate WinCup EIR would have placed WinCup

[14] See Glossary, p. 12.

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in the public domain for a more comprehensive environmental analysis, a key process for citizen review and input. So, the WinCup owner saved money and avoided greater exposure and scrutiny by the public.

The Town Council exercised its discretion to override the significant but unavoidable environmental consequences identified in the General Plan EIR. Any town is permitted to exercise this discretion in order to achieve their housing goals. CEQA Guidelines as stated in the General Plan EIR*: The Town can approve a project with unavoidable adverse impacts if it prepares a "Statement of Overriding Considerations" setting forth the specific reasons for making such a judgment.*[15]

The significant but unavoidable WinCup environment effects identified and overrode in the *Statement of Overriding Considerations* by the Town Council were:

- Jobs/Housing Imbalance
- Cumulative Traffic Impacts on Freeway Operations
- Potential Increase in Long-Term Atmospheric Greenhouse Gas Emissions
- Regional Air Plan Impacts
- Traffic Noise Increase Impacts
- Cumulative Traffic Noise Conflicts
- Increased Water Demand
- Cumulative Effects of Increased Water Demand[16]

Rezoning the WinCup Property and Approving the Housing Element

Additional legal steps beyond the adoption of the General Plan were required before the development could go forward. Town Officials needed to create a Mixed Use Gateway District (MUGD) and rezone the WinCup property to include affordable housing. Consultants advised Town officials that rezoning, rather than municipal land-use-planning, was required to satisfy the Draft General Plan Update RHNA.

Accordingly, on March 8, 2011 and April 5, 2011 respectively, the Planning Commission and Town Council addressed rezoning for WinCup and adoption of the Housing Element. It is important to note that the rezoning of the WinCup property was agendized by the Planning Commission in the following manner:

> "DRAFT HOUSING ELEMENT, ZONING ORDINANCE AMENDMENT TO ESTABLISH THE MIXED-USE GATEWAY OVERLAY DISTRICT (MUGD),

[15] Town of Corte Madera General Plan Draft EIR, Volume 1 April 2008 - Section 7.3 Long Term Implications of the Project.
[16] Ibid page 7.0-4 through 7.0-5.

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> REZONE PARCELS APN 024-011-62& 63 WITH THE MUGD DESIGNATION and ENVIROMENTAL ANALYSIS FOR THESE ACTIONS – Planning Commission to make recommendations to Town Council regarding these proposed actions."[17]

Based on the agenda item (above), it was not clear that the WinCup approval process was continuing or even being discussed. While the agenda item was posted, it was certainly not announced in layperson's terms. There was nominal turnout for this meeting.

On April 19, 2011, Ordinance 925, to create the Mixed Use Gateway District (MUGD), Ordinance 926, to rezone the WinCup property, and the updated Housing Element were approved by the Town Council. With the approval of these items, and including other developments, the Town surpassed the over-allocation of 244 dwellings erroneously levied upon them by ABAG. During interviews Town officials indicated to the Grand Jury that they believe the state ultimately certified the Housing Element because of the inclusion of the 180 dwelling units in WinCup.

The approval of Ordinance 925 by the Town Council created the MUGD, which, among other things, established the requirement of a 10% Affordable Housing component in WinCup. The Grand Jury learned from housing experts that this 10% is considerably less than the 25% standard. In fact, the original designation for the WinCup property called for 25% affordable dwelling units. The WinCup owner stated in a 2010 workshop that the 25% allocation made the development economically infeasible. After consulting with experts, the Town Council agreed to reduce the affordable housing component to 10%.

Ordinance 925 also increased the height limits to "38 ft. along all street frontages, 48 feet on inner portions of the lot".[18] The Grand Jury learned, through interviews, the WinCup owner stated he needed this increase in order to build 180 dwelling units on a 4.5-acre plot.

Ordinance 926 rezoned the property from commercial to mixed use at the standards set forth in Ordinance 925. After the approval of Ordinances 925 and 926 in April 2011, the property was officially *entitled*. Entitlement granted the WinCup owner the right to develop at the specified density, with the 10% affordable housing dwelling units, the new specified height requirements, and a number of other details required for design. With the approval of these ordinances, the public comments were now limited only to design details (e.g. color, style, etc.).

Town Council and Planning Commission Approval of WinCup Project Design

On November 09, 2011 and December 13, 2011 the Planning Commission held agendized design review meetings about WinCup:

[17] Town of Corte Madera Planning Commission Agenda, March 8, 2011.
[18] Town of Corte Madera Ordinance 925 – 04/1//2011.

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> "195-205 TAMAL VISTA BOULEVARD, DESIGN REVIEW APPLICATION NO. 11- 031, ENVIRONMENTAL ASSESSMENT NO. 11-002, MACFARLANE DEVELOPMENT COMPANY, LLC (OWNERS), THOMAS P. COX (ARCHITECT)".[19]

The agenda this time was more specific by referring to the address of the development. However, the meeting was only a formality to clarify design details and approve the building of the project.

In response to a resident's question regarding the WinCup property density, the Planning Commission meeting minutes state, "Planning Director Bell explained that there is a clause in MUGD that states no design review shall reduce the number of 180 units allowed in the district." [20] Thus, project density and other community concerns including traffic, parking, and concessions made by the Planning Commission to the owner were not negotiable at this point. (See Appendix A for details of community concerns.)

On December 13, 2011, the Planning Commission approved the WinCup project design. It should be noted that important matters regarding density, height, affordable housing, commercial mixed use, traffic, et al, were decided when Ordinances 925 and 926 were approved. The attorney for the WinCup owner spoke and the minutes indicate "… that the project, as presented by the applicant, is consistent with the entitlements of the property as well as the Town's zoning, General Plan, and Housing Element. While not heavily attended, community workshops revealed prevailing concerns related to traffic impacts. He noted that those impacts were acknowledged and accepted with the adoption of the General Plan, Housing Element, and Zoning Ordinance amendments and that this is a Design Review matter only." [21] Citizen input was now limited only to design review items.

Only two-dimensional design renderings were displayed at the meeting, failing to represent how the buildings would ultimately look in relation to the surrounding neighborhood. In fact, it appears that the Planning Commission did not realize the aesthetic impact of the project until the end of 2011. At that time they directed the WinCup owner to increase the 4th story setbacks and thereby "reduce visual massing seen from the street." [22] The Grand Jury believes that a scale model or three-dimensional architectural rendering from the developer, although not required, would have facilitated assessing the proportions of the building. Further, there was no standing architectural review committee or independent panel in place to scrutinize the structure's consistency and fit.

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[19] Town of Corte Madera Planning Commission Agenda Wednesday, November 9, 2011.
[20] Town of Corte Madera Planning Commission – Final Minutes Regular Planning Commission Meeting November 9, 2011.
[21] Town of Corte Madera Planning Commission – Final Minutes Regular Planning Commission Meeting December13, 2011.
[22] Town of Corte Madera Staff Report – 02/02/2012 Subject: Appeal of the WinCup site mixed use redevelopment project.

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A common criticism shared by community members is best reflected by the following statement: "Increasingly projects are coming before city councils and the Board of Supervisors that are out of character with our community values. For example, the excessive number in the housing elements, ...the eyesore of Corte Madera's apartment building on the old WinCup site."[23]

FINDINGS

F1. ABAG's mistaken over allocation of the RHNA 244 dwelling units, combined with the affordable housing lawsuit, and availability of the WinCup property were major factors leading to Corte Madera Town Council's embedding WinCup in the Town's General Plan.

F2. With no project specific EIR required for the WinCup project, and with the WinCup project embedded in the General Plan and General Plan EIR approval process, there was minimal public awareness of the project.

F3. Town officials relied on outside consultants and professionals for input to the Town's planning and approval process; in retrospect, some Town officials believe they were misled into approving a project different than was originally represented.

F4. The renderings provided by the owner did not adequately convey the mass and density of WinCup, thus keeping the public uninformed concerning the magnitude of the development.

F5. The lack of a Community Plan, which still does not exist today, for the Fifer/Tamal Vista Boulevard community area, as required by the General Plan, demonstrates the shortcomings of the Town's official planning process.

F6. The Town's efforts to include and inform citizens of the planning and approval process were in the main consistent with general guidelines, yet the community was not provided sufficient clarity to provide meaningful input.

RECOMMENDATIONS

R1. The Town of Corte Madera must seriously consider requiring project specific EIRs for all projects that may have a significant impact on the environment.

R2. The Town of Corte Madera must ensure that government procedures are performed in a fully transparent manner, specifically notify the public about projects in layperson's terms and use social media to promote project awareness.

R3. The Town of Corte Madera's Town Council should create a standing Design Review Committee and, in instances where project impact warrants clarification, require a three-dimensional rendering of the proposed structure.

[23] Marin IJ 5/24/2015, Marin Voice – "Communities need to stand up to make sure they are heard".

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R4. The Town of Corte Madera's Town Council must develop a Community Plan for the Fifer/Tamal Vista Boulevard community area and the other three areas identified in the General Plan, to be implemented prior to the expiration of the current development moratorium.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows: From the following governing body:

- Town Council, Town of Corte Madera: All Findings and Recommendations

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

The Grand Jury invites a response from the following individual:

- David Bracken, Town Manager/Town Engineer, Town of Corte Madera: All Findings and Recommendations

GLOSSARY OF KEY REPORT ACRONYMS AND TERMS

Association of Bay Area Governments (ABAG)

ABAG was created by local governments to meet their planning and research needs related to land use, environmental and water resource protection, disaster resilience, energy efficiency and hazardous waste mitigation, and to provide risk management, financial services and staff training to local counties, cities and towns.

ABAG is one of more than 500 regional planning agencies helping cities plan for land use, housing, environmental quality and economic development. In ABAG's region, there are 100 cities and the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma. More than 6 million people live in the 7,000 square mile area. Through its role as an association of cities and counties, ABAG has been designated by the state and federal government as the official comprehensive planning agency for the Bay Area. A community is not obligated to actually provide housing to all in need.[24]

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) is a California statute passed in 1970, shortly after the United States federal government passed the National Environmental Policy Act (NEPA), to institute a statewide policy of environmental protection. CEQA does not directly regulate land uses, but instead requires state and local agencies within California to follow a protocol of analysis and public disclosure of environmental impacts of proposed projects and adopt all feasible measures to mitigate those impacts. CEQA

[24] http://www.abag.ca.gov/about_abag/

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makes environmental protection a mandatory part of every California state and local agency's decision making process. It has also become the basis for numerous lawsuits concerning public and private projects.[25]

Environmental Impact Report (EIR)

The overarching purpose in preparing an Environmental Impact Report is to provide the public and the decision-makers with detailed information about a project's environmental effects, ways to minimize the project's significant environmental effects, and reasonable alternatives to the project.

Under the California Environmental Quality Act (CEQA), an EIR must be prepared whenever there is substantial evidence, in light of the whole record, that a project may have a significant effect on the environment. If the department is presented with a fair argument that a project may have a significant effect on the environment, it shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

If a project is subject to CEQA and does not qualify for an exemption, the next step in the CEQA process is to determine whether the project may result in a significant effect on the environment. If it is unclear whether the project may have such an effect, then an initial study is conducted to determine the nature and extent of the project's effects and if the results of an initial study reveal that the project may have a significant effect on the environment, then preparation of an EIR is appropriate.

If it is clear that a project will result in a significant effect on the environment and an EIR will be required, the initial study process can be skipped and work can proceed directly on the EIR. In this case, the EIR must still focus on the significant effects of the project and indicate briefly the reasons for determining that other effects would not be significant or potentially significant.[26]

General Plan

A General Plan is a compendium of city or county policies regarding its long-term development, in the form of maps and accompanying text and is a legal document required of each local agency by the State of California Government Code Section 65301. It must be adopted by the appropriate City Council or Board of Supervisors. In California, the General Plan has seven mandatory elements (Circulation, Conservation, Housing, Land Use, Noise, Open Space, Safety and Seismic Safety) and may include any number of optional elements (such as Air Quality, Economic Development, Hazardous Waste, and Parks and Recreation). The General Plan may also be called a *City Plan, Comprehensive Plan*, or *Master Plan*.[27]

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[25] http://en.wikipedia.org/wiki/California_Environmental_Quality_Act
[26] CA.gov Department of Transportation : http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#def
[27] http://www.cproundtable.org/media/uploads/pub_files/gpglossary.pdf

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Housing Element

By law, every city and county in California must adopt a Housing Element as part of its General Plan. The purpose of the Housing Element is to ensure that local governments adequately plan to meet the housing needs of all people within the community, regardless of their income. The underlying premise of Housing Element law is for the private market to address adequately housing needs and demand. Local governments must adopt land use plans and regulatory systems, which provide opportunities for, and do not unduly constrain, housing development.[28]

In the Bay Area currently, local governments must complete revisions to their Housing Elements by January 31, 2015.[29]

Regional Housing Needs Allocation (RHNA)

RHNA is the state-mandated identification of the total number of housing units (by affordability level) that each jurisdiction must accommodate in its Housing Element. As part of this process, the California Department of Housing and Community Development (HCD) identifies the total housing need for the San Francisco Bay Area for a seven-year period (in this cycle, from 2015 to 2022). ABAG and Metropolitan Transportation Commission (MTC) must develop a method to allocate the housing need to local governments in a manner that is consistent with the development pattern included in the Sustainable Communities Strategy (SCS). Once a local government has received its final RHNA, it must revise its Housing Element to show how it plans to accommodate its portion of the region's housing need.[30]

RHNA is a distribution of housing development capacity and is integral to the development of a Sustainable Community Strategy (SCS). Standards set by RHNA include 20 units per acre for communities under a population of 25,000 while cities with a population of over 25,000 have a standard of 30 dwelling units per acre for their "fair share". The formula, which provided Corte Madera's erroneous 244 dwelling units allocation, consists of the following elements:[31]

- SCS input
- Fair share factors and scoring
- Past RHNA Performance
- Employment
- Transit
- Scoring summary adjustments based on fair share factors

[28] ABAG Website: http://www.abag.ca.gov/planning/housing/elements.html
[29] ibid
[30] ABAG Website: http://www.abag.ca.gov/planning/housingneeds/
[31] ibid

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- RHNA model, including sustainability model
- Income distribution: income allocation by district
- Draft Summary
- Draft RHNA
- Final RHNA: the final numbers by jurisdiction

Town of Corte Madera Town Council Responsibilities

The Town Council acts as the governing body of the town, with all the regulatory and corporate powers of a municipal corporation provided under California state law. In general, it directs the operation of the town government by establishing town policies and programs.[32]

[32] Town of Corte Madera Website: http://www.ci.corte-madera.ca.us/140/Town-Council

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APPENDIX A

COMMUNITY CONCERNS

Traffic

Traffic issues are a concern once the Tam Ridge Residences complex is completed and occupied. At certain times there is congestion near the complex coinciding with nearby schools' start and discharging times. The Town examined potential traffic issues via two traffic studies. These traffic studies concluded that the complex's occupancy and related traffic will generate no significant increased traffic congestion. Further, the developer, upon completion of the project, is to provide $250,000 to the Town of Corte Madera to be applied to traffic mitigation issue(s) as the Town sees appropriate.[33]

Many people, one municipality, and the Grand Jury question the conclusion that 180 units at that location will not significantly increase traffic congestion, notwithstanding the two traffic studies.

Parking

Residential and commercial neighbors have voiced concerns that the development has insufficient parking. Nearby parking will be adversely affected by tenants and visitors using all street and private lot parking. After reviewing the developer's plans, the Grand Jury learned that the developer planned to charge for parking spaces within the complex, above and beyond the rent/lease rates. Several Town officials stated to the Grand Jury that such charges would not happen and that no permit to occupy would be approved by the Town Council if the spaces are not provided to occupants as part of their rental/lease agreements. There are 295 individual parking spaces planned for the complex.

Concessions

Throughout the application process, the Town of Corte Madera granted concessions to the developer without receiving any known in-kind compensation. Specific concessions were made regarding project density, building height, number of Affordable Housing units, and reduced retail space.

The original plans called for 25 percent of the units to be "affordable" units. The WinCup owner stated in a 2010 workshop that the 25 percent allocation made the project economically unfeasible. Concessions were granted to reduce that amount to 10 percent. The Grand Jury wonders to what degree this project will truly address the workforce housing needs of the community.

Further, the original plan called for 10,000 square feet of commercial space in the "mixed-use" complex, which has since been reduced to 3,000 square feet. The Grand Jury questions why this change occurred and whether this development is now truly a Mixed Use Gateway Development.

[33] Town of Corte Madera Town Council - FINAL MINUTES February 7, 2012.

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Village Property

Village Property, included in Alternative Four in both the General Plan and the General Plan EIR states: "The combined Alternative Four would consist of 185,000 square feet of retail and 300 dwelling units at the Village at Corte Madera (for a total of 832,353 square feet) and along with 10,000 square feet of retail and 180 dwelling units at the Gateway Village. This would result in a total of 195,000 square feet of new retail and 480 new dwelling units."[34] Subject matter experts indicated that the Village Property expansion would most likely never come to fruition.

[34] Town of Corte Madera General Plan EIR – Section 2 Executive Summary

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APPENDIX B

CHRONOLOGY

Key Dates	Key Events
1998	Corte Madera loses lawsuit to Legal Aid and Public Advocates, Inc.
2001	General Plan Steering Committee formed.
2002	Housing Element adopted for 1999-2006 cycle.
2004	WinCup property sold to Corte Madera, LLC.
2005	Planning Commission holds public hearings to "scope" project. Draft General Plan was produced. Planning Commission recommended to Town Council for adoption.
2006	WinCup Holdings Inc. filed Aug. 21 for Chapter 11 protection. Property owner approaches Town Council and requests his property be placed in General Plan.
2007-2014	New cycle for HCD approval of General Plan.
2008	Planning Commission holds 15 public meetings on General Plan. Draft Program EIR circulated to proper recipients.
2009	San Clemente Affordable Housing project building permits allowed by RHNA. Citizen Advisory Committee formed to draft and recommend Housing Element. Opportunity to inform Town Council that 25-40 units meant 40 and was non-negotiable.
2010	HCD letter to Corte Madera stating certification would not happen with draft submittals.
2011	Town Council passes Resolution 925 changing zoning to MUGD, 10% affordable housing, 38' height limits on building fronts. Town Council passes Resolution 926 to rezone. Town Council passes Housing Element. MacFarlane Partners purchase WinCup property. Design review process was colors only, no conversation on density. Planning Commission approved project design. MacFarlane Partners purchased WinCup property for $18 Million. Planning Commission realized aesthetic impact, changed setbacks. WinCup Factory closes. MacFarlane Partners proposes development with designs, submits design review application. Housing Element updated and certified by HCD. Staff supports 10% for affordable housing.
2012	180 units approved by Town Council. Town of Corte Madera quits ABAG.

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Transportation Authority of Marin (TAM) files appeal on design, rescinds after meetings with Macfarlane Partners.

2013 MacFarlane hires AECOM to perform traffic study.

2014 Original completion date is set for Spring, 2014.

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Town of Corte Madera, Corte Madera Planning Commission Staff Report, March 3, 2011; Subject: Public Hearing on the Draft Housing Element and Rezoning of the 4.5-acre WinCup Property at 195 Tamal Vista Boulevard (APN 024-011-62 & 63) to MUGD, Mixed-Use Gateway Overlay District.

Town of Corte Madera, General Plan Update, Draft Environmental Report, April 2007.

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"Town of Corte Madera Planning Commission Staff Report January 9, 2015." Http://www.ci.corte-madera.ca.us/. www.ci.corte-madera.ca.us/ArchiveCenter/ViewFile/Item/303.

Town of Corte Madera, RESOLUTION NO. 11-005; A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE MADERA RECOMMENDING ADOPTION OF THE TOWN OF CORTE MADERA 2011 HOUSING ELEMENT.

Town of Corte Madera, RESOLUTION NO. 3497; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA TO SIGN AN AMENDMENT TO THE CONTRACT TO PREPARE AN UPDATED GENERAL PLAN AND EIR.

Town of Corte Madera, RESOLUTION NO. 3684; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA FINDING THAT THE APPROVAL PRELIMINARY PLAN AMENDMENT 11-001, PRECISE PLAN AMENDMENT NO. 11-001 AND DESIGN REVIEW APPLICATION NO. 11-024 ARE WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2009 GENERAL PLAN.

Town of Corte Madera, RESOLUTION NO. 3685; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AMENDING TOWN COUNCIL

RESOLUTION NO. 2021 AS AMENDED ON JANUARY 4, 1983, MAY 17, 1983, JANUARY 17, 1984, AND JANUARY 17, 2012, CONDITIONALLY APPROVING PRELIMINARY PLAN APPLICATION NO. 11-001 ('THE VILLAGE') AND MAKING FINDINGS REQUIRED BY LAW.

Town of Corte Madera, RESOLUTION NO. 3689; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DENYING THE APPELLANT'S APPEAL OF THE PLANNING COMMISSION'S DECISION AND FINDING THAT DESIGN REVIEW 11-031 IS WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2009 GENERAL PLAN.

Town of Corte Madera, RESOLUTION NO. 3690; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DENYING THE APPELLANT'S APPEAL OF THE PLANNING COMMISSION'S DECISION AND APPROVING DESIGN REVIEW NO. 11-031, THEREBY ALLOWING CONSTRUCTION OF 180 APARTMENT UNITS AND 3,000 SQ.FT. OF LOCAL SERVING COMMERCIAL AT 195-205 TAMAL VISTA BOULEVARD.

Tuesday, March 8 2011. *TOWN OF CORTE MADERA PLANNING COMMISSION AGENDA*.

Upshaw, Jennifer. "Corte Madera Adopts Updated General Plan." April 26, 2009. Accessed May 10, 2015. http://www.marinij.com/general-news/20090425/corte-madera-adopts-updated-general-plan.

"Weathering the Storm." *2010/2011 Marin County Civil Grand Jury : Corte Madera: Weathering the Economic Storm?*, June 3, 2011. www.marincounty.org/~/media/files/departments/gj/reports-responses/2010/corte_madera_weathering.pdf.

"Welcome to an Engaged Community." General Plan. Accessed May 10, 2015. http://www.ci.corte-madera.ca.us/182/General-Plan.

Response to Letter 35, Mary McGerity

1. This comment is regarding a project in the Town of Corte Madera, for which the Marin County Civil Grand Jury investigated and prepared a report, which is attached to this comment letter. Each comment in this letter is specifically regarding the project in the Town of Corte Madera. However, the introductory paragraph in the letter raises a general concern about the "potential environmental risks in prematurely approving the change of 1 Hamilton's land use designation. See response to Letter 1.

   As noted above, the remaining comments are regarding the project in Corte Madera. No further response is necessary and no changes to the draft SEIR are required.

From: Carolyn Heyder
To: Danielle Staude
Subject: [External] Comments to DESIR and Revised Draft Housing Element
Date: Thursday, March 2, 2023 9:32:26 AM

Dear Danielle

1 I would like to submit my comments to be included in the public comments concerning the DSEIR and Revised Draft Housing Element:

Following the February 28, 2023 Planning Commission on the above DSEIR and revised draft Housing Element, I continue to believe that there is no legitimate reason why it is necessary to include the change in land use designation for 1 Hamilton in the Housing Element.
The site has already been identified in the Housing Element. To amend the land use designation for this property in the Housing Element is premature, and should ***not*** be made at this time. This land use designation should be made in a project-level analysis of 1 Hamilton that is site specific and should only be made ***after*** the project level EIR has been completed.
Sincerely,
Carolyn Heyder

Response to Letter 36, Carolyn Heyder

1. This comment is regarding the proposed land use designation change at the 1 Hamilton Drive site. See response to Letter 1.

From: Kristen Chaudhry <kristenchaudhry@gmail.com>
Sent: Friday, March 3, 2023 1:48 PM
To: Danielle Staude <dstaude@cityofmillvalley.org>
Subject: [External] housing element comments

Hi Danielle,

1 I will be brief and to the point.

I attended the meeting on Tuesday night and I was very impressed with the report. I can see the time and effort put into the report.

I know we are required to add units to Mill Valley and I look forward to more diverse units being offered in our town. Two things that really stuck out for me is most units were located between Camino Alto and downtown Mill Valley. Exactly 529 that COULD be put up. This is an incredible amount in a small area. Second, letting units be up to 4 stories or 40 feet will ruin Miller Ave. Right now there is hardly anything along Miller more than 2 stories. I drive it every single day to drop my daughter off at school. It is very charming to drive down Miller and have the trees dominate the space, not the buildings. I worry Miller will turn into Lombard Street in SF which is extremely unappealing.

I hope you consider changing this number to 2 stories so the charm of our town remains.

Thank you for your time and consideration.

Kristen and Adnan Chaudhry

252 Sycamore Ave

Response to Letter 37, Kristen and Adnan Chaudhry

1. This comment is regarding the proposed Housing Element Update and the increase in units between Camino Alto and downtown Mill Valley, as well as allowing four stories on Miller Avenue. The community-level visual impacts of implementing the Housing Element Update are addressed in Section 5.0, Aesthetics, Light & Glare. No changes to the draft SEIR are necessary.

1



Mill Valley Affordable Housing Committee Response to DRAFT MV Housing Element 23-31

For Consideration at the February 18 Planning Commission Hearing on the DSEIR

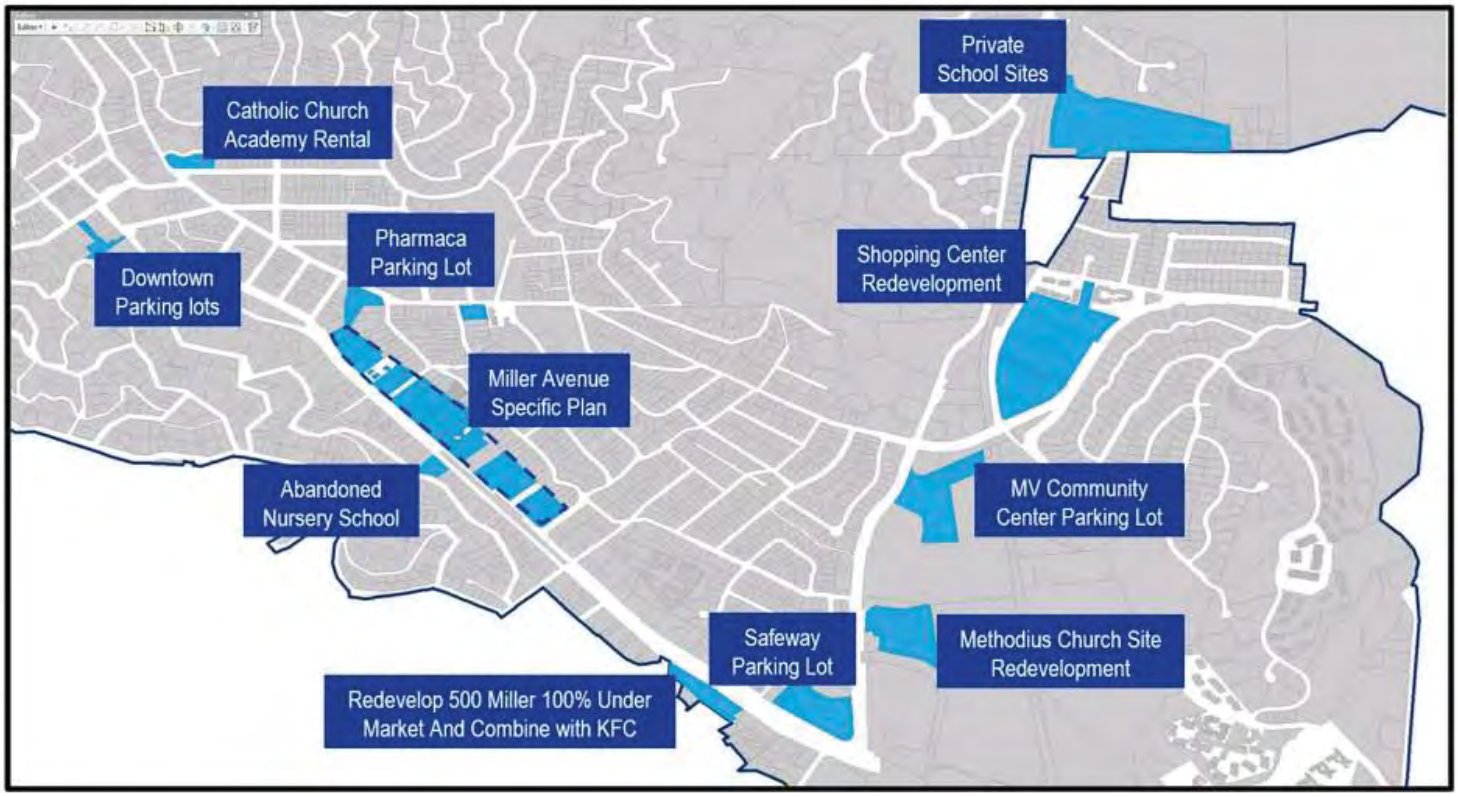
Mill Valley Planning Commission:

Danial Burnham, arguably father of American City Planning once said,

"Make no little plans. They have no magic to stir men's blood and probably will not themselves be realized. Make big plans, aim high, remembering that a noble, logical diagram once recorded will never die, but will be a living thing, asserting itself with ever growing insistency."

One thing all can all agree on, meeting Mill Valley's upcoming RNHA allocation is one huge challenge. Nine hundred new housing units cannot be squeezed into Mill Valley in a manner complementary of our urban character short of big bold plans such as the one presented below; the blue parcels being designated Attainable Housing Redevelopment Overlays additional by the MVAHC for Mill Valley Housing Advisory Committee consideration.

Recommended Additional Housing Development Sites

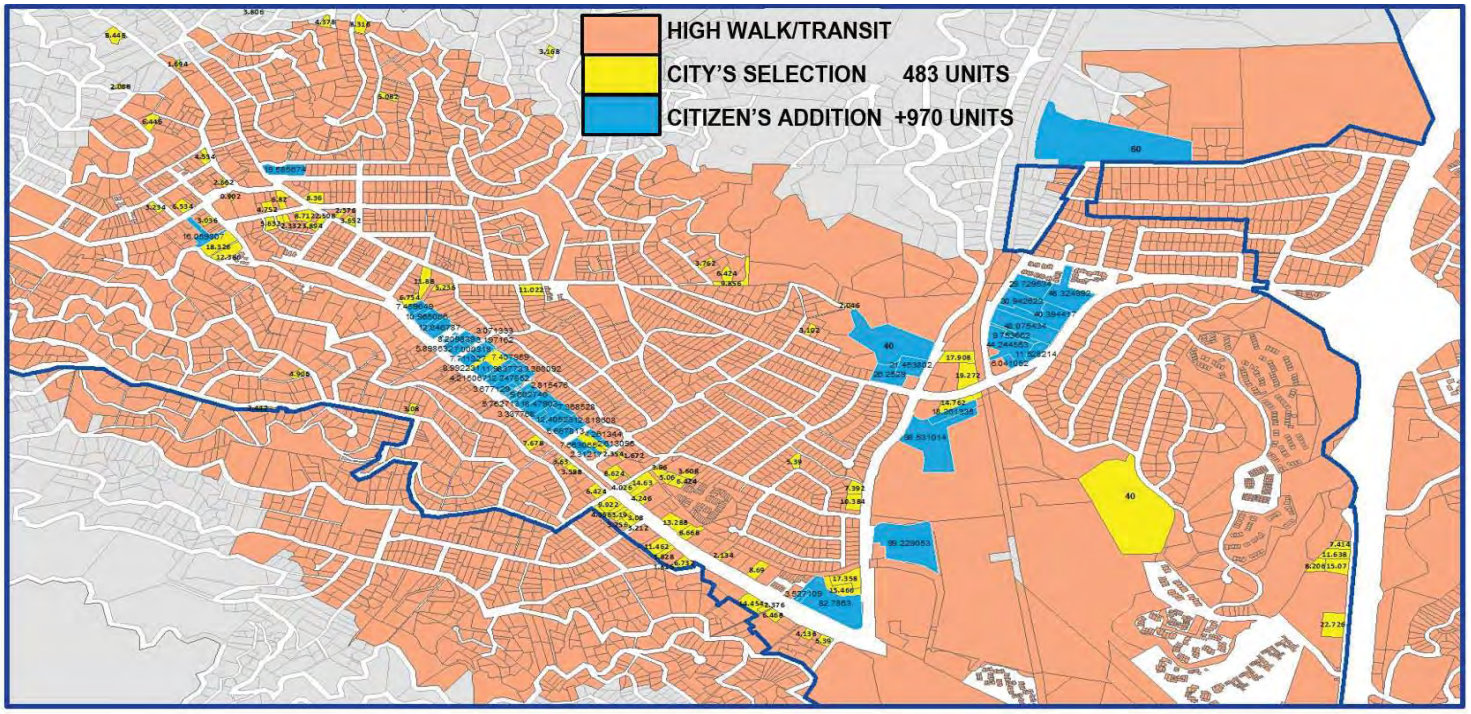


1 cont'd

MV 23-32 Housing Element ALTERNATIVE Plan

Same as the Current Plan Recommended Inventory Sites Plus Additional Opportunity Overlays

[Assuming 22 Units/Acre both Yellow and Blue Parcels]



In addition to seeking input on strategy, funding and public relations to make the Miller Avenue Specific Plan happen, MVAHC Is posting the following two Questions to answered by the City.

1. Why are Underutilized Parcels in a Flood Plain favored over those that are not?
2. Why are portions of an **occupied single-Family Residential parcel** considered **SF Vacant Not SB9?**

Best.

Dennis H. Klein, PE AICP GISP
MVAHC Chair

1 cont'd

Miller Avenue Specific Plan

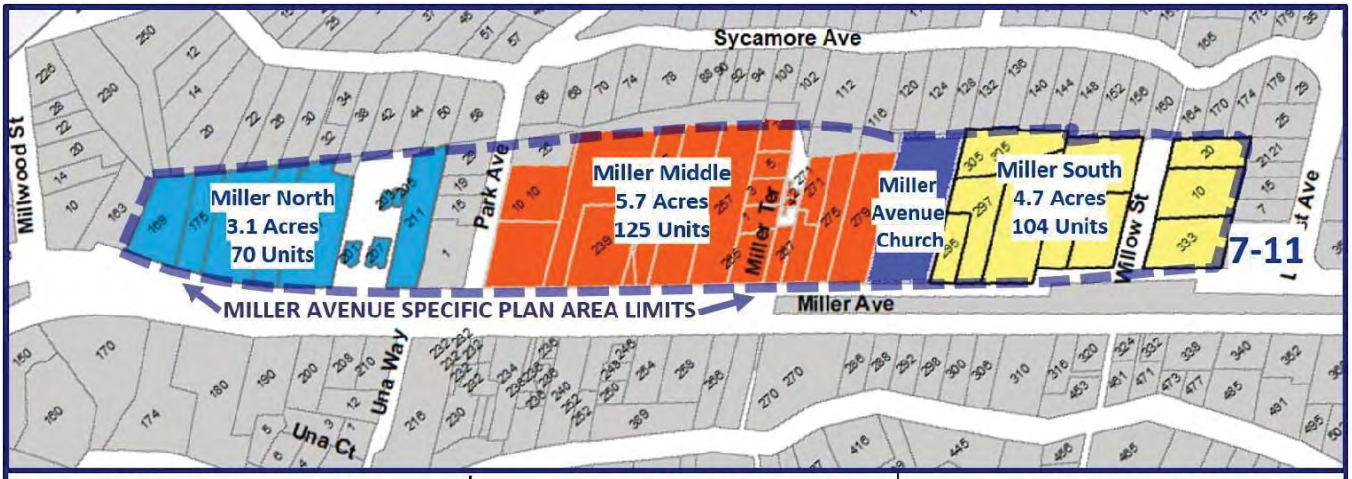
Of special interest/opportunity, referred to here as **The Miller Avenue Specific Plan**, upon completion, it would add some 302 units on parcels not yet included in the latest MV Housing Element Update. Though the MVAHC recommends several other opportunities be added, like the Methodist Church Site, this Miller Avenue Specific Plan is limited only to the assemblage of three Redevelopment Overlay Zones (ROZ) along the east side of Miller Avenue as defined below. As applied in this plan, ROZ designations do not change the zoning, value or entitlements of any parcel in any way, only the interest by the public that someday the redevelopment of this area to under market housing takes place, at least in the next Housing Element cycle. Redevelopment Overlay Zone parcel selection was predicated on being highly underutilized, close to the urban core, not in the flood plain, not visible by single family houses nor block anyone's view of Mt Tam. Most important, selected areas are typically 600 feet deep from Miller Avenue to Old Mill Creek and offering opportunity to develop a village atmosphere with that incorporates affordable housing, retail, restaurants and a gathering space/plaza. Also, design flexibility is further enhanced by amply adding 3 and 4 story structures to the mix, exclusively 2 story structures along Miller Avenue.

Feasibility rides entirely on funding being high enough to assure that every lease option deal offered to current owners is too good to refuse, a reasonable price to pay for East Blithedale, 101, the Richmond Bridge and East Bay all going free flow, reversing Climate Change and shrinking the fire season.

MILLER AVENUE SPECIFIC PLAN

Three Redevelopment Overlay Zones (ROZ)

[See ATTACHMENT A for detailed Property Information]



MILLER NORTH ROZ		MILLER MIDDLE ROZ		MILLER SOUTH RO	
Character. Predominately old to new low density multifamily housing.		**Character**. Predominately older office buildings / converted houses		**Character**. Mixture of old to newer low density office and residential	
Total Parcel Area:	3.1Acres	**Total Parcel Area:**	3.1Acres	**Total Parcel Area:**	3.1Acres
Unit Yield @ 22/Acre	**70**	**Unit Yield @ 22/Acre**	**125**	**Unit Yield @ 22/Acre**	**104**
TOTAL PARCELS	10	TOTAL PARCEL	21	TOTAL PARCELS	9
TOTAL OWNERS	8	TOTAL OWNERS	19	TOTAL OWNERS	8
% RESIDENTIAL vs. OFFICE	80%	% RESIDENTIAL vs. OFFICE	45%	% RESIDENTIAL vs. OFFICE	12%
Comment. Replaces some 30 at market Low density units, architecturally most not to be missed. Would have to work around large redwoods on some lots.		**Comment.** Low density offices, many way past their prime, architecturally not to be missed. Aging apartment complex could be added to the mix.		**Comment.** Very old at market Multi Family to be replaced with new units at higher density. Replacement of one-story rest homes to be in redevelopment plan.	

1 cont'd

PARCEL SELECTION CRITERIA

The following filters were applied to select parcels on Miller Avenue the ones most desirable for redevelopment:

- Not in the Food Plain
- Highly Walkable to most jobs possible with transit stops within ½ Mill of every resident
- Greatest possible depth for greatest redevelopment flexibility.
- Aging Structures / Quality of Existing Development
- Not visible from at-market housing areas
- Not blocking views of Mount Tam
- Maximum stream setbacks still leave ample design flexibility
- Ends myth that all under market housing development is slated for east of Comino Alto

As seen, the overall Miller Avenue Specific Plan Area is composed of three different Redevelopment Overlay Zones (ROZ) Regardless how expensive, this plan will only work if the owner of each property can be offered compensation substantially greater than their current revenue yields. The administration of each redevelopment area can include lease payments for their property'(s) portion of the overall project area to a far higher, risk-free return than their present one with no involvement on their part. As a result, by land ownership not changing hands, front-end costs are minimized. The projected 'perfect world' unit size mix for serving a broad range of tenants is as follows.

1 Bedroom 37% 2 Bedrooms 45% 3 Bedrooms 18%

REDVELOPMENT ACCEPTANCE CAMPAIGN

A chink in the armor of such plans is the recalcitrant tenant. Most of the tenants are companies that can be bought off like their proprietors. But what is to be done about residential tenants who, after the most desirable financial offers to relocate or even be relocated in the new development, still refuse to move. To avoid this, such a development process shall require a sustained public relations campaign to continuously convince the everyone in the community, tenants included, the greater good they will be contributing. Reporting reductions in E. Blithedale traffic never stops. A larger message to residential tenants is to be good soldiers in the war against Climate Change, preparing them to bare their inconvenience in exchange for knowing they are a key contributor to all the good things that flow to them and everyone else, starting with the store manager, who instead of spending 3 hours in a grueling commute, can be home in minutes to spend that time with his family. As for the opposition, may their last thought while perishing in fire or flood be, 'At least I lived where everyone was like me.'

BUILT IN DESIGN EXCELLENCE

Starting with one Hamilton, the City is to establish a competition for the architectural design for each of these projects. To assure top excellence and superior design, all competing offices must have a 94941 ZIP Code. By drawing on the town's ample number of top firms, we are assured fresh and new solutions that benefit the community and become monuments to our civic pride in our decision to make this change. As so often said, anywhere can become a ritzy town, but only Mill Valley can become Mill Valley.

1 cont'd

ATTACHMENT A

DETAILED PROPERTY INFORMASTION

MILLER NORTH

APN	SIT_FULL_S	OWNER	LOT_SIZE	STD_LAN	YEAR_BUI	TOT_VALU	BLDG_A
028-034-37	197 MILLER AVE	WALSH FAMILY LIMITED PARTNERSHIP	0.561863	1101	1974	3706269	8260
028-034-13	189 MILLER AVE	SVIENTY LAURA T; SCHWARTZ GIL DAVID	0.266819	1001	1909	2046575	3034
028-260-03	203 MILLER AVE	ROWAN LORIN; ROWAN BERNADETTE	1.625987	1004	1982	441065	1328
028-034-38	211 MILLER AVE	RJ SQUARED LLC	0.364741	1101	0	2276840	2036
028-260-02	207 MILLER AVE	PLESSAS JAMES; PLESSAS ELEANORE C	0.044746	2000	0	735859	2621
028-260-04	205 MILLER AVE	PLESSAS JAMES P; PLESSAS ELEANORE C	1.483234	1004	1982	812008	1407
028-260-01	201 MILLER AVE	PLESSAS JAMES P; PLESSAS ELEANORE C	3.008732	2000	1929	897318	1165
028-034-08	169 MILLER AVE	MANNING PHYLLIS M; THE MANNING FAMILY 199	0.331413	1001	1927	341944	4473
028-034-44	181 MILLER AVE	H & E BAUER FAMILY PARTNERSHIP	0.487149	1101	1969	887583	6368
028-034-09	175 MILLER AVE	CHRISTMAN SUSAN E	0.23213	1101	1974	1544917	2893

MILLER MIDDLE

APN	SIT_FULL_S	OWNER	LOT_SIZE	STD_LAND_	YEAR_BU	BLDG_AR	TOT_VALUE
028-270-04	267 MILLER AVE	WONG DAVID F; WONG PRISCILA	0.08919	2000	1928	1795	1304153
028-222-89	247 MILLER AVE	WALSH ROBERT E; THE ROBERT E WALSH TRU	0.166298	1101	1932	1284	153289
028-222-88	247 MILLER AVE	WALSH ROBERT E; ROBERT E WALSH TRUST	0.187265	2000	1905	2116	207395
028-222-87	271 MILLER AVE	STRANDGAARD HANS; STRANDGAARD CHRIS	0.125084	2000	1899	2530	379451
028-222-76		SIMMONS RENEE FRANCOISE	7.881523	8001	0	0	2255
028-222-73	225 MILLER AVE	SCHOW PROPERTIES LLC	0.644216	2000	1974	7573	3076546
028-222-76	1 MILLER TER	SARRAN SUSAN	7.881523	1004	1981	1407	632730
028-222-78	5 MILLER TER	QUIGG MELISSA; MELISSA QUIGG LIVING TRUS	8.10713	1004	1981	1407	1311294
028-222-76		MILL VALLEY CITY OF	7.881523	9000	0	0	0
028-222-32		MILL VALLEY CITY OF	0.429291	9000	0	0	0
028-222-72	239 MILLER AVE	MICKLES LINDSAY M TR	0.399501	1101	0	0	294885
028-222-77	3 MILLER TER	MC DONALD PATRICIA K TR	8.562665	1004	1981	1407	378753
028-270-01	2 MILLER TER	HIRST JAMES A	0.013655	1004	1981	1176	783029
028-222-34	275 MILLER AVE	HERZOG HERBERT DONALD; HERZOG GLORIA	0.256023	2000	1976	3120	1054246
028-222-79	7 MILLER TER	GRAHAM KATHRYN L; THE KATHRYN L GRAHA	0.149635	1004	1981	1703	434479
028-222-57	257 MILLER AVE	GERRISH ROBERT A JR & LUCILLE M; GERRISH R	0.544138	1101	0	0	226058
028-222-42	251 MILLER AVE	FRASSON JONETTA ELLENA; JONETTA ELLENA	0.532409	1101	0	6359	309008
028-222-74	265 MILLER AVE	COHN BRENT A; COHN DIANA S	0.163365	2000	1892	3121	1670868
028-270-02	4 MILLER TER	BRENNAN DONNA; DONNA BRENNAN LIVING TR	1.497061	1004	1981	1176	308117
028-222-87	271 MILLER AVE	ACKER GARY E VAN; BLEIER PAMELA T	0.125084	1101	1963	2310	1315496
028-222-32	279 MILLER AVE	279 MILLER AVE LLC	0.429291	2000	1965	3798	2473866

MILLER SOUTH

APN	SIT_FULL_S	OWNER	LOT_SIZE	STD_LAN	BLDG_A	YEAR_BUI	TOT_VALUE
028-211-14	10 WILLOW ST	WEISSENSEE PROPS IV	0.326809	2000	3828	0	987554
028-222-70	15 WILLOW ST	WALSH FAMILY LIMITED PARTNERSHIP	0.569496	2000	11811	1978	2117924
028-211-12	20 WILLOW ST	ROSS KENNEDY RICHARD; ROSE SUZANNAH	0.18932	1001	641	1920	1120220
028-222-71	319 MILLER AVE	NVBG LLC	0.296233	2000	4920	1964	4236977
028-222-29	297 MILLER AVE	MARIN TERRACE INVESTMENTS LLC	0.319837	2000	9350	1961	2324462
028-222-83	305 MILLER AVE	MARIN TERRACE INVESTMENTS LLC	0.327364	2000	2534	1954	1611301
028-222-30	295 MILLER AVE	DAGUE ROBERT L; DAGUE JULIE K	0.148288	2000	2480	1955	471837
028-222-83	305 MILLER AVE	BIGGIO DAVID E; BIGGIO ANNA L	0.327364	2000	9269	1958	486743
028-211-13	333 MILLER AVE	AHMADI JASSMINE	0.34045	2000	6578	1975	2238358

Response to Letter 38, Dennis H. Klein, PE AICP GISP, Mill Valley Affordable Housing Committee

1. The commenter recommends additional housing sites (or a "Housing Element Alternative Plan") for the proposed Housing Element Update. See response to Letter 34, comment 9.

From: Danielle Staude
To: Carlos Montalvan
Subject: RE: [External] Story Poles at 1 Hamilton
Date: Monday, January 23, 2023 8:57:00 AM

From: Carlos Montalvan <montalvan@comcast.net>
Sent: Saturday, January 21, 2023 4:34 PM
To: Patrick Kelly <pkelly@cityofmillvalley.org>; Danielle Staude <dstaude@cityofmillvalley.org>; City Clerk <cityclerk@cityofmillvalley.org>
Subject: [External] Story Poles at 1 Hamilton

1 I am writing to request story poles be put up to demonstrate the visual impact of the planned building 1 Hamilton. Without story poles, the public cannot provide meaningful comments to the City on the draft EIR with regard to the building height, bulk/mass, and visual impact of the project.

Story poles were just required by the City for the 25-unit project at 575 E. Blithedale, so there is no reason they shouldn't be required for a project the size of 1 Hamilton. Erecting story poles is standard practice and consistent with the City's Residential Design guidelines. If the City does not install story poles at 1 Hamilton, it is further evidence of the City's discriminatory treatment of the residents who live in the surrounding neighborhood.

Carlos Montalvan
Keats Dr.

Response to Letter 39, Carlos Montalvan (Email - January 21, 2023)

1. This comment is regarding story poles at the 1 Hamilton Drive site. See response to Letter 1. No changes to the draft SEIR are necessary.

2.4 Verbal Comments on the Draft SEIR and Responses to Comments

Verbal comments were received regarding the proposed project and on the draft SEIR at a regularly scheduled Planning Commission meeting held on Tuesday, February 28, 2023 at 6:30 P.M. in the City Council Chambers at Mill Valley City Hall. The following is a summary of the verbal comments on the draft SEIR and responses to those comments that raise CEQA and environmental-related issues.

Verbal Comment 1, David Wygant

The commenter was concerned that Mill Valley is intentionally constricting the scope of its available housing inventory in order to justify its reliance on 1 Hamilton as their primary site location. The Draft Housing Element site inventory currently excludes mixed-use and multi-family homes that would be located within the very-high fire severity zone. During a Zoom conference call on November 16, 2022 Mill Valley's planning director presented the City's Housing Inventory Map and relied heavily on fire danger as a reason for the locations, stating that in fact, "Sixty-five percent of Mill Valley is within a high fire danger zone." However, Section F-24 of the Draft Housing Element later admits to allowing multi-family homes in the very-high fire severity zone. Also, on page 184 of the General Plan the Hazard and Safety Element discusses fire hazard areas, but it does not provide any potential prohibitions. Additionally, the language in Policy HZ-6.1 suggests there are no prohibitions to building in high fire risk areas, therefore there is nothing prohibiting the issuance of permits for multi-family housing within the very-high fire severity zone and the City has failed to provide any evidence that those parcels should be excluded from the site inventory. The good news is Mill Valley has the opportunity to more equitably meet its housing goals just by redoing its site inventory analysis and including the other 65 percent of Mill Valley they previously excluded; consequently, approval of the Housing Element and Land-Use designation tonight would be premature.

Response to Verbal Comment 1, David Wygant

The commenter addresses concerns regarding housing sites identified in the Housing Element Update being located in high fire hazard severity zones. To clarify, parcels or sites located within the Very High Fire Severity Zone were not automatically removed from the Housing Element sites inventory. See Housing Element, Appendix C for sites inventory methodology and criteria for identifying sites. Wildfire hazard impacts associated with the Housing Element Update were addressed in Section 15.0, Wildfire, of the draft SEIR. All wildfire hazard impacts associated with proposed project were determined to be less than significant or less-than-significant with mitigation. See also response to Letter 34, comment 10. No changes to the draft SEIR are necessary.

Verbal Comment 2, Kathleen Clifford

The commenter's back yard would back up to 401 Miller Avenue (Site 45 of the sites inventory). She volunteered on a traffic committee for the City several years ago and recorded license plate numbers of vehicles using the cut-through of La Goma to Sycamore to Nelson to Blithedale, and now she is very concerned the City is considering multi-unit housing at 575 Blithedale, one end of the cut-through to 401 Miller. Her corner on La Goma and Sycamore is one of the narrowest corners in town, and the traffic study she participated in determined that they have nine times more traffic on her residential street than any other Mill Valley residential street. There have been no measures to mitigate those traffic issues, and because traffic would be increased, she believes there will be a real issue with the intersection of Miller and La Goma, because there are incidents in the crosswalks every day with cars hitting pedestrians and each other.

Response to Verbal Comment 2, Kathleen Clifford

The commenter addresses traffic safety concerns near her residence near 401 Miller Avenue, specifically at the corner of La Goma Street and Sycamore Avenue. See Section 12.0, Transportation, of the draft SEIR, for a discussion of transportation impacts associated with implementation of the Housing Element Update. No changes to the draft SEIR are necessary.

Verbal Comment 3, Kristen Chaudhry

The commenter's property also backs up to 401 Miller Avenue. She noted that four stories and almost 529 units would be added on Miller Avenue, but said currently Miller Avenue has nothing over two stories and is quaint. She added that the Planning Commission's job is to protect and enhance Mill Valley's natural beauty and small-town character and adding four stories to anywhere along Miller Avenue would not enhance the beauty. She wanted more affordable housing, but said to approve 529 units through this Housing Element for this small area of Miller Avenue would destroy Miller Avenue and any neighborhood on either side of it. She was also worried about the traffic and parking, saying right now there are two parking spots per unit, but the plan proposes a half parking spot for each unit, and said there would be no parking for people coming to businesses along Miller. She urged the Planning Commission to consider areas other than just Miller Avenue for the housing units.

Response to Verbal Comment 3, Kristen Chaudhry

The commenter raises concerns over aesthetics and traffic and parking associated with the Housing Element Update and adding multi-family residential development on Miller Avenue. To clarify, required parking for redevelopment projects are based on various regulations, including the City's development standards and allowances under state law. In addition, the Housing Element identifies 1 parking space for units 1,000 square feet or less as part of the proposed rezoning of sites, see Chapter 4, program 20 for details. Aesthetics impacts are addressed in Section 5.0, Aesthetics, Light and Glare, and transportation impacts are addressed in Section 12.0, Transportation, of the draft SEIR. No environmental issues are raised and no changes to the draft SEIR are necessary.

Verbal Comment 4, Paula McGrath

The commenter references the letters submitted by Patrick Soluri, attorney for Friends of Hauke Park and a CEQA specialist, and the City Attorney's responses to those letters, and said the City is piecemealing its CEQA review for the 1 Hamilton project by its purported reliance on two separate EIRs: the cursory EIR for the Housing Element, which would change the land use designation; and the concurrent project-level EIR, which would analyze all other project entitlements for the very same development. Mr. Soluri writes that this is a clear violation of CEQA law. She said the City or its attorney has not made a credible rebuttal to this argument and asked why the City was engaging in such a potential clear violation that could be challenged in court? She added that the easy fix would be to remove the change in land-use designation for 1 Hamilton from the proposal before the Planning Commission, because nothing requires the City to revise 1 Hamilton's land use designation as part of the Housing Element update, and under existing law the City has three years to change the land use designation after adoption of the Housing Element, thus the City can and should consider taking such action only after being informed of any impacts by the promised project-level EIR. She said the City asserts that the rezoning of 1 Hamilton would not occur until after the project-level EIR is conducted, however this subsequent rezoning becomes legally irrelevant when the General Plan use designation and density have been changed, since a General Plan takes priority over a zoning, and the City's statement that it would conduct a robust project-level EIR after the change of land use designation is meaningless since the City would likely argue later that any deficiencies in the later EIR are not prejudicial and so defects, even those identified by a court, require no correction. She believes all approvals for 1 Hamilton, including the change in land use, should be considered after the project-level EIR has been completed and the public has commented on it. She urged the Planning Commission to take the lawful and practical course of action and not recommend a change to the land use designation for 1 Hamilton.

Response to Verbal Comment 4, Paula McGrath

See response to Letter 1 and Letter 5, as well as Letter 21 and Letter 34. No changes to the draft SEIR are necessary.

Verbal Comment 5, Jeralyn Seiling

The commenter stated that she is an attorney who has followed the City's actions on the 1 Hamilton project since the Planning Commission first considered the project two years ago. At that time she and many others were appalled at an illustration of the proposed project provided by the City's consultant, but Commissioner Hilderbrand made in her opinion a reasonable suggestion they should not be dismayed by the size and look of the project as depicted by the consultant, because it could be done beautifully and consistently with the neighborhood by, for example, stepping it into the hillside. Now, two years later, they know what the project would look like, and it would be even bigger than two years ago, and just as ugly and inconsistent with the neighborhood as the original illustration. She feels the public was duped, because they did not know at the time that the Hamilton

project was part of a plan to assure that suitable sites west of Camino Alto were removed from consideration for affordable housing. Now the City wants the Planning Commission to recommend a change to the land use designation for the Hamilton site prior to a project-level EIR. The City wants the public to believe it is no big deal to do the land use designation before the project-level EIR and the real issue is the subsequent zoning change, but it is a big deal, and part of the proof is the way the City is pushing so hard for this despite the controversy and the threat of litigation. The secret that the City wants to hide is that once the land use designation is changed to allow dense, multi-family housing, the public will have lost the right to evaluate key aspects of the project, most critically the density of the development. She reiterated Paula McGrath's statement that at that point it wouldn't matter if the City did the promised project-level EIR, because no matter what that EIR might reveal, the City could simply claim that they have no discretion to alter a project that's consistent with the land use designation, which by then would allow extraordinary density. She said the City's only explanation of the perversion of the process is its desire for internal consistency of a Housing Element document, a huge and confusing volume that is hardly a model of internal consistency, but she noted the Planning Commission has the ability to pump the brakes and do this the right and transparent way. She did not advocate killing the project, but simply to consider the land use designation change after a project-level EIR, which is the appropriate and normal sequence, and that doing it this way would lose nothing, but might avoid costly litigation, and only reason to do this now is to avoid public input at the project level.

Response to Verbal Comment 5, Jeralyn Seiling

See response to Letter 1 and Letter 5. No changes to the draft SEIR are required.

Verbal Comment 6, Caroline Heyder

The commenter stated she was still not convinced that it is necessary to change the land use designation of 1 Hamilton in this revised Housing Element and said it could be removed. She added that a change of land use designation should be after the project-level EIR has been completed in a site-specific project-level analysis of 1 Hamilton, with public input following that EIR.

Response to Verbal Comment 6, Caroline Heyder

See response to Letter 1 and Letter 5. No changes to the draft SEIR are required.

Verbal Comment 7, Kate McGarity

The commenter noted that when she started to go through the Housing Element she saw so much being redacted and she asked what is going on here? She recommended the Planning Commission not consider rezoning and amending the land use for the designated northern portion of 1 Hamilton to multi-family residential. She concurred with Commissioner Hilderbrand that they need to update the City-owned parking availability and remove housing barriers. She noted that at the end of the Housing Element it says, "By the end of 2024 we will report back to the Housing Advisory Committee on the status of removing barriers to housing on those other City-owned sites," and said

it was a concern that it would be the end of 2024 before they look at other City-owned sites and report back. She urged the Planning Commission to focus on pages 110-111, Article 4, of the Housing Element.

Response to Verbal Comment 7, Kate McGarity

See response to Letter 1 and Letter 5. No changes to the draft SEIR are required.

Verbal Comment 8, David Levin

The commenter noted there is another readily apparent issue that hasn't been spoken about very much, which is racial segregation, and this Planning Commission bears some historical responsibility because part of how they got here was the upzoning in Mill Valley around 1970 that stops growth and development, the exact same time that housing discrimination became illegal in the United States, so Mill Valley is a city frozen in time, and there is a severe need for more housing diversity. He said the HCD is not likely to approve the first three alternatives that are listed in the EIR, because those would not meet the need to address racial segregation in Mill Valley. He said the fourth alternative is unwise, because it would reduce incentives for developers. He requested the Planning Commission approve the staff recommendations and help provide the leadership the City needs to address its problems of racial segregation.

Response to Verbal Comment 8, David Levin

The commenter does not raise any environmental issues and therefore no response is necessary. No changes to the draft SEIR are required.

Verbal Comment 9, Anita Scott

The commenter stated that herself and others are concerned about the geology and soils hazard regarding the asbestos found at the 1 Hamilton site in the serpentine rock, and said any level of exposure to asbestos fibers includes some risk of disease. Her home is directly above the building site and disturbing the soils while excavating the site would create dust that contains asbestos fibers, she is concerned for her health and that of her grandchildren, the athletes that play on the sports fields directly across from the site, and the young children at the playground 25 feet away. She said it is the City's responsibility to be upfront on the asbestos issue with its citizens who use these fields on a regular basis. Additionally, she said if the project moves forward Mill Valley and EAH would be responsible for safety, training, and air monitoring by hiring a dedicated environmental and industrial hygiene firm prior to any excavation of the site.

Response to Verbal Comment 9, Anita Scott

See responses to Letter 1 and Letter 2. No changes to the draft SEIR are required.

Verbal Comment 10, Mary McGarity

The commenter stated the need to change or amend the land use designation of 1 Hamilton Drive to be internally consistent and is not a legal requirement, as pointed out by other public speakers,

but what needs to be addressed is that changing this land use designation now ties the City's hands in the future with respect to environmental impact reviews, and this was documented in a grand jury report after investigating the Corte Madera Win Cup development, because in the General Plan of that community they had written in and already approved the land use designation change for large-scale development, so when it came time to do the environmental impact review for the site-specific project the environmental and health concerns were overruled because as one of the City's consultants said, they don't stand up against a general plan; the General Plan trumps the site-specific environmental concerns. She said the Planning Commission must be very careful before approving this recommended change. She asked to what extent the City is willing to endanger the people who live near and play in Hauke Park in the push to forfeit and use that land to meet Mill Valley's affordable housing obligation? She noted the subject site contains Mill Valley's most economically and racially diverse population and asked if the City would change the designated use of any parkland along Buena Vista or Hillside Avenue or other streets in Mill Valley without conducting a proper investigation of environmental risk factors? She urged the Planning Commission to reject the City planner's Housing Element recommendation and maintain 1 Hamilton's current park land-use designation, like the HCD did a few months ago, and only consider a land use designation change after a site EIR is complete.

Response to Verbal Comment 10, Mary McGarity

See responses to Letter 1, Letter 2, and Letter 5. No no changes to the draft SEIR are required.

Verbal Comment 11, Gary Batroff

The commenter stated he lives directly above the 1 Hamilton site and proposed the alternative of removal of 1 Hamilton be added to Section 17.0, Alternatives, of the draft SEIR. He displayed a Marin County hazard map that shows an earthquake fault at 1 Hamilton, a liquefaction zone on part of 1 Hamilton, and asbestos-containing serpentine rock, noting that the subject site is the only location in Mill Valley that contains serpentine rock. He asked what is the City's process and why doesn't it use these publicly available tools to pick the inventories in the Housing Element and do basic checking before dumping a half a million dollars into 1 Hamilton? He said these hazards increase building costs by 25-40%, in addition to the health hazards they present. He added that the serpentine rock is all over the subject site, from Roque Moraes all the way down underneath the parking lot, and could not be avoided in construction. He also presented a lab report of serpentine rock he took from the site that showed an unhealthful level of asbestos, noting that the public has been telling the City since June that there is asbestos in that hill, and there still has not been an environmental report done on just asbestos? He asked for the results of a soil test done by the City over a year ago that was supposed to be shared with the public, but haven't been. He said with regard to mitigating asbestos that the only safe level of asbestos is none, and that mitigation simply means to reduce asbestos. He asked why this health risk is okay with the City?

Response to Verbal Comment 11, Gary Batroff

With regards to environmental issues associated with 1 Hamilton, see responses to Letter 1 and Letter 2. With regards a potential additional alternative that would remove the 1 Hamilton Drive site, refer to response to Letter 34, comment 9.

Verbal Comment 12, Karen Holly

The commenter stated that she had a request to be published in the next newsletter going out to all of us. She was greatly concerned about the integrity of this organization, and concerned that they were told during all of the Planning Commission meetings that those proposed units for 574 East Blithedale were going to count towards the 865, in fact used that as a bonus. So why are none of these being counted, because it could reduce the number of units on Miller and elsewhere? How do we as citizens have faith in this organization in knowing what is really going to be counted and what isn't when just weeks ago we were told that was going to be counted towards this and now it's not?

Response to Verbal Comment 12, Karen Holly

To clarify, the 25 units proposed for the 575 East Blithedale project will count toward the 865 RHNA. The commenter does not raise any environmental issues and therefore no response is necessary. No changes to the draft SEIR are required.

Verbal Comment 13, Dennis Klein

The commenter stated that he represents the Mill Valley Affordable Housing Committee. He said the City has made a lot of response to the HCD comments, but no change whatsoever to the building footprints or, to the candidate sites. His committee has done work for the past 10-15 years and has presented sites, but none of those sites are in the Housing Element. He said when they ask, they get an excuse such as long-term leases, but HCD has said long-term leases are a deterrent, but not a showstopper. He said planning starts with the community's interests, then put out a plan, get responses, and make changes if necessary; but what has happened here is the public is given one plan with respect to the physical inventory of the sites, and that is it. He said his committee has found errors in the plan that they have pointed out to the City for a year, but no changes have been made. His organization recommends that if the City has to submit something to avoid fines, that's fine, but he wanted to go on record that the HCD would not accept this plan and that this discussion would not end at this hearing.

Response to Verbal Comment 13, Dennis Klein

To clarify, sites have been evaluated and the sites on the inventory list have been adjusted (adding and deleting of sites) based on public input and property owner input. The commenter does not raise any environmental issues and therefore no response is necessary. No changes to the draft SEIR are required.

Verbal Comment 14, Carlos Montalvan

The commenter stated he took exception to the number of comments and emails he has gotten from the City saying this hearing is not about 1 Hamilton, because it absolutely is about 1 Hamilton. He asked what would happen if the land-use designation were changed before any study of the naturally occurring asbestos risk of the site is done, and then a project-level EIR is done and shows that the risk is prohibitively significant? Would the City then go back and un-designate the site because it is dangerous to build on? He agreed with Commissioner Hilderbrand's comment that this entire process seems to be geared toward fitting the documentation and the data to meet the end goal, and said a lot of people in his neighborhood have felt this way for the past two years, that every single meeting, document, and presentation, has been tailored to head in one direction with one rubber stamp after another, and the notion that something like an environmental report could stop this process is almost unthinkable at this point.

Response to Verbal Comment 14, Carlos Montalvan

See responses to Letter 1, Letter 2, and Letter 5. No changes to the draft SEIR are required.

Verbal Comment 15, Clayton Smith

The commenter noted that concerning the 1 Hamilton Drive aesthetics, he recalled that the Win Cup project in Corte Madera looked completely different when first approved, and they ended up with the awful utilitarian structure they have today, and said it would be a tragedy for something like Win Cup to overlook beautiful Hauke Park, a significant asset of the area. He said the affordable housing is a smokescreen to transform their world and their beautiful communities, and to do so in the image of the utilitarianism of something called "Agenda 21," locally known as "Plan Bay Area 2050," a plan to completely remake the way people live and work. He added the reason the City doesn't care about the parking is because people will not own cars after a certain period of time. That is the future being planned by the wealthy elites that govern this country and the world known as the Davos crowd: the World Economic Forum, Bill Gates, Zuckerberg, Jamie Dimon, BlackRock, and Vanguard. He said the only way for people to get their towns and their country back is to have the stomach to elect people who respect their traditions, communities, and culture, or end up in this nightmare future.

Response to Verbal Comment 15, Clayton Smith

The commenter does not raise any environmental issues and therefore no response is necessary. No changes to the draft SEIR are required.

Verbal Comment 16, Nancy McQuilkin

The commenter noted that the Planning Commission is being asked to make a very important decision without all the information, and she had heard things at this meeting that would make her want to think again about what is being presented, and there are enough questions that the Planning Commission shouldn't vote on this issue yet. She said it makes her sad to hear the overlay districts

and the proposed density; it's not Mill Valley and it's a really bad decision. She said she doesn't mind affordable housing in Mill Valley, but it must be planned so that it does not change the character of the town, and these high-rise buildings and overlay districts are not the best way to go.

Response to Verbal Comment 16, Nancy McQuilkin

The commenter does not raise any environmental issues and therefore no response is necessary. No changes to the draft SEIR are required.

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3.0 Changes to the Draft SEIR

3.1 CEQA Requirements

CEQA Guidelines section 15132 requires that a final EIR contain either the draft EIR or a revision of the draft EIR. This final SEIR incorporates the draft SEIR by reference and includes the revisions to the draft SEIR, as presented on the following pages.

This section contains text from the draft SEIR with changes indicated. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Explanatory notes in italic text (*italic*) precede each revision. The following changes are made.

3.2 Changes to Section 2.0, Summary

Several clarifying edits have been made to the Alternatives descriptions in Section 17.0, Alternatives, of the draft SEIR. However, none of the original unit totals for each alternative scenario have changed and therefore, the alternatives analysis remains the same. Section 2.4, Summary of Alternatives, from Section 2.0, Summary, of the draft SEIR has been updated to reflect these edits and updates to each of the alternative summary discussions.

Page 2-13

The name of this alternative has been changed as follows:

Alternative 1 No Project (~~Continued Implementation of the City's 5th Cycle Housing Element Adopted in 2015, Resulting in~~ Residential Development Consistent with Existing General Plan Elements, Land Use and Zoning)

Page 2-14

The name of this alternative has been changed as follows:

Alternative 2 Fewer Units and Housing Sites in the Sites Inventory ~~(~~Utilizing Anticipated Density Range Identified in the Housing Element (Eliminates RHNA Buffer)

Page 2-14

The following clarifying edits are made to the alternative description and discussion of meeting the project objectives.

Alternative 2 works to identify only enough sites to accommodate the City's RHNA target by: 1) assuming the mid-range of units anticipated for sites, as explained in Appendix C of the Draft Housing Element Update and 2) reducing the number of housing units for the proposed project by 452 units based on the following:

- Office Conversion Housing Overlay: Remove housing sites that do not result in 5 or more new units on the sites inventory list (results in the removal of 8 sites and 136 units from the proposed project).
- Small Lot (1/2 acre or less) Housing Overlay: Remove housing sites that do not result in 5 or more new units as part of the sites inventory list (results in the removal of 13 sites and 143 units from the proposed project).
- SB 9 lot splits: Remove approximately 1/3 of the sites identified as part of the sites inventory list (results in the removal of 3 sites and 12 units from the proposed project).
- Opportunity Sites Housing Overlay: Remove the private parking lot across from Whole Foods on Miller Avenue, requiring the consolidation of four separate parcels to gain 15 units (results in the removal of 4 sites and 151 units from the proposed project).
- 1 Hamilton: a reduction of 10 units from the proposed project.

This alternative would result in the elimination of 452 new units or 39 percent below the proposed project. Those sites removed from the sites inventory list would not have the relevant overlays applied to them.

This alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. ~~However,~~ While this alternative would not meet the City's RHNA target of 865 residential units, it would ~~and would~~ not meet the project objective which sets a "buffer" of at least 15 percent above the RHNA allocation for the lower and moderate-income categories ~~target~~. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Page 2-14

The name and description of this alternative have been rewritten for clarity as follows:

~~Alternative 3 Remove SB 9 Sites from Sites Inventory~~

~~The environmental analysis includes the identification of nine specific sites identified in the sites analysis that likely would result in a lot split in a single-family zoning district based on site conditions, essentially creating the opportunity for up to four units on the two newly created parcels. However, it is important to note that such lot splits may currently occur throughout the City in single-family zoned areas based on state law. Alternative 3 modifies the sites analysis contained in the sites inventory and eliminates the specific sites that are assumed to have Senate Bill (SB) 9 lot splits (eight sites in total), thereby reducing the number of units by a total of 378 units. This alternative represents approximately a 33 percent reduction and eliminates the RHNA buffer to accommodate the City's above-moderate RHNA allocation. With the removal of the 378 units associated with the SB 9 lot split assumption, the City would rely solely on vacant single-family sites to satisfy its above-moderate RHNA allocation and assume that the one remaining above-moderate unit be satisfied based on the other additional sites identified as part of the RHNA buffer for low and moderate income, and as allowed under state law.~~

~~Like with Alternative 2, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. However, this alternative would not meet the City's RHNA target of 865 residential units and would not meet the project objective which sets a "buffer" of at least 15 percent above the RHNA target. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.~~

Alternative 3 Remove SB 9 Sites from Sites Inventory and Reduce Anticipated Density based on Modified Housing Policies and Programs (Reduced RHNA Buffer)

Under Alternative 3, the City would adopt Housing Element policies and programs that would likely result in less residential development projects or lower density projects. Alternative 3 results in the following modifications to the sites analysis and inventory for the project:

- SB 9 lot splits: eliminates the eight specific sites that are assumed to have Senate Bill (SB) 9 lot splits (36 total units).
- Office Conversion Housing Overlay: Reduces the anticipated units based on the Housing Element sites analysis assumption (65 total units).
- Small Lot (1/2 acre or less) Housing Overlay: Assumes number of units based on an anticipated density of 28 units/acre (258 total units).

- Opportunity Sites Housing Overlay: Assumes number of units based on an anticipated density of 28 units/acre (206 total units).
- 1 Hamilton: a reduction of 10 units from the proposed project (40 total units).

This alternative would reduce the proposed project by 378 units by eliminating the SB 9 lot splits (eight sites), approving ten less units as part of the 1 Hamilton development proposal and modifying the proposed housing policies with respect to the Housing Overlay Districts (Housing Program 20) to reduce or eliminate the development incentives (e.g. increased height limit and reduced parking standards) as part of the proposed rezoning. The actions and modifications proposed in Alternative 3 would foreseeably result in lower density development than the proposed project. Alternative 3 represents approximately a 33 percent reduction and reduces the RHNA buffer.

Like with Alternative 2, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. While this alternative would ~~not~~ meet the City's RHNA target of 865 residential units ~~and would~~ the alternative would not meet the project objective which sets a "buffer" of at least 15 percent ~~above the RHNA target~~ beyond the City's RHNA allocation for the lower and moderate-income categories. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Page 2-15

The following clarifying edits are made to the alternative description and the discussion of meeting the project objectives.

Alternative 4 Reduced Density Alternative, Decreasing Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduces Maximum Build Out while Maintaining RHNA Buffer)

Alternative 4, the "Reduced Density" Alternative proposes to modify the maximum allowable density standard for the three proposed housing overlay zoning districts from 40 units/acre to 35 units/acre, resulting in a reduction of 98 total units. This alternative represents approximately a nine percent reduction in total units from the proposed project.

This alternative meets all project objectives as it would allow the City to provide adequate housing stock to accommodate the City's housing needs for a range of income levels, including low and moderate-income households; meet the housing unit goals as set by the City's RHNA target of 865 residential units. To satisfy state law and HCD sites inventory guidance, the Draft Housing Element sites analysis utilizes a midpoint of 22-25 units per acre to quantify the number of units sites anticipated as part of the sites inventory. As such, this alternative reduces maximum density

standards while also maintaining the proposed project's RHNA buffer of at least 15 percent for low and moderate RHNA income categories, as noted in state law and guidance. ~~Alternative 4 also provides a 22 percent resident buffer, which meets HCD's recommended minimum for cities to provide at least 15 percent buffer.~~ However, this alternative does also reduce potential opportunities for housing units that are gained through increased density and will require the development of more sites to satisfy RHNA requirements.

Page 2-16

The following changes are made in response to comments made during the 45-day public review period for the draft EIR.

CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The City is aware of general public concern about the 1 Hamilton Drive site (which is undergoing its own separate environmental review process under CEQA). During the 45-day public review period on the draft SEIR, several members of the public raised concerns regarding the following: naturally-occurring asbestos, visual impacts, earthquake faults, and whether this SEIR should have evaluated the proposed development of 1 Hamilton Drive at a project level. In addition, the City is aware of public concern regarding public services, utilities, wildfire, and transportation impacts as a result of the proposed project.

Page 3-2

The following clarification is made:

This subsequent EIR addresses the potential future redevelopment of 265 sites with residential or mixed residential/commercial uses. Redevelopment opportunities of the 265 sites are discussed in detail in Section 4.0, Project Description. Table 3-1, Existing Conditions (Housing Sites), below identifies the existing conditions for the 265 sites, and provides information related to their location, acreage, existing general plan land use designation, existing use, and existing zoning designation. The locations of the 265 ~~opportunity~~ sites are depicted in Figure 4-1 and Figure 4-2 found in Section 4.0, Project Description.

3.3 Changes to Section 4.0, Project Description

Page 4-10

The following additional discussion has been added to the "Amendments to Land Use/Zoning" sub-section to address the four combined lots collectively located in the Egger Plaza/known as 401 Miller Avenue (Sites 45, 47, 48, and 56 in the sites inventory found in Appendix B of the draft SEIR) that will require land use and zoning amendments.

Egger Plaza/Sloat Garden Center (Includes Four Parcels, APNs 030-071-01; 030-070-40; 030-071-42; and APN 030-057-16)

The sites inventory includes four parcels (0.69 acres combined) within the Egger Plaza, also known as "410 Miller Avenue" or the "Sloat Garden Center." The four parcels that encompass the Egger Plaza commercial building are owned by the same property owner and are identified as part of the "opportunity site zoning overlay" in sites inventory (referenced in Appendix B as site #45, APN 030-070-40; site #56, APN 030-057-16); site #57, APN 030-071-01; and site #60, APN 030-071-42). Three of the four sites (site #57, 030-071-01; site #45, 030-070-40; and site #60, 030-071-42) are commercially zoned sites, designated as "Neighborhood Commercial (CN)" land use and zoning, and do not require changes to land use to accommodate the proposed opportunity site zoning overlay. The remaining site, identified in the sites inventory (Appendix B) as site #56, APN 030-057-16, identified requires the existing Single-Family Residential (SFR-2) land use to be reclassified to Neighborhood-Commercial (CN) and the Single-Family zoning designation (RS-6) to be rezoned to Neighborhood Commercial (C-N) to facilitate the rezoning proposed as part of Housing Program #20 (see Draft Housing Element for details).

Table 4-1(a) Egger Plaza (APN 030-057-16) Existing and Proposed Conditions

	Existing	Proposed
General Plan Land Use Designation	Single Family Residential (SFR-2)	Neighborhood Commercial (CN)
Zoning District	Single Family Residential (RS-6)	Neighborhood Commercial (C-N)
Density Range	One (1) dwelling unit per acre to seven (7) dwelling units per acre	17 dwelling units per acre to 29 dwelling units per acre
Total Units Allowed (excluding Accessory Dwelling Units permitted by-right under State law)	1	6

SOURCE: City of Mill Valley 2023

Page 4-13

An incorrect reference to a previous table was made in Table 4-6 in the "Proposed Zoning Amendment" and "Proposed Land Use Map" columns for the Small Lot Overlay Zoning District, the Office Conversion Overlay District, and the Opportunity Site Overlay District. This inadvertent error has been corrected below.

Table 4-2 Summary of Land Use Map and Zoning Map Amendments

Site/Location	Proposed Zoning Amendment	Proposed Land Use Map	Proposed Land Use Density Category
1 Hamilton Drive	Multi-Family Residential Bayfront (RM-B)[1]	Multi-Family Residential (MFR-2)	17 dwelling units per acre to 29 dwelling units per acre
300 East Blithedale Avenue	Multi-Family Residential Parkway (RM-P)	Multi-Family Residential (MFR-2)	Nine (9) dwelling units per acre to 15 dwelling units per acre
Presidio Neighborhood (RM3.5 Zoning District)	Downtown Residential (DR)	Downtown Residential (DR-1)	Eight (8) dwelling units per acre to 16 dwelling units per acre
Egger Plaza (APN 030-057-016)	Neighborhood Commercial (C-N)	Neighborhood Commercial (CN)	17 to 29 dwelling units per acre
Small Lot Overlay Zoning District	Overlay district applied to sites identified in Table ~~4-3~~ 4-2 and Figure 4-1	Overlay district applied to sites identified Table ~~4-3~~ 4-2 and Figure 4-1	17 dwelling units per acre to 40 dwelling units per acre
Office Conversion Overlay Zoning District	Overlay district applied to sites identified in Table ~~4-3~~ 4-2 and Figure 4-1	Overlay district applied to sites identified Table ~~4-3~~ 4-2 ~~-~~and Figure 2	17 dwelling units per acre to 40 dwelling units per acre
Opportunity Site Overlay Zoning District	Overlay district applied to sites identified in Table ~~4-3~~ 4-2 and Figure 4-1	Overlay district applied to sites identified Table ~~4-3~~ ~~-~~4-2~~-~~and Figure 4-1	20 dwelling units per acre to 40 dwelling units per acre

SOURCE: Mill Valley 2022
NOTE: 1. Rezoning will occur as part of a project-level development review application.

3.4 Changes to Section 5.0, Aesthetics, Light, and Glare

Page 5-11

A minor textual addition to a Housing Program (18), which was updated in the Revised Draft (with redline edits) Public Review Draft #2 Housing Element Update, dated February 2023, and was originally referenced in the Section 5.2, Regulatory Setting in Section 5.0, Aesthetics, Light, and Glare, of the draft SEIR. The policy language has been updated below.

Housing Program 18. Objective Design and Development Standards (Program Objective): Continue to implement a design review process to ensure that new single and multi-family development and substantial modifications to existing structures are compatible with Mill Valley's small-town character, unique environmental, community and scenic attributes. By the end of 2023, develop and adopt objective Multi-Family and Mixed-Use Development Standards and Guidelines and accept the county-wide collaborative "ODDS toolkit" as a reference to continue the discussion of how to creatively apply standards to facilitate infill development. Also clarify design review thresholds based on various streamlining allowed under State Law.

Page 5-14

The following clarification is made:

This section evaluates whether the proposed project would result in significant impacts on scenic vistas, scenic quality, and light and glare. The significance criteria above were used to evaluate the proposed project's effects on aesthetic resources relative to the existing baseline condition (both regulatory and physical). The visual analysis is based on aerial and ground-based photographs of the ~~opportunity~~ sites and locations and consideration of City policies and guidelines related to visual resources.

Page 5-19

The following clarification is made:

In regard to light pollution, development of the housing ~~opportunity~~ sites would be required to comply with general plan policies LU-1 and Policy LU-4, as well as proposed Housing Element Update policy 4.1 and programs 18 and 22a, which collectively ensure implementation of the City's resident development standards related to lighting, "Good Neighbor Policy," and all future projects at the housing sites will be subject to lighting standards established in either the City's adopted residential design guidelines as well as the City's Design Review process as outlined in City Municipal Code Section 20.66. All of the City's lighting standards collectively serve to minimize light pollution and trespass in order to respect privacy and ensure safe nighttime conditions.

3.5 Changes to Section 6.0, Air Quality

Page 6-13

The following clarification is made:

Many of the proposed housing sites are located within 1,000 feet of the stationary sources with emissions exceeding air district thresholds. The locations of permitted stationary-source emitters with TAC emissions that exceed air district thresholds are shown and compared with the locations of proposed housing ~~opportunity~~ sites in Figure 6-1, Stationary Sources of TACs. A comparison of Figure 6-1 with the information in Table 6-3 shows that several housing ~~opportunity~~ sites are located within 1,000 feet of a gas station located at 340 Miller Avenue (stationary sources # 15), and within 1,000 feet of the gas pumps at the municipal wastewater treatment plant located at 450 Sycamore Road (stationary source # 16).

Page 6-21

The following clarification is made:

Odor impacts could result from siting a new odor source near existing sensitive receptors. Odors are generally regarded as an annoyance rather than a health hazard, although some odorous substances can be harmful at higher concentrations. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The wastewater treatment plant, operated by the Sewerage Agency of Southern Marin, is located at 450 Sycamore Avenue and is in proximity to existing residential areas and schools and, as noted previously, several of the proposed housing ~~opportunity~~ sites (refer to Figure 6-1).

3.6 Changes to Section 8.0, Energy

Page 8-8

The following clarification is made:

Operations of future development on the housing ~~opportunity~~ sites would increase long-term demand for energy. Building energy use for space heating, cooling, and ventilation; water heating; on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting would be the primary sources of electricity and natural gas demand. Increased transportation fuel use from increases in vehicle miles traveled generated by the increase in population would also occur. These sources and related demand are summarized below.

3.7 Changes to Section 10.0, Noise

Page 10-12

The following clarification is made:

The development or redevelopment of the proposed housing sites could expose sensitive receptors to exterior noise levels that exceed the City's standards for non-transportation noise sources. Any siting of new noise-sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion represents a potentially significant impact. For any discretionary projects, potential exposure of sensitive receivers from exterior noise levels would be less than cumulatively considerable based on application of a future discretionary review which requires an acoustic study consistent with general plan Policy N.4. and the noise ordinance to demonstrate that the stationary noise sources would not exceed City noise standards at affected noise-sensitive uses. Implementation of the City's general plan policies and noise ordinance requirements for all future development projects at the housing ~~opportunity~~ sites would ensure cumulative stationary noise impacts associated with the Housing Element Update would be less than cumulatively considerable.

3.8 Changes to Section 11.0, Public Services

Page 11-7

The following clarification is made:

The proposed project could result in an additional 2,659 residents. Therefore, the proposed project would increase fire protection needs at the various housing ~~opportunity~~ sites.

Page 11-8

The following clarification is made:

The proposed project could result in an additional 2,659 residents. Therefore, the proposed project would increase police protection needs at the various housing ~~opportunity~~ sites.

3.9 Changes to Section 12.0, Transportation

Page 12-2

The following clarification is made:

Local access in Mill Valley is provided by arterials and collectors. These streets provide access to the project's ~~opportunity~~ sites. The roadway network serving Mill Valley, including classifications from the 2040 General Plan, is shown in Figure 12-1, Mill Valley Roadway Classifications.

Page 12-11

The City of Mill Valley has included a new program in the Revised Draft (with redline edits) Public Review Draft #2 Housing Element Update, dated February 2023. The program (33C) has been added to Section 12.3 Regulatory Setting.

> **33. C) Transportation Demand Management programs to reduce automobile use and vehicle miles traveled**
>
> **Background:** The addition of housing units required as part of this Housing Element Update results in significant and unavoidable impacts related to vehicle miles traveled (see Draft Subsequent Environmental Impact for details). To mitigate impacts, the City will evaluate its vehicle miles traveled (VMT) policies for new residential development and address appropriate residential travel or transportation demand management (TDM) measures to reduce automobile trips and vehicle miles traveled.
>
> **Program Objectives and Timeframes:** In 2025, the City Council shall discuss those TDM measures that are identified as potentially reducing VMT by the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021) and adopt those measures that are considered effective at reducing automobile trips based

on the feasibility and cost analysis related to the size and scale of redevelopment. Examples of TDM measures that will be considered include, but are not limited to, the following:

- Unbundle parking costs (i.e., sell or lease parking separately from the housing unit);
- Provide car-sharing, bike sharing, or scooter sharing program;
- Subsidize transit passes for residents;
- Integrate affordable and below market rate housing;
- Provide trip planning resources;
- Provide pedestrian network improvements;
- Construct or improve bike facilities; and
- Implement a school pool program.

Responsible Agency: Planning Department; Department of Public Works; Planning Commission; City Council

Financing: General Fund

AFFH Themes: N/A

Targeted Neighborhoods: City-wide

Page 12-14

The following clarification is made:

A large number of the ~~opportunity~~ sites propose single-family homes or multi-family developments with a small number of units. TDM measures are typically not applicable to single-family homes and have limited effectiveness for smaller developments and owner-occupied units. The transportation analysis recommends that the individual developments as part of the proposed project should evaluate their VMT impacts and incorporate VMT reduction measures that are feasible for the individual development's circumstance (including ownership status).

Page 12-16

The following clarification is made:

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on the above considerations, adequate emergency access would be provided to the housing ~~opportunity~~ sites.

Page 12-16

The project trip generation total cited under "Local Transportation Analysis" and "Project Trip Generation" on page 12-16 of Section 12.0, Transportation, of the draft SEIR inadvertently cited trip generation data from a draft version of the Mill Valley Housing Element Update Transportation Analysis prepared by Hexagon Transportation Consultants. The trip generation numbers have been corrected to reflect the trip generation data found in the final version of the transportation analysis dated October 26, 2022 and included as Appendix F of the draft SEIR. These changes do not affect the VMT conclusions in the draft SEIR.

Project Trip Generation

Based on the Institute of Transportation Engineers trip generation rates and applicable reductions, it is estimated that the proposed project would generate ~~6,293~~ 6,905 new daily trips at an assumed buildout in 2031, including ~~332~~ 373 net new trips (~~0~~ 31 net new inbound and ~~332~~ 342 net new outbound) during the AM peak hour, ~~243~~ 311 net new trips (~~155~~ 187 net new inbound and ~~89~~ 124 net new outbound) during the mid-afternoon peak hour, and ~~435~~ 512 net new trips (~~332~~ 363 net new inbound and ~~103~~ 149 net new outbound) during the PM peak hour.

3.10 Changes to Section 14.0, Utilities

Page 14-13

In addition to the Housing Element Update existing policies identified in mitigation measures 14-1 through 14-5 in Section 14.0, Utilities, the following modified and new Housing Element Update housing programs (reflective of the Revised Draft (with redline edits) Public Review Draft Housing Element Update, dated February 2023) have been included. These additional programs (Housing Program 33A and 33B) would further mitigate the less-than-significant impact associated with increased water demand (Impact 14-1):

Mitigation Measures

14-6 Program 33A Promote green building practices, including water and energy conservation for more sustainable housing development projects through public outreach and education and partnering with the County of Marin on collaboration efforts with water service providers to conduct a water supply assessment.

14-7 Program 33B Upon adoption of the Housing Element, the City shall add a condition of approval to all residential development approvals for properties on the sites inventory list requiring Marin Municipal Water District (MMWD) approval of proposed housing until its 2020 Urban Water Management Plan is updated to include the 6th cycle RHNA.

3.11 Changes to Section 15.0, Wildfire

Page 15-20

The following clarification is made:

Redevelopment of the proposed housing sites, especially adjacent to or within the WUI, could result in exposure of people or structures risk as a result of post-fire slope instability or drainage changes. However, redevelopment of the housing ~~opportunity~~ sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides which would reduce risks to the extent feasible. Therefore, the project could expose people or structures to some risk, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes; however, these impacts would be less than significant.

3.12 Changes to Section 17.0, Alternatives

Several clarifying edits and updates have been made to Section 17.0, Alternatives, of the draft SEIR. However, none of the original unit totals for each alternative scenario have changed and therefore, the alternatives analysis remains the same.

For ease of review and because the edits and updates made span the entire section, the entire Section 17.0, Alternatives, of the draft SEIR has been reproduced as Appendix A of this final SEIR with strike-through and underlines provided.

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Changes to the Draft Subsequent EIR, Section 17.0, Alternatives

APPENDIX A

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17.0 Alternatives

17.1 CEQA Requirements

CEQA Guidelines section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The EIR must present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

17.2 Project Objectives and Significant Effects

As discussed above, alternatives must be able to meet most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. The project objectives are presented in Section 4.2, Statement of Project Objectives, and significant and unavoidable effects are presented in Section 17.2, Significant and Unavoidable Effects.

17.3 Alternatives Considered but Rejected

CEQA Guidelines section 15126.6(c) states in part that an EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

A number of scenarios reducing the total number of housing ~~opportunity~~ inventory sites or decreasing the residential density allowed on those sites would reduce the environmental impacts associated with the proposed project. However, a Housing Element Update must satisfy the City's Regional Housing Needs Allocation (RHNA) of at least 865 new residential units ranging in affordability levels to be consistent with the requirements of State law. As a result, alternatives that reduce ~~opportunity~~ the sites inventory and/or allowable densities to a level that fails to satisfy state requirements and the City's RHNA are not further analyzed in the SEIR, including the following scenarios:

- **Maintaining existing density standards for the sites in the Sites Inventory List.** As noted in Chapter 3 of the Housing Element, the City cannot adequately meet its RHNA allocation based on existing land use and zoning designations and therefore must rezone sites to satisfy RHNA. Additionally, the proposed housing overlay districts contain a number of sites that were identified in the previously adopted Housing Element that have not been developed. State law requires these sites to be rezoned at higher densities in order to place the sites on the Sites Inventory list. Based on such criteria, an alternative maintaining existing density standards for the sites included in the Sites Inventory List was rejected from further consideration because such a scenario does not satisfy Housing Element objectives.
- **Removal of one or more proposed overlay zoning districts.** An alternative eliminating one or more of the proposed zoning overlay districts was rejected from further consideration because such a scenario would result in a deficit of units required to satisfy RHNA at various income levels, as required by state law. If the City were to proceed with only the Small Lot Overlay and the Housing Opportunity Sites Overlay (removing the Office Conversion Overlay), the City would not be able to meet its Above Moderate Income RHNA. If the City were to proceed with only the Office Conversion Overlay and the Housing Opportunity Sites Overlay (removing the Small Lot Overlay), the City would not be able to meet its Moderate Income RHNA. If the City were to proceed with only the Office Conversion Overlay and the Small Lot Overlay, the City would not be able to meet its Lower Income RHNA.
- **Removal or modification of site locations.** Alternatives that considered removing and replacing privately owned parcels or "sites" was rejected from further consideration due to state law requirements and HCD site analysis guidelines that identify specific criteria required to allow sites to be listed in the Sites Inventory list. In addition, the City has evaluated the ability to construct low-income housing on City-owned sites and has deemed that there currently is not a suitable alternative location to the 1 Hamilton site based on analysis conducted to date, including a third-party analysis of sites indicating that a parcel at least 0.75 acres is required to finance the construction of a development that is fully affordable to lower income households; existing barriers to housing that exist on specific sites such as floodway designations, existing land lease agreements and easements; and Council direction in site evaluation, which include focusing on

sites at least 0.75 acres in size that can accommodate at least 40 units on site that can replace existing facilities, if any, on site and do not include sites that displace active recreation.

Based upon the above-referenced considerations, those alternatives that were rejected require no further analysis.

17.4 Alternatives Considered

As described in the Project Description, Section 4.0, the proposed project includes a "RHNA buffer" or margin of safety by identifying additional sites to generate additional units beyond the City's RHNA allocation. State guidance recommends that a jurisdiction's housing element sites inventory include a buffer of at least 15 percent beyond the City's RHNA allocation for the lower and moderate-income categories to ensure compliance with the State's "No Net Loss" requirements as the 8-year housing element cycle proceeds. Under the "No Net Loss Law," a jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times through the entire planning period. In addition, the jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. A jurisdiction may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA (HCD 2019). "No Net Loss" requires cities to demonstrate that capacity is available for affordable units throughout the 8-year planning period, including when a proposed development on a specific site would result in fewer units than were assumed to be possible on that site in the Housing Element Sites Inventory (Government Code Section 65863, "No Net Loss" requirements). For the City of Mill Valley, a 15 percent buffer requires capacity for 81 additional units above the City's RHNA allocation. The City's RHNA allocation for the lower and moderate income categories totals 539 units.

Outside of the No Project Alternative (Alternative 1), alternatives considered include scenarios that modify the number of units anticipated while continuing to comply with state law and project objectives. The following alternatives to the project were considered and are analyzed below:

1. Alternative 1. No Project (~~Continued Implementation of the City's 5th Cycle Housing Element Adopted in 2015, Resulting in~~ Residential Development Consistent with Existing General Plan Elements, Land Use and Zoning);

2. Alternative 2. Fewer Units and Housing Sites in the Sites Inventory (Utilizing Anticipated Density Range Identified in the Housing Element (Eliminates RHNA Buffer);
3. Alternative 3. Remove SB 9 Sites from Sites Inventory and Reduce Anticipated Density Range based on Modified Housing Policies and Programs (Reduced RHNA Buffer); and
4. Alternative 4. Decrease the Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduced Density while Maintaining Existing RHNA Buffer).

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

Alternative 1 No Project (~~Continued Implementation of the City's 5th Cycle Housing Element Adopted in 2015, Resulting in~~ Residential Development Consistent with Existing General Plan Elements, Land Use and Zoning)

CEQA Guidelines section 15126.6 (e) requires the "No Project" alternative be evaluated along with its impacts. The "No Project" alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Alternative Description

Under the No Project Alternative, the City would continue to implement the existing 2015-2023 Housing Element adopted in 2015. No changes would be made to the General Plan, Municipal Code, Land Use Map or Zoning Map. However, this alternative would result in a lack of compliance with state requirements for the 6th cycle, 2023-2031 Housing Element Update, including but not limited to identifying sufficient sites and implementing programs to satisfy the City's new RHNA target of 865 units for the 6th cycle Housing Element Update. The Housing Element Update goals, policies, and programs, as well as the Land Use Element and Title 20 (Zoning Code) would not be updated to address the City's housing needs under this alternative.

The No Project Alternative would result in the continuation of existing conditions and planned development of Mill Valley. As noted in Section 4.0, Project Description (see Table 4-2), existing land use designations and existing zoning would allow up to 602 residential units at the proposed housing sites. The No Project Alternative, therefore, represents a decrease of 554 units (from 1,156 units as proposed under the Housing Element Update), or an approximately 48 percentage decrease, from the proposed project. No new significant environmental impacts, or an increased severity of environmental impacts above and beyond those impacts identified in the general plan EIR, would occur under this alternative because it would retain the currently general plan land use designations and policy provisions addressing environmental impacts.

Alternative's Attainment of Project Objectives

This alternative does not satisfy the project objectives and only allows 602 residential units at a density and quantity that does not provide for adequate housing stock to accommodate the City's growing housing needs for a range of income levels and housing types that are suited to residents of varying lifestyle needs. The no project alternative does not meet the housing unit goals established by the City's RHNA for the 6th cycle as required by state law nor provide a reasonable residential unit "buffer" recommended and described above. The No Project Alternative therefore is not legally feasible as State law requires the City to plan for a minimum number of housing units (865) to satisfy its RHNA allocation for the 6th Housing Element cycle.

No Project -Residential Development Consistent with Existing General Plan (Housing Element) and Zoning Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

The "no project alternative" would not increase the height allowed by current zoning regulations. Redevelopment of the housing ~~opportunity~~ overlay sites could be greater in height than existing development of the sites under the proposed project, but would not be higher than allowed by the current zoning regulations under the proposed project. While development and redevelopment of the sites under the no project alternative would result in a visual impact, the impact would be less than significant, as the height and design would be in conformance with existing height regulations. Therefore, this alternative would result in reduced visual impacts than the proposed project.

Air Quality

The "no project alternative" would result in an approximate 48 percent reduction in air quality impacts as development and redevelopment at the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning.

Biological Resources

The "no project alternative" would still result in redevelopment of the housing sites, although the density would be less, and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The "no project alternative" would result in an approximate 48 percent reduction in energy impacts as construction and operation of new development at the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. Therefore, this alternative would result in fewer energy impacts than would the proposed project.

Greenhouse Gas Emissions

The "no project alternative" would result in an approximate 48 percent reduction in greenhouse gas emissions impacts as demolition of existing development and construction and operation of new development at the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

The "no project alternative" would result in an approximate 48 percent reduction in traffic, and therefore a reduction in traffic noise, as development and redevelopment of the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. Therefore, this alternative would result in fewer vehicular noise impacts than would the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new or physically altered fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new or physically altered police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's housing element, general plan and existing zoning, would be reduced and therefore, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for new or physically altered school facilities, the construction of which would cause significant adverse environmental impacts. Under the "no project alternative" the development potential of the proposed housing

sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. The "no project alternative" would reduce the development potential for the proposed housing sites consistent with the City's existing housing element, general plan, and zoning for each of the proposed housing sites. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

The "no project alternative" would result in an approximate 48 percent reduction in overall vehicle miles traveled as development and redevelopment of the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. The significant and unavoidable VMT impact as a result of the proposed project would be reduced, but would likely still be significant and unavoidable. However, this alternative would result in fewer total vehicle miles traveled compared to the proposed project.

Tribal Cultural Resources

The "no project alternative" would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar, potential impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this Draft SEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would even further reduce environmental impacts associated with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in environmental impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan. and zoning, would be reduced and therefore would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

The "no project alternative" would result in development and redevelopment of the proposed housing sites at a reduced size and scale of residential units as compared to the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under the "no project alternative" given the alternative would result in fewer residential units and fewer residents residing in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

Alternative 2 Fewer Units and Housing Sites in the Sites Inventory (Utilizing Anticipated Density Range Identified in the Housing Element (Eliminates RHNA Buffer)

Alternative Description

Alternative 2 works to identify only enough sites to accommodate the City's RHNA target by: 1) assuming the mid-range of units anticipated for sites, as explained in Appendix C of the Draft Housing Element Update and 2) reducing the number of housing units for the proposed project by 452 units based on the following:

- Office Conversion Housing Overlay: Remove housing sites that do not result in 5 or more new units on the sites inventory list (results in the removal of 8 sites and 136 units from the proposed project).
- Small Lot (1/2 acre or less) Housing Overlay: Remove housing sites that do not result in 5 or more new units as part of the sites inventory list (results in the removal of 13 sites and 143 units from the proposed project).
- SB 9 lot splits: Remove approximately 1/3 of the sites identified as part of the sites inventory list (results in the removal of 3 sites and 12 units from the proposed project).
- Opportunity Sites Housing Overlay: Remove the private parking lot across from Whole Foods on Miller Avenue, requiring the consolidation of four separate parcels to gain 15 units (results in the removal of 4 sites and 151 units from the proposed project).
- 1 Hamilton: a reduction of 10 units from the proposed project.

As illustrated in Table 17-1, Alternative 2 Development Scenario, this alternative would result in the elimination of 452 new units or 39 percent below the proposed project. Those sites removed from the sites inventory list would not have the relevant overlays applied to them.

Alternative's Attainment of Project Objectives

This alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. ~~However,~~ While this alternative would ~~not~~ meet the City's RHNA target of 865 residential units, it would ~~and would~~ not meet the project objective which sets a "buffer" of at least 15 percent above the RHNA allocation for the lower and moderate-income categories ~~target~~. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Table 17-1 Alternative 2 Development Scenario

Modified Sites Inventory Alternative 2	Very Low Income (30-50% AMI[1])	Low Income (50-80% AMI)	Moderate Income (81-120% AMI)	Above Moderate Income (Over 120% AMI)	Total
Sites Inventory (Units) for Alternative 2[3]	222	129	53	277	681
Vacant Single-Family Zoned Sites	0	0	0	88	88
Reduced Number of Projected SB 9 Lot Splits	0	0	0	24	24
City-owned site (1 Hamilton at 40 units)	20	20	0	0	40
Office Conversion (Net 5 or more, 5 sites total)	0	0	5	32	37
Underutilized/Small Lot: Commercial and Multi-Family Zoned Sites Under ½ acre (net 5 or more)	0	0	18	133	151
Opportunity Sites: Commercial Zoned Sites over ½ acre (reduced sites)	202	109	30	0	341
300 E. Blithedale (RS-6 to RM-P)[2]	-	-	-	-	8
Presidio Neighborhood (RM-3.5 to DR)[2]	-	-	-	-	15
Total Units Assumed for Alternative 2	~~270~~	~~181~~	~~110~~	~~325~~	704 (-452 units or 39 percent below proposed project)

SOURCE: City of Mill Valley 2022

NOTES:

1. AMI = Area Median Income
2. Sites Inventory total does not include 300 E. Blithedale or Presidio Neighborhood (calculated separately and unit totals do not change).
3. The "number of units" identified in this table is an estimate of the number of units built on those sites identified in the Housing Element sites inventory, under this alternative development scenario and as evaluated in the draft SEIR. For the purposes of satisfying RHNA, the total number of units identified in the Draft Housing Element is based on state housing law and HCD guidelines, which include: the sites inventory (based on average density ranges), accessory dwelling units and entitled projects. The number of units used for CEQA purposes is based on the sites inventory list, representing the maximum build-out of the sites at the highest densities to ensure that the City has analyzed potential environmental impacts adequately. The project and alternatives do not include unit totals associated with ADUs or entitled projects.

Alternative 2 Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

Alternative 2 would result in a 39 percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary, the proposed new maximum height could be reduced somewhat. The proposed project's less-than-significant visual impacts would be further reduced. Therefore, this alternative's aesthetic and light and glare impact would be somewhat less than the proposed project and would remain less than significant.

Air Quality

Alternative 2 would result in a 39 percent reduction in air quality impacts compared to the proposed project. Therefore, this alternative would result in fewer air quality impacts compared to the proposed project.

Biological Resources

Alternative 2 would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

Alternative 2 would result in a 39 percent reduction in energy impacts. Therefore, this alternative would result in fewer energy impacts compare to the proposed project.

Greenhouse Gas Emissions

Alternative 2 would result in a 39 percent reduction in greenhouse gas emissions impacts. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

Alternative 2 would result in a 39 percent reduction in transportation, and therefore a reduction in transportation noise. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under Alternative 2 the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, Alternative 2 would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. Alternative 2 would reduce the development potential for the proposed housing sites by 452 residential units. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

Alternative 2 would result in a 39 percent reduction in total transportation (VMT) as compared to the proposed project. The significant and unavoidable VMT impact as a result of the proposed project would be reduced, but would likely still be significant and unavoidable. Therefore, this alternative would result in fewer total vehicle miles traveled compared to the proposed project.

Tribal Cultural Resources

Alternative 2 would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this Draft SEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would even further reduce environmental impacts associated with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under Alternative 2, the

development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

Alternative 2 would result in redevelopment of fewer proposed housing sites as part of the designated housing overlays compared to the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under Alternative 2, given the alternative would result in fewer residential units and fewer residents being located in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

Alternative 3 Remove SB 9 Sites from Sites Inventory and Reduce Anticipated Density based on Modified Housing Policies and Programs (Reduced RHNA Buffer)

Alternative Description

~~The environmental analysis includes the identification of nine specific sites identified in the sites analysis that likely would result in a lot split in a single-family zoning district based on site conditions, essentially creating the opportunity for up to four units on the two newly created parcels. However, it is important to note that such lot splits may currently occur throughout the City in single-family zoned areas based on state law. As illustrated in Table 17-2, Alternative 3 Development Scenario, Alternative 3 modifies the sites analysis contained in the sites inventory and eliminates the specific sites that are assumed to have Senate Bill (SB) 9 lot splits (eight sites in total), thereby reducing the number of units by a total of 378 units. This alternative represents approximately a 33 percent reduction and eliminates the RHNA buffer to accommodate the City's above-moderate RHNA allocation. With the removal of the 378 units associated with the SB 9 lot split assumption, the City would rely solely on vacant single-family sites to satisfy its above-moderate RHNA allocation and assume that the one remaining above-moderate unit be satisfied based on the other additional sites identified as part of the RHNA buffer for low and moderate income, and as allowed under state law.~~

Under Alternative 3, the City would adopt Housing Element policies and programs that would likely result in less residential development projects or lower density projects. As illustrated in Table 17-2, Alternative 3 Development Scenario, Alternative 3 results in the following modifications to the sites analysis and inventory for the project:

- SB 9 lot splits: eliminates the eight specific sites that are assumed to have Senate Bill (SB) 9 lot splits (36 total units).

- Office Conversion Housing Overlay: Reduces the anticipated units based on the Housing Element sites analysis assumption (65 total units).
- Small Lot (1/2 acre or less) Housing Overlay: Assumes number of units based on an anticipated density of 28 units/acre (258 total units).
- Opportunity Sites Housing Overlay: Assumes number of units based on an anticipated density of 28 units/acre (206 total units).
- 1 Hamilton: a reduction of 10 units from the proposed project (40 total units).

This alternative would reduce the proposed project by 378 units by eliminating the SB 9 lot splits (eight sites), approving ten less units as part of the 1 Hamilton development proposal and modifying the proposed housing policies with respect to the Housing Overlay Districts (Housing Program 20) to reduce or eliminate the development incentives (e.g. increased height limit and reduced parking standards) as part of the proposed rezoning. The actions and modifications proposed in Alternative 3 would foreseeably result in lower density development than the proposed project. Alternative 3 represents approximately a 33 percent reduction and reduces the RHNA buffer.

Alternative's Attainment of Project Objectives

Like with Alternative 2, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. While this alternative would ~~not~~ meet the City's RHNA target of 865 residential units ~~and would~~ the alternative would not meet the project objective which sets a "buffer" of at least 15 percent ~~above the RHNA target~~ beyond the City's RHNA allocation for the lower and moderate-income categories. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Reduced Buffer Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

The Reduced Buffer Alternative would result in a 33 percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary across the remaining sites, potential height increases at the one site or more eliminated from the housing site list would be governed by existing zoning requirements, which are generally lower than

proposed height increases associated with the Housing Element Update. Additionally, the less-than-significant visual impacts as a result of the proposed project would be further reduced. Therefore, this alternative's aesthetic and light and glare impact would be somewhat less than the proposed project and remain less than significant.

Table 17-2 Alternative 3 Development Scenario

Modified Sites Inventory Alternative ~~2~~3[3]	Very Low Income (30-50% AMI)	Low Income (50-80% AMI)	Moderate Income (81-120% AMI)	Above Moderate Income (Over 120% AMI)	Total
Sites Inventory for Alternative 3	~~237~~ ~~245~~	~~138~~129	96	~~276~~293	755
Vacant Single-Family Zoned Sites	0	0	0	88	88
Projected SB 9 Lot Splits (eliminated)	0	0	0	0	0
City-owned site (1 Hamilton at 40 units)	20	20	0	0	40
Office Conversion (adaptive reuse)	0	0	10	55	65
Underutilized/Small Lot: Commercial and Multi-Family Zoned Sites Under ½ acre (at 28 units/acre)	~~80~~	~~90~~	56	~~133~~ 150	206
Opportunity Sites: Commercial Zoned Sites over ½ acre (at 28 units/acre)	217	109	30	0	356
300 E. Blithedale (RS-6 to RM-P)[2]	-	-	-	-	8
Presidio Neighborhood (RM-3.5 to DR)[2]	-	-	-	-	15
Total Units Assumed for Alternative 3	~~270~~	~~181~~	~~110~~	~~325~~	778 (-378 units or 33 percent below proposed project)

SOURCE: City of Mill Valley 2022
NOTES:
1. AMI = Area Median Income
2. Sites Inventory total does not include 300 E. Blithedale or Presidio Neighborhood (calculated separately and unit totals do not change).

3. The "number of units" identified in this table is an estimate of the number of units built on those sites identified in the Housing Element sites inventory, under this alternative development scenario and as evaluated in the draft SEIR. For the purposes of satisfying RHNA, the total number of units identified in the Draft Housing Element is based on state housing law and HCD guidelines, which include: the sites inventory (based on average density ranges), accessory dwelling units and entitled projects. The number of units used for CEQA purposes is based on the sites inventory list, representing the maximum build-out of the sites at the highest densities to ensure that the City has analyzed potential environmental impacts adequately. The project and alternatives do not include unit totals associated with ADUs or entitled projects.

Air Quality

The Reduced Buffer Alternative would result in a 33 percent reduction in air quality impacts compared to the proposed project. Therefore, the significant but mitigatable air quality impacts as a result of the proposed project would be further reduced and this alternative would result in 33 percent fewer air quality impacts compared to the proposed project.

Biological Resources

The Reduced Buffer Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The Reduced Buffer Alternative would result in a 33 percent reduction in energy impacts. Therefore, this alternative would result in in 33 percent fewer energy impacts compared to the proposed project.

Greenhouse Gas Emissions

The Reduced Buffer Alternative would result in a 33 percent reduction in greenhouse gas emissions impacts. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

The Reduced Buffer Alternative would result in a 33 percent reduction in transportation noise impacts. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under the Reduced Buffer

alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent and therefore would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. The Reduced Buffer alternative would reduce the development potential for the proposed housing sites by 33 percent. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

The Reduced Buffer Alternative would result in a 33 percent reduction in transportation (VMT) impacts as compared to the proposed project. Therefore, this alternative would result in 33 percent fewer vehicle miles traveled compared to the proposed project but would remain significant and unavoidable.

Tribal Cultural Resources

The Reduced Buffer Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this DSEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would even further reduce environmental impacts associated with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in environmental impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

The Reduced Buffer alternative would result in development and redevelopment of the proposed housing sites at a reduced size and scale of residential units equating to 33 percent below the development capacity of the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under the Reduced Buffer alternative given the alternative would result in fewer residential units and fewer residents being located in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

Alternative 4 Reduced Density Alternative, Decreasing Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduces Maximum Build Out while Maintaining RHNA Buffer)

Alternative Description

Alternative 4, the "Reduced Density" Alternative, as illustrated in Table 17-3, Alternative 4 Development Scenario, proposes to modify the maximum allowable density standard for the three proposed housing overlay zoning districts from 40 units/acre to 35 units/acre, resulting in a reduction of 98 total units. This alternative represents approximately a nine percent reduction in total units from the proposed project.

Table 17-3 Alternative 4 Development Scenario

Modified Sites Inventory Alternative ~~2~~4[3]	Very Low Income (30-50% AMI)	Low Income (50-80% AMI)	Moderate Income (81-120% AMI)	Above Moderate Income (Over 120% AMI)	Total
Sites Inventory for Alternative 4	249	249	264	273	1,035
Vacant Single-Family Zoned Sites	0	0	0	88	88
Projected SB 9 Lot Splits	0	0	0	36	36
City-owned site (1 Hamilton)	25	25	0	0	50
Office Conversion (adaptive reuse)	0	0	6	149	155
Underutilized/Small Lot: Commercial and Multi-Family Zoned Sites Under ½ acre	0	0	258	0	258

Modified Sites Inventory Alternative ~~2~~4[3]	Very Low Income (30-50% AMI)	Low Income (50-80% AMI)	Moderate Income (81-120% AMI)	Above Moderate Income (Over 120% AMI)	Total
Opportunity Sites: Commercial Zoned Sites over ½ acre	224	224	0	0	448
300 E. Blithedale (RS-6 to RM-P)[2]	-	-	-	-	8
Presidio Neighborhood (RM-3.5 to DR)[2]	-	-	-	-	15
Total Units Assumed for Alternative 4	~~249~~	~~249~~	~~264~~	~~273~~	1,058 (-98 units or 9 percent below proposed project)

SOURCE: City of Mill Valley 2022

NOTE:

1. AMI = Area Median Income
2. Sites Inventory total does not include 300 E. Blithedale or Presidio Neighborhood (calculated separately and unit totals do not change).
3. The "number of units" identified in this table is an estimate of the number of units built on those sites identified in the Housing Element sites inventory, under this alternative development scenario and as evaluated in the draft SEIR. For the purposes of satisfying RHNA, the total number of units identified in the Draft Housing Element is based on state housing law and HCD guidelines, which include: the sites inventory (based on average density ranges), accessory dwelling units and entitled projects. The number of units used for CEQA purposes is based on the sites inventory list, representing the maximum build-out of the sites at the highest densities to ensure that the City has analyzed potential environmental impacts adequately. The project and alternatives do not include unit totals associated with ADUs or entitled projects.

Alternative's Attainment of Project Objectives

This alternative meets all project objectives as it would allow the City to provide adequate housing stock to accommodate the City's housing needs for a range of income levels, including low and moderate-income households; meet the housing unit goals as set by the City's RHNA target of 865 residential units. To satisfy state law and HCD sites inventory guidance, the Draft Housing Element sites analysis utilizes a midpoint of 22-25 units per acre to quantify the number of units sites anticipated as part of the sites inventory. As such, this alternative reduces maximum density standards while also maintaining the proposed project's RHNA buffer of at least 15 percent for low and moderate RHNA income categories, as noted in state law and guidance. ~~Alternative 4 also provides a 22 percent resident buffer, which meets HCD's recommended minimum for cities to provide at least 15 percent buffer.~~ However, this alternative does also reduce potential opportunities for housing units that are gained through increased density and will require the development of more sites to satisfy RHNA requirements.

Reduced Density Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

The Reduced Density Alternative would result in a nine percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary across the remaining sites, potential height increases at the one site or more eliminated from the housing site list would be governed by existing zoning requirements, which are generally lower than proposed height increases associated with the Housing Element Update. Additionally, the less-than-significant visual impacts as a result of the proposed project would be further reduced. Therefore, this alternative's aesthetic and light and glare impact would be somewhat less than the proposed project and remain less than significant.

Air Quality

The Reduced Density Alternative would result in a nine percent reduction in air quality impacts compared to the proposed project. Therefore, the significant but mitigatable air quality impacts as a result of the proposed project would be further reduced and this alternative would result in nine percent fewer air quality impacts compared to the proposed project.

Biological Resources

The Reduced Density Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The Reduced Density Alternative would result in a nine percent reduction in energy impacts. Therefore, this alternative would result in in nine percent fewer energy impacts compared to the proposed project.

Greenhouse Gas Emissions

The Reduced Density Alternative would result in a nine percent reduction in greenhouse gas emissions impacts. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

The Reduced Density Alternative would result in a nine percent reduction in transportation, and therefore a reduction in transportation noise. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent and therefore would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. The Reduced Density alternative would reduce the development potential for the proposed housing sites by nine percent. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

The Reduced Density Alternative would result in a nine percent reduction in total transportation (VMT) impacts as compared to the proposed project. The significant and unavoidable VMT impact as a result of the proposed project would be reduced, but would likely still be significant and unavoidable. Therefore, this alternative would result in fewer total vehicle miles traveled compared to the proposed project.

Tribal Cultural Resources

The Reduced Density Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this DSEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would even further reduce environmental impacts associated with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in environmental impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under the Reduced

Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

The Reduced Density alternative would result in development and redevelopment of the proposed housing sites at a reduced size and scale of residential units equating to nine percent below the development capacity of the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under the Reduced Density alternative given the alternative would result in fewer residential units and fewer residents being located in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

17.5 Comparison of Alternatives

The alternatives are summarized and compared in a matrix format in Table 17-4, Comparison of Project Alternatives to the Proposed Project.

Table 17-4 Comparison of Level of Environmental Impacts (Proposed Project and Project Alternatives) ~~to the Proposed Project~~

Environmental Impact	Proposed Project ~~Level of Impact~~	Alternative #1 No Project	Alternative #2 Fewer Units and Housing Sites in the Sites Inventory (No RHNA Buffer)	Alternative #3 Remove SB 9 Sites and Modify Anticipated Densities ~~from Sites Inventory~~ (Reduced RHNA Buffer)	Alternative #4 Reduced Density ~~Alternative~~ (Maintain RHNA Buffer)
Aesthetics, Light & Glare					
Impact 5-1. The Proposed Project Would Have an Effect on Scenic Resources	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-2. Height Increases Associated with Proposed Zoning at the Housing Sites Would Substantially Alter the Allowed Height, Which Could Affect Visual Character or the Scenic Quality of Public Views	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-3. The Proposed Project Would Introduce New Sources of Light and Glare at Housing Sites	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Air Quality					
Impact 6-1. The Proposed Project may be Inconsistent with the 2017 Clean Air Plan	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 6-2. Increase in Operational Criteria Air Pollutant Emissions Resulting from an Increase in Vehicle Miles Traveled Will Degrade Air Quality	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project ~~Level of Impact~~	Alternative #1 No Project	Alternative #2 Fewer Units and Housing Sites in the Sites Inventory (No RHNA Buffer)	Alternative #3 Remove SB 9 Sites and Modify Anticipated Densities ~~from Sites Inventory~~ (Reduced RHNA Buffer)	Alternative #4 Reduced Density ~~Alternative~~ (Maintain RHNA Buffer)
Impact 6-3. Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Biological Resources					
Impact 7-1. Loss of Special-Status Plant Species or Their Habitats	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-2. Loss of Special-Status Wildlife Species or Their Habitats	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-3. Disturbance or Fill of Protected Wetlands and Sensitive Natural Communities	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-4. Disturbance or Removal of Protected Trees	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-5. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Energy					
Impact 8-1. Unnecessary, Wasteful, or Inefficient Use of Energy Resources	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Greenhouse Gas Emissions					
Impact 9-1. Generate Greenhouse Gas Emissions	SU	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project

Environmental Impact	Proposed Project ~~Level of Impact~~	Alternative #1 No Project	Alternative #2 Fewer Units and Housing Sites in the Sites Inventory (No RHNA Buffer)	Alternative #3 Remove SB 9 Sites and Modify Anticipated Densities ~~from Sites Inventory~~ (Reduced RHNA Buffer)	Alternative #4 Reduced Density ~~Alternative~~ (Maintain RHNA Buffer)
Noise					
Impact 10-1. Traffic Would Result in a Less-than-Perceptible Increase in Ambient Noise Levels	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 10-2. Construction Activities Would Result in a Temporary Noise Increase	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 10-3. Groundborne Vibration Intensity from Construction and Operation Activities Associated with the Proposed Project May Be Perceptible at Sensitive Receptors	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 10-4. Aircraft Noise From Nearby Private Airstrips or Public Use Airports	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Public Services					
Impact 11-1. Increased Demand for Police Protection Would Not Result in Significant, Adverse Physical Impacts	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 11-2. Project Would Increase Population Thereby Increasing Demand on Parks and Recreational Facilities	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project ~~Level of Impact~~	Alternative #1 No Project	Alternative #2 Fewer Units and Housing Sites in the Sites Inventory (No RHNA Buffer)	Alternative #3 Remove SB 9 Sites and Modify Anticipated Densities ~~from Sites Inventory~~ (Reduced RHNA Buffer)	Alternative #4 Reduced Density ~~Alternative~~ (Maintain RHNA Buffer)
Transportation					
Impact 12-1. Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident	SU	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project
Tribal Cultural Resources					
Impact 13-1. Potential Adverse Impact to Tribal Cultural Resources	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Utilities					
Impact 14-1. Increased Water Demand of Approximately 332,000 Gallons per Day	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 14-2. Increase Wastewater Generation and Require Relocation or Construction of New or Expanded Wastewater Facilities	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 14-3. New Development May Require Relocation or Construction of New or Expanded Natural Gas and Electric Facilities	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Wildfire					
Impact 15-1. The Proposed Project Would Result in Traffic Activity That Has the Potential to Impair an Adopted Emergency Response	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project

Environmental Impact	Proposed Project ~~Level of Impact~~	Alternative #1 No Project	Alternative #2 Fewer Units and Housing Sites in the Sites Inventory (No RHNA Buffer)	Alternative #3 Remove SB 9 Sites and Modify Anticipated Densities ~~from Sites Inventory~~ (Reduced RHNA Buffer)	Alternative #4 Reduced Density ~~Alternative~~ (Maintain RHNA Buffer)
Plan or Emergency Evacuation Plan					
Impact 15-2. Due to Slope, Prevailing Winds, and Other Factors, the Proposed Project Could Exacerbate Wildfire Risks, and Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 15-3. Expose People or Structures to Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 15-4. Expose People or Structures to Significant Risks Associated with Wildland Fires	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Environmental Superiority		1	2	3	4
Project Objectives	Met	Partially Met	Partially Met	Partially Met	Met

SOURCE: EMC Planning Group 2022
NOTE: LTS – Less Than Significant; LTSM – Less-Than-Significant with Mitigation; SU – Significant and Unavoidable

17.6 Environmentally Superior Alternative

The no project alternative (Alternative 1) is the environmentally superior alternative as this alternative would result in a decrease of 554 units (from 1,156 units as proposed under the Housing Element Update), or an approximately 48 percentage decrease, from the proposed project. It would significantly reduce the proposed project's environmental impacts associated with aesthetics, light and glare, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, the "no project" alternative only partially meets the City's objectives, as it meets only 70 percent of the City's RHNA, and would not meet the State requirement for the 6th Cycle Housing Element.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 2, Fewer Housing Sites in the Sites Inventory (Eliminating the RHNA Buffer), is considered to be the next environmentally superior alternative. This alternative would result in reduced impacts associated with aesthetics, light and glare, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, this alternative only partially meets the project objectives and would result in a decrease of 452 residential units (a 33 percent reduction).

Alternative 3, ~~Remove SB 9~~ the Reduced RHNA Buffer Alternative ~~Sites from Sites Inventory~~, is considered the next environmentally superior alternative after Alternatives 1 and 2. Under Alternative 3, many of the project's environmental impacts would be reduced given that 378 units would be eliminated. Environmental impacts reduced under Alternative 3 include those impacts associated with aesthetics, light and glare, air quality, energy, greenhouse gas emissions, noise, public services, utilities, transportation, and wildfire. However, these impacts would not be reduced to the degree that Alternatives 1 and 2 would reduce impacts given the scale of potential development being reduced (48 percent reduction of units for Alternative 1, 39 percent reduction of units for Alternative 2 and 33 percent reduction of units for Alternative 3). Alternative 3 also only partially meets the project objectives.

Alternative 4, the Reduced Density Alternative, Decreasing Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduces Maximum Build Out while Maintaining RHNA Buffer), is considered the least environmentally superior alternative. Alternative 4 proposes to modify the maximum allowable density standard for the three proposed housing overlay zoning districts from 40 units/acre to 35 units/acre, resulting in a reduction of 98 total units. This alternative represents approximately a nine percent reduction in total units and therefore, would reduce the project's impacts but far less than Alternatives 1, 2, and 3. However, Alternative 4

does meet all project objectives as it would provide adequate housing stock to accommodate ~~the City's housing needs for a range of income levels, including low and moderate-income households and meet the housing unit goals as set by~~ the City's RHNA target of 865 units at a range of incomes while also satisfying ~~combined with providing a 22 percent resident buffer which meets~~ HCD's recommended ~~minimum of 15 percent~~ buffer of at least 15 percent above the RHNA allocation for the lower and moderate-income categories.