



MARIN COUNTY GROUP

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scmaringroup@gmail.com

September 21, 2020

Marin County Board of Supervisors
Marin County Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903

RE: Village Baptist Church Zoning Compliance Report on Housing Development
Proposal for 825 Drake Avenue, Marin City

Dear Board of Supervisors and Planning Commission:

On behalf of the more than 5,600 Sierra Club members in Marin County, we submit this letter to express our opposition to the AMG & Associates plan to develop a 74-unit apartment building at 825 Drake Avenue in Marin City. We ask that both the Planning Commission and the Board of Supervisors deny this project because the design has significant public health and safety impacts.

Marin City is a community of mostly renters living in an unincorporated community, redlined after World War II. Their 1980 Marin City Community Plan and its accompanying EIR recognized both environmental constraints and hazards incumbent with growth, but also recognized that development and an increased population had merit. However, given the significant site constraints, objections to this project are not a classic case of NIMBY-ism.

AMG & Associates is taking advantage of recent laws passed in Sacramento to increase affordable housing density near transit hubs and asking for every possible exception to make the Proposed Apartment as cost beneficial as possible not only for construction purposes, but also for maximizing profit of rental income whether they retain control or sell it to a third party. Marin's "Affordable Housing" standards do not reflect the community's standard income level. This project will result in further gentrification of this historically Black community.

*"Not all developments proposed in unincorporated Marin will qualify for streamlined ODDS reviews. For instance, the new standards would not apply to projects that would have to undergo California Environmental Quality Act (CEQA), are located in very high fire severity zones, or would result in **significant public health and safety impacts.**" [Insuring Good Design of Multifamily Housing](#)*



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Arguments favoring denial of Project using Objective Design and Development Standards (ODDS)

Infrastructure Insufficiency Impacting Public Safety: Flooding, Subsidence, Sea Level Rise and Single Road in and Out of Marin City

Flooding:

Marin City Community Plan, 1980, Constraints* Page 17: “Flooding. The potential for flooding is the major constraint to development of both hillsides and the low-lying area of Marin City...The existing storm drains are designed to carry water from a 25-year flood. Accumulation of debris and sediment at storm drain inlets has greatly aggravated this flooding hazard, causing large overflows even during moderately sized storms...Accordingly any activity (vegetation removal, grading or the placement of an impervious surface) that increased the amount of sediment or peak flows can aggravate flooding problems in the vicinity of Drake Avenue and its offshoot streets.” **(Note: Constraints in the 1980 M CCP and more recent M CCP 1992 have remained unchanged and are the same in both documents)*

Marin Community Plan Amendment #2, 1992, 3.3 Geology and Soils, page 2: “The flat bowl area is underlain by soft Bay mud of varying depths (from 3 to 80 feet) and generally substandard fill. Any development here will be subject to subsidence, differential settlement, strong earthquake shaking, and associated hazards (e.g. lateral displacement).”

Marin County Community Plan Amendment #2, 1992, 3.4 Hydrology and Water Quality, page 3: “Continually clogged storm drains result in flooding hazards to existing residences along the lower hillsides (i.e. Drake Avenue and its offshoot streets). Accordingly, any increase in sediment or peak flows from the ridglands above will aggravate downslope problems. The existing pond reduces flooding frequency in the area west of Donahue Street (Tam site).”

Marin Drainage Study, Draft, 2017, page 85: “Based on the Drainage Study, the existing drainage system and detention basin do not meet current design level-of-service. As noted in the Drainage Study, flooding is often affected by the tides. Therefore, the Marin City drainage system level-of-service will continue to decline as the sea level increases.” **See: Exhibit 1**

BayWave, Unincorporated Community Profile, page 296: “Several key roads, including Shoreline Highway from the Manzanita Park and Ride to Tam Junction, US Highway 101 in Marin City, Waldo Point Harbor. . . already weather seasonal storm flooding.”



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BayWave, Page 312, “Marin City could experience impacts to overland flooding from sea level rise on Highway 101, Donohue Street, and Drake Avenue at the off ramp from 101 south extending into the community. When these roads flood from stormwater and high tides seasonally, it can create extensive traffic backups along 101, and eliminates all vehicular access to and from Marin City. In addition, US Highway 101 already suffers from subsidence. This is evident by two large bumps from the sanitary sewerage pipes crossing underneath. According to Sanitary District engineers, the highway is sinking around the pipes. Disruption in this system could also greatly impact essential transit service.”

San Francisco Chronicle, Race Against Time (Source), “The most recent set of scientific estimates for the bay was released last year by the California Ocean Protection Council. Its “probabilistic projections” for 2050 are relatively modest, with the “likely” level of increase in the 1-foot range. By 2100, though, the “likely” projection puts sea level rise within the bay at around 40 inches, while the upper-level forecast is more than 80 inches - nearly 7 feet.”

Insufficient Infrastructure for Sewage, Electricity, Gas:

Baywave: UTILITIES Asset Profile, Page 93: “Because of its low lying nature, development on bay mud and population density, southern Marin communities are most vulnerable to wastewater treatment issues. The most vulnerable are those dependent on the Sewerage Agency of Southern Marin (SASM) treatment plant” and “If pump stations fail, sewage could back up and out of manholes and into streets, parks or yards where they exist. If the area is also flooded, harmful sewerage could spread widely throughout the flooded area creating significant public health risks.” Eyewitnesses in Marin City have already seen sewage water spurting out of manhole covers during periods of high tides and flooding. With Sea Level Rise, these hazards will increase in frequency.

Baywave: UTILITIES Asset Profile, Page 104: “Storm drains, culverts, pipes, storm sewers, outfalls and pump stations are also a critical utility aligned with or under the road. Sediment build-up and sea water level rise can block gravity flow through stormwater drainage paths that travel under the roads. This is especially common in areas with lagoons or other retention areas such as **Marin City**, Mill Valley, Corte Madera, San Rafael, and Santa Venetia.”

Escape Route during Emergencies: With only one road in and out of Marin City, in an emergency, egress and entrance for residents and emergency vehicles is blocked to Highway 101, which has happened during heavy storms: December 3, 2014, (KPIX TV) 3 lanes blocked southbound 101 at Marin City with 2 hour delays and cars backed up to Highway 37. In early February 7, 2017 with 6.4 foot tide at 8:11 am, a widespread, heavy storm closed schools, blocked busses and emergency services as traffic backed



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up for miles on southbound Highway 101 after water crossed the freeway at the Marin City exit. Up to 6" rains over a 24 hour period created havoc throughout the County. (Sources: [CBS](#), [KQED](#) & [Marin I.J.](#))

As well as winter storms, high tides and flooding, Marin City is primarily surrounded by designated high and very high fire hazard open space. In a firestorm, evacuation will be problematic due to the single exit and that many residents do not have cars. During the recent (Aug. 18, 2020) dry lightning storm, when 7,000 lightning strikes hit the coast and inland Bay Area, it was fortunate that this area was not hit. ([Source](#)) **See: Exhibit 2**

Traffic Bottleneck as School Hazard: With only one road in and out of Marin City, children in Marin City going to Willow Creek School and travelling by bus can find their way blocked by flooding or other traffic impacts. With the unification of Willow Creek Academy and Bayside Martin Luther King Academy, kids from both Marin City and Sausalito will be making the trek through the underpass to get to and from school. In addition, at Drake and Donohue, high water during flooding by high tides and/or storms can cause surcharge waters from the sewers which presents a hazardous health condition. Cars cannot drive through it. No one should walk through it. Sea level rise will exacerbate this situation going forward. Adding more kids and more people to Marin City without addressing these infrastructure failures is putting even more people in harm's way.

Inadequate Public Services (Retail, Professional Services, Transportation):

Retail: Marin City Community-Based Transportation Plan, March 2015, Pages 41 & 42, "The team found that Marin City is a food desert....The neighborhood has no access to affordable, healthy food and is instead dominated by stores with packaged, unhealthy foods." Clothing and household essentials can be purchased at Target, Ross, and West Marine. The latter caters to higher economic levels.

Professional Services: Marin City Health & Wellness Center provides services for low income residents. Founded in 2006 by a grassroots effort for Low Income residents in Marin City, the Center offers medical, dental, mental health and specialty healthcare services.

([Source](#))

- Bus Route 36 connects Marin City Health and Wellness Center to the Marin Community Clinic in the Canal via a 45 minute ride, or longer if traffic and/or flooding causes delays.
- There are no other medical services, except for prescription fill/refill at CVS in Gateway Plaza.

Transportation: Marin City Community Based Transportation Plan, March 2015, 3.2.3
MARIN COUNTY HUMAN DEVELOPMENT REPORT (2012), pages 43-44:



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- “Marin City has one of the **highest concentrations of local weekday ridership activity** (in terms of riders per capita) in the county. In turn, Marin City has one of the highest propensities to use transit.”
- “There is tremendous opportunity to improve air quality and reduce time spent in traffic through **better public transport and carpool options.**”
- While neighborhood local bus service tends to be good, connections “in Marin City between local and regional routes were identified as an **unfunded need**. In addition, the continuation of Route 222 beyond a two-year federal lifeline grant (which expired in 2013) was identified as an **unfunded service need**. This route provided service between Marin City and Marin County Hospital.”
- With the loss of Route 222, direct bus to Marin Heath Medical Center takes a minimum 35 minutes, but the return may be 56 minutes or more. Other possibilities include a 55 minute or longer ride to get to the hospital that includes **a transfer. All this is dependent on traffic/or flooding that may cause delays.**
- **Many of the low income Marin City residents do not** have a car and have to rely on the bus service, which only runs every thirty minutes or hourly. This is not conducive to attracting increased ridership and should not be used as a criteria for giving density bonuses to this proposed high density housing project with limited parking onsite. For example, in San Francisco, “Most bus lines are scheduled to operate every five to fifteen minutes during peak hours, every five to twenty minutes middays, about every ten to twenty minutes from 9 pm to midnight, and roughly every half-hour for the late night "owl" routes. On weekends, most Muni bus lines are scheduled to run every ten to twenty minutes.”([Source](#)) The East Bay has AC Transit serving the public with frequent schedules, coordination with BART, and multiple routes. This does **not** provide the level of service for ridership in Marin City **or** Marin County to make public transit a viable option. Sierra Club members have tried to use it and have given up as being too cumbersome, time-consuming and inadequate to get anywhere or back again if events ran late. Regional busses do not run often enough such that if you miss one, you are waiting another 30 minutes to an hour for the next one.

Marin City is already housing dense and underserved and now faces four additional housing developments under consideration:

An EIR needs to be done in order to look at the *cumulative impacts* on this area covering these four housing developments as if they are one project. The AMG & Associates development is getting state density bonuses and parking decreases due to nearness to transit without any consideration given to other underlying, serious and hazardous factors. An EIR would address current and future needs, challenges to any development due to inadequate infrastructure, sea level rise, climate change and Covid-19, and to prepare and present the environmentally superior alternative.

- Single family parcels are *significantly* outweighed by parcels developed for multifamily occupancy (apartments, apartment complexes, condos, townhouses,



duplexes, triplexes). Most residents are renters, while most single family and condos are owner occupied.

- According to the 2010 United States Census Bureau, Marin City has an area of 0.537 square miles, including the commercial shopping center (built on bay mud) and its retention pond, with a population of **2,666**. The population density was **4,967 people per square mile**. Population growth from the years 2010 to 2018 for Marin City estimates give an increase of 507 (19%), and a 2018 population of **3,171** an increase of 505 people, for a population density of **5,912 people per square mile**. ([Source](#))
- **825 Drake Avenue’s 74 unit, 5 story apartment building will have a mix of 1, 2 and 3 units** that could add an additional **132 to 264** residents based on one or two individuals per bedroom. However, this is not the only housing development under consideration by County Planning for Marin City. This is where the cumulative effects of multiple new residences needs to be factored in.

A simple way is to count only apartment units, ignoring the number of bedrooms in the four plans currently under review at Marin County Planning: 825 Drake (**74**), Golden Gate Village (**150+**), Marin City Health (**24**) and Donahue Highlands (**18 + 5 ADU**).

With one resident/ unit: 825 Drake, Golden Gate Village, Marin Heath, and Donahue Highlands add up to a population increase of **271**. With two residents/unit, the population numbers would rise by **542** new residents, increasing the total population to **3,713** and a **population density of 6,914** persons/square mile. Three residents/unit would add **813** new residents, increasing the total population to 3,984 and a **population density of 7,418** persons/square mile.

Keeping in mind that each development plans a variety of units ranging from a few studio apartments to one bedroom, 2 bedroom to 3 bedroom apartments, we are looking at a population **cumulative effect increase from 542 to 813** new residents in an already extremely dense area. It is unlikely that apartments will be under occupied, so the highest population density in Marin County will be in an underserved, essentially a box canyon that has only a single exit and is flood prone.

Health and Safety Issues with the 825 Drake proposed Apartment Building as planned and in a Covid/post Covid Environment

Assessment of projected number of residents: one or two persons / bedroom (BDRM)

Floor	1- BDRM	2- BDRM	3- BDRM	Total Units	1 / BDRM or 2 / BDRM



1	2	4	0	6	10 / 20
2	6	9	2	17	30 / 60
3	6	9	2	17	30 / 60
4	5	10	2	17	31 / 62
5	5	10	2	17	31 / 62
Total s	24	42	8	74	132 / 264 residents

The proposed 5-story building has 4 to 5 foot wide interior hallways and three, 3-foot wide staircases, plus an elevator for both general and ADA use for its up to 264 residents. Some may use a wheelchair, crutches, walkers or canes and others may carry children or other items, push a bicycle or scooter or move swiftly through a central hallway on a daily basis. This makes it hard to maintain social distancing during Covid-19 and future pandemics.

- Only the first floor is fully ADA compliant with both a ramp and stairs to upper floors. Drake Avenue Residents on the upper four floors would need to use of one of three staircases
- In multi-story buildings with elevators, users are warned to use the stairs if the power goes out. This presents a safety hazard, even with four exits.
- A storm induced or planned emergency power outage would have the same effect on elevator functioning. Without provision for solar collection and battery backup, installation and/or use of a generator inside or outside the building to power the elevator would increase fire danger along with inhalation of noxious fumes into the building and surrounding environment, not only affecting residents but neighbors, especially those with respiratory issues. Many generators were used during PG&E's last planned power outage.

Natural airflow inside each apartment will be limited because the applicant has applied for a waiver to *decrease* the window size making bedroom windows narrow. Balconies and/or patios were not included as they would be too costly. However, such outside access amenities are basic to other single family, apartment, condo, and townhouse complexes throughout Marin City.

- It's not clear if this building will be air conditioned or what the heating source is, or if electricity and/or gas usage is renter or management responsibility. Regardless, not having good airflow increases energy usage, increasing GHG.
- Drake Avenue/south facing apartments will be sunlit most of the day. Conversely, parking lot/north facing apartments will not benefit from natural warming by sunlight



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during the day, which violates Marin County Building Standard: DG-34.C: “Whenever practical, design to allow sunshine on 20 percent of the day on the Equinoxes.”

- Opening windows allows for fresh air to enter any time of year and for residents to take advantage of evening cooling during warm months, especially for those on the south side. No matter apartment size, aeration is critical to freshen-up stale air, remove odors, and to avoid mold and mildew as the years pass. It is not clear whether the proposed window size decrease will allow for efficient or even adequate ventilation.

In contrast, the 198-unit Summit at Sausalito Apartments is divided into nine 22-unit, 3-story apartment buildings at the terminus of Donahue. This complex also has shared interior hallways, but each unit has a private balcony or patio, as well as general usage outdoor heated pool and spa, clubhouse, fitness center, BBQ and picnic area. ([Source](#)) All other residences in Marin City, whether owned or rented, single family, townhouse or apartment have an outside entrance and a deck, patio or balcony as well as outdoor spaces to gather in. Golden Gate Village was designed with these amenities in mind.

Marin’s Multifamily Residential Design Guidelines help developers and citizens alike to create a better design. ([Source](#))

AMG & Associates looked for Development Incentives to maximize profits. Marin County Planning should demand more for these future residents. We identified the following items they have omitted that would create housing according to Marin County Design Guidelines, *and other housing currently found in Marin City*. Specifically:

2.2 Proportion, Scale, and Arrangement. “The complexion of a place varies with proportion, scale, and arrangement. Proportion is the internal relation of parts while scale is the relation of size to the size of other objects or elements: a street or park, the vast sky, the surrounding landscape, or the observer herself. ...In any setting, buildings should be comprised of elements that relate well compositionally, and have features and detailing comparable to a person’s size to provide a sense of human scale.” The AMG & Associates plan is for a big 5-story structure with no human scale design features and which will block views from Village Oduduwa.

DG-11 Porches, Stoops and Verandas. Entrances “should be accompanied by a covered porch, stoop, veranda, or other features that highlight entry points, offer rain protection, and encourage interaction between neighbors. If surrounding development uses such features, use similar roof forms.”

DG-30 Shared Open Space. “Outdoor living space for the shared use of residents may include shared lawns, courtyards, community gardens, roof gardens, and play areas. Shared spaces should be accessible to all residents, provide seating areas and some shade, be appropriately lighted, and be designed to encourage social activity.”



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DG-31 Private Open Space. “Private open space should have a clear dimension of at least five feet, except to provide built-in bench seating or to use “juliets,” shallow balconies that are at least two feet deep and that are accessible to a living or dining room through French doors.”

DG-102 Clustered Developments “...concentrate development in one particular area or several groupings on a site in a manner that protects a substantial portion of the site from development...Clustering should generally occur in visually inconspicuous locations, such as where buildings, roads and parking might be screened by existing vegetation, rock outcroppings or topography.”

DG-103: Pocket Neighborhoods. “E. “Common open spaces should be usable as social gathering areas.” There are no social gathering areas in this project except for 2 indoor rooms (likely to be shunned in a Covid-like situation) on the first floor. Outdoor gathering spaces were eliminated due to density waivers.

Impacts to a Racially and Ethnically Underserved Community

During Marin County Board of Supervisors’ approval of the Analysis on Fair Housing on February 11, 2020, President Katie Rice noted the “incredible disparity” among those who own homes in Marin and that past discriminatory policies – many fully supported by the federal government prior to 1964 – were “unfair and so wrong.” She said laws today continue to unfairly favor property owners over renters. ([Source](#))

Four priorities to address as impediments to fair housing choice were identified: a lack of affordable housing, particularly family rental housing; community opposition to such housing; the cost of developing affordable housing and the lack of available land for development; and a lack of homeownership, particularly for African Americans

- Marin City residents are not against housing at 825 Drake, but they don’t want the size of this dense project; they want safe, modest, humane affordable housing that is based on Marin City’s median income which is about two-thirds lower than Marin County’s median income, which is listed at \$143,100 in 2020. This project is only supplying a few low income apartments and no extremely low income apartments, which does not serve the needs of the community or Marin County’s RHNA.
- The developer is only planning for 25 parking spaces for 74 units. Given the targeted populations for these units, most residents will have cars. The bus service is not adequate to claim the transit bonus to allow the developer to claim a reduced amount of parking. This area’s streets are already parked out; adding more will cause all residents to have to circle the area repeatedly looking for space to park. This is an additional burden to the neighborhood and could affect evacuation in an emergency.
- What is needed is a smaller, less dense, human scaled housing project that would support the **very low** and **extremely low income** hourly workers with housing, especially for the existing residents and their families of this historic Black community.



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Vulnerable Historic Habitat destruction proposed on lot and along community pathway:

A 53" diameter Heritage Redwood Tree has been determined "not essential" and to be removed because it is located inside the proposed first floor Lobby at the Drake Avenue Entrance.

- A circa 1912 Sausalito Historical Society photograph of former Col. O. Livermore's Estate and the Burgess property shows a distinct, well established grove of trees in the location of the project
- World War II photos of Marin City housing show the same grove, including a road to uphill housing through that grove. Marinship Corporation chose to leave the grove intact.
- Environmental Geology Services, Appendix A, Plates page 47 of 221 shows an aerial view, pre Rocky Graham Park, showing the remaining trees in this grove.
- Much of the grove was removed prior to or during the construction of Rocky Graham Park. If the County allows this remaining grove to be removed, all that will be left is a few trees on either side of the stairs and pathway between Drake and Buckelew Avenues. **See: Exhibit 3**

Sierra Club Marin Group strongly urges the Planning Commission and Board of Supervisors to deny approval of the AMG & Associates current plan to develop a 74-unit apartment building at 825 Drake Avenue due to the multiple public health and safety impacts already existing in this community that this high density proposal will exacerbate, and its lack of affordability to Marin City residents that will further impact this low income, underserved population of Black Americans.

Exhibits 1, 2 and 3 will be sent shortly. More detailed supporting documentation for our position will be included in a separate report to County Planning.

Sincerely,

Judy Schriebman, Chair Marin Group Sierra Club
Mickey Allison, Chair, 825 Drake Ave Standing Committee

cc: Stephanie Moulton-Peters
Damian Morgan, Chair Marin City CSD
Terrie Green, Marin City CSD
Royce McLemore, Marin City CSD
Don Lancaster, Interim General Manager Marin City CSD