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To: [Heidi Scoble](#)
Cc: HousingElements@hcd.ca.gov; HousingElements@yimbylaw.org
Subject: Town of San Anselmo Housing Element
Date: Sunday, January 8, 2023 8:27:08 AM

CAUTION: External Sender

Dear Director Scoble,

I am writing to submit my comments on the draft San Anselmo Housing Element. Marin, like most counties in California, is suffering due to our housing shortage. It is important that all jurisdictions do their part to help address this issue.

San Anselmo's Housing Element includes some promising programs. However, the current draft Housing Element is insufficient in its analysis and for Affirmatively Furthering Fair Housing. I have included my comments below. They are also available in this [document](#), which may be easier to review.

Thank you for all the hard work that went into the Housing Element. I'm especially pleased to see the inclusion of Missing Middle Housing and Objective Design and Development Standards.

I will provide some comments on the housing element as a whole, and then more detailed comments.

Sincerely,

Jennifer Silva
Volunteer, Campaign for Fair Housing Elements

Overall comments on the housing element:

- **San Anselmo is taking a big step forward by legalizing “missing middle” housing, including pre-approved plans, in R1 zoned areas.** Since most of San Anselmo is zoned R1, this will open up multi-family housing to much of the town. Although this is a significant and important change, we do not expect it to dramatically change the housing stock this cycle, as the rate of redevelopment of single family homes is low. I'd encourage San Anselmo to monitor the update of this program and to amend set-backs, lot sizes and/or building heights if the program is under-utilized.
- **Objective Design and Development Standards.** San Anselmo commits to

move to Objective Design and Development Standards for all housing types. This is a very positive response to the public comments on permitting times. This has the potential to significantly streamline the building of housing. Since this is a very different way of permitting projects, San Anselmo should monitor the program to ensure that the standards set will support the housing that is financially feasible to build.

- **The Site Inventory is incomplete and is missing analysis.** HCD requires a site inventory list, with prescribed data points. San Anselmo has a map book, but no site list is included. There is no place that states how many units by income category are planned for on the sites. City staff has confirmed that a site inventory is being prepared for the HCD draft. However, the lack of a site inventory makes the review of the public draft much more challenging. I'd encourage city staff to release this as soon as possible. There are two additional site inventory issues that need to be addressed:

- **It appears that over 50% of sites planned for lower income housing are on sites with existing uses. As such, San Anselmo must provide analysis that the existing use is likely to discontinue during the 6th housing cycle. Alameda is the only jurisdiction with a HCD-approved housing plan. Their analysis was in-depth, including conversations with land-owners, entitlements and substantial evidence that projects would happen. San Anselmo has no detailed information on its sites. It's possible that San Anselmo has done this analysis. If so, it needs to be included in the Housing Element. If not, it needs to be completed.**
- **It appears that all of the sites intended for lower income housing are located either on Sir Francis Drake or Red Hill Avenue. These are major, four lane thoroughfares with significant, fast moving traffic. This is not a distribution of affordable housing throughout the community. While convenient to transit, living on a busy street contributes to childhood asthma and has other proven negative health effects. Most families with small children are averse to living directly on a busy street. San Anselmo should target some affordable housing off these arterial streets.**

More Detailed Comments

Page 2 - The Housing Element states “The Town is largely developed per the prescribed zoning”. This statement is true, but it is incomplete as the prescribed zoning is a community choice. Downzoning in the 60’s and 70’s was a decision based on Supreme Court laws prohibiting explicit racial segregation. San Anselmo, along with the other Marin jurisdictions, can readily address all RHNA regulations by liberalizing its prescribed zoning. We do commend that San Anselmo moves in the right direction by upzoning multi-family areas and permitting missing-middle housing. We’d encourage San Anselmo to more clearly identify the impact of zoning on development and its roles in segregation.

Page 19 - San Anselmo’s performance on its last Housing Element appears stronger than many jurisdictions. According to this data, the town built more than its required units, and only missed building sufficient low-income units. However, on Page 60, the element states that San Anselmo had 20 less housing units in 2020 than in 2010. It would be useful for San Anselmo to provide clarity here. It would also be helpful for San Anselmo to break out ADUs from non-ADUs to get a stronger understanding of development trends.

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- San Anselmo notes the decline in lower-income households, but asserts that because population has remained stable, it’s most likely that incomes have risen rather than lower income households being pushed out. This interpretation of the data is not supported by research on gentrification. Stable populations with rising home prices is a prime condition for displacement of low income people.
- San Anselmo states strong reasoning for incentivizing larger affordable rental units. I’m really glad to see this. When I was a single mom with young children, there were very few options for 3+ bedroom housing options in Marin.
- San Anselmo notes that the growing population of seniors will increase demand for senior living. All Marin jurisdictions have aging populations, and most are planning for it with ADUs and assisted living. The seniors I know that have chosen to downsize don’t want an ADU or assisted living. They want a high end multi-family housing option, with amenities and service. Many residents complain about the development of “luxury” apartments, but this is a very good option for seniors looking to downsize. This should be incorporated into the Housing Plan.

Page 48 - We commend San Anselmo’s recognition of community resistance as a constraint to housing and the adoption of Objective Design and Development

Standards, especially for all building types, to address this.

Page 60 - Chart 3-7 is mislabelled - perhaps it is housing and population in 2020? It definitely does not reflect housing units for 2010 - 2020.

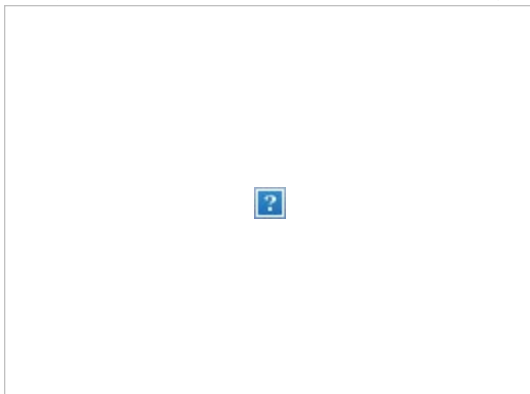
Page 90 - We strongly support pre-approved ADU and missing-middle plans.

Page 101 - San Anselmo provides one of the clearest explanations of the permitting process, and this explanation shows how complicated it is. While the permitting process explanation is clear, it is not clear how San Anselmo calculated the "typical" permitting times. Are these staff estimates or based on a review of permits processed? San Anselmo should provide data based on actual projects, including for projects with or without variances. If San Anselmo cannot provide this data, it should implement programs that can provide real data on how long permitting takes.

Page 102 - San Anselmo lists its design requirements and states that they are intended to be objective. This is an inaccurate description. Different people would reasonably have very different opinions on what is "functionally and aesthetically compatible with existing improvements..." San Anselmo should correctly identify these standards as subjective. The move to Objective Design and Development Standards is a significant improvement.

Page 117 - San Anselmo should include a table that lists the number of units that are included on the site inventory, by income level, compared to the RHNA's.

Page 224 - San Anselmo provides extensive analysis regarding the distribution of the site inventory across census tracts. Based on this analysis, it would appear that housing is distributed. However, the picture of the housing tells a different story. It appears that 100% of the affordable housing is on Sir Francis Drake or Red Hill Avenue. These are major, four lane thoroughfares with significant, fast moving traffic. This is not a distribution of affordable housing throughout the community. Living on a busy street contributes to asthma and has other negative health effects. Most families with small children are averse to living directly on a busy road. San Anselmo should target some affordable housing off these roads.



Page 62 - The discussion on vacancy rates is confusing. What is the source for

saying that 5% rental vacancy rates and 2% own housing vacancy rates are healthy? Those rates sound very low. My personal experience is that the housing market in Marin is extremely tight. The Zillow data seems to support that it is a tight housing market, but the percentages provided seem to suggest that it is a healthy market. It is indisputable that housing costs have increased far more quickly than inflation over the past 20 years. The vacancy rate discussion seems to downplay our very serious housing issues.

Page 75 - San Anselmo states that housing for seniors is an issue given our aging population and that even seniors in fully owned homes are at risk for displacement if they cannot afford costly repairs. There is very little about San Anselmo's plans for seniors going forward. There is mention that increased seniors increases demand for assisted living, but no discussion on how that demand will be met. Just as importantly, seniors need options for downsizing beyond ADUs and assisted living. Most seniors wish to live in mixed age communities until they truly need hands-on care that they cannot get at home. But many seniors cannot afford the costs or challenges of a single family home. I know a number of seniors who prefer to downsize into "luxury" multi-family housing - that is, developments with amenities, services and a doorman/coincierge. This provides security, assistance, and far less maintenance work.

Page 82 - San Anselmo provides a good and honest description of the challenge of community resistance, particularly the inclusion that the stated resistance does not necessarily reflect the reality of development.

- Program 2.2 to encourage Public Engagement is not a solution to this issue. Increasing public engagement does not solve the problem of public engagement being unrepresentative of the community, biased against change and uninformed in how to address the problems facing the community. Specifically, action 2.2a is likely to worsen the situation, not improve it.
- San Anselmo needs to build political will and to bring community sentiment in line with current knowledge on community planning and development. Some more effective solutions might include:
 - Community education, including hosting public speakers and hosting documentaries on building strong towns and reducing car dependency. Many residents wrongly believe that suppressing housing will solve traffic and improve sustainability. This is objectively wrong, and education may be a better tactic.

- Bringing experts into public meetings to discuss how common concerns can be addressed. Refusing to build housing cannot fix traffic, water and fire issues.
- Objective Design and Development Standards and pre-approved plans are excellent solutions to the constraint of community resistance.

Page 84

- San Anselmo states that “the Town’s development standards and requirements are intended to protect the long-term health, safety, and welfare of the community”. This white-washes the reality that much of the downzoning of Marin and other Bay Area communities was for the purpose of economically (and racially) segregating communities. There is no health, safety or welfare benefit of segregating single family housing from multi-family housing. And the segregation of housing from everyday retail (such as markets and cafes) has increased our car dependency, increased pollution and harmed our quality of life. People are willing to pay a large premium to be within walking distance of downtown. The above statement should be stricken from the Housing Element.
- San Anselmo claims that current density limits aren’t a constraint, but then proposes to add housing by loosening limits in the housing overlay. It’s extremely unlikely that development standards aren’t a constraint. But if San Anselmo truly believes they aren’t, then it should be pursuing other solutions.
- Lastly, San Anselmo claims that various development requirements don’t limit density because the lots can all accommodate their single family homes. This is not true. San Anselmo can enact many changes that would increase density in single family zoned areas. Set-backs, height limits, lot coverage, FAR and minimum lot sizes all combine to reduce density in single family zoned areas. If all of these development standards were eliminated, far more housing could be built. I’m not advocating for the elimination of all of these standards, but San Anselmo could do more to promote housing through the community by loosening these standards. The legalization of middle market housing is a good first step. If housing does not materialize, San Anselmo should commit to adjusting these other constraints.

Page 87 - Single-Family Residential Conservation District. The purpose described for this district - require design review, reduce development - sound far more

geared to propping the home values of these home-owners than furthering a public interest. I would question the existence of this zoning category.

There is no health or safety reason to require an architectural design review. Architectural design review is most frequently used for neighbors to extract concessions to homeowners making improvements to their homes. It rarely, if ever, results in better design. It should be discontinued.

Page 88 - I would encourage San Anselmo to reconsider the decision not to allow more density in C-1 and C-2 zoned land. C-1 is intended to be neighborhood scale commercial. Additional pedestrian traffic via slightly more dense housing (30 units/acre is not very dense) will help these businesses thrive. More dense housing and building up in the C-2 area is not in conflict with maintaining the cute, old-town charm of downtown San Anselmo. There is far less noise and traffic here than on Sir Francis Drake and Red Hill. Historically, downtowns have grown higher as they have achieved commercial success, and many very attractive downtowns are 4-5 stories high. There is no conflict between density and charm.

Page 89 - San Anselmo notes that the majority of households are 1-2 member households. Yet, most housing units require 2 or more parking spaces. San Anselmo should reduce parking standards. A reduction in parking standards does not eliminate spaces or prevent needed future spaces from being built. It just allows land that is not needed for parking to be used for better purposes.

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- Action 1.1b - Establishing a database of units with restrictions is a very important first step in monitoring these housing units. I would encourage San Anselmo to expand this program to include all rentals, or at a minimum, all affordable rentals. San Anselmo is projecting a significant percentage of affordable housing to be provided by ADUs. As such, it needs a mechanism to monitor that these are being rented as expected. This is particularly true as San Anselmo's survey showed that only 48% of ADU owners planned to rent their ADUs, and of those renting, 47% planned to rent to a family member.
- Action 1.3a - No net loss monitoring - San Anselmo acknowledges the need for a monitoring mechanism. A rental registry would be an important component of monitoring for No Net Loss.
- Action 1.3b - A dashboard would be great, and even better if San Anselmo makes it public.

- - Program 2.2
 - San Anselmo identifies community resistance as a problem. Program 2.2a primarily serves as a vehicle to increase community resistance and to make it easier for opponents to organize against projects.
 - Program 2.2b is a step in the right direction, but an annual newsletter article isn't nearly sufficient to change the political will to build housing. I would suggest making this a community education plan that includes the following:

 - The invitation of various experts to contentious meetings to discuss how frequently cited issues are most successfully addressed. For example:

 - transit and traffic experts to discuss how communities have successfully reduced traffic. (As a note, Seattle reduced traffic 4% while increasing housing 20%. Traffic is not related to the volume of housing).
 - The fire department or other fire-safety experts to contentious meetings to discuss how fire risks can be mitigated.
 - Members of the Water Board to explain why new development has only a trivial impact on water usage
 - Broader public programs that educate the population on modern planning, including speakers from Strong Towns, Marin Bike Coalition, and other groups working to create more integrated, less car-dependent communities. If San Anselmo has funds for climate-action, these sorts of programs should qualify for funding.
 -

Program 2.2c is necessary to help counterbalance the small minority of residents who strongly fight housing. San Anselmo lists this on a case-by-case basis. It should commit to a minimum usage of this tactic and some guidelines of when it will be deployed.

Page 239 - Policy 5.3 - We highly support San Anselmo's plan to rezone. San Anselmo should include a plan to evaluate the effectiveness of the rezoning and to loosen restrictions if it doesn't generate the expected level of development.

Page 240 - Action 5.7a - This states to rezone R2 to 12 units/acre. It's currently at 6-12, so this does not feel like an upzoning. We would suggest a true upzoning, perhaps 12-18 units/acre.

Page 242 - Policy 6 - Given that San Anselmo is planning on a significant number of ADUs for its low income housing, we believe it needs a program for monitoring ADU rentals and affordability.

Public Outreach

San Anselmo's public outreach was most successful in its ADU survey, which received 320 responses. It is important that San Anselmo acknowledge that most ADUs built will not be rented to the general public (48% will not be rented, 47% of rented will be to a family member). San Anselmo's housing plan should reflect this knowledge.

Sites inventory - Additional comments

As mentioned above, the San Anselmo Housing inventory is missing a consolidated sites inventory and has not completed the analysis that HCD requires for a compliant housing element. The absence of a consolidated list makes analysis of the inventory much more difficult. I've pulled out a few of the issues below, but it is exhaustive. I will do a complete review when the list is available.

- Sites with existing uses need analysis that the site is likely to be redeveloped during the period. While San Anselmo describes its general process and mentions that some owners are interested, there is no site specific analysis provided.
- The Sites inventory does not state whether rezoning will be done, even on commercial sites.
- The Sites Inventory description of existing use is insufficient - it must be more detailed than "industrial - improved"

The Sites inventory has just one income level (low income, moderate income, etc.) per inventory site. This is atypical and unlikely to reflect how development will happen. San Anselmo should provide a more detailed assessment of income levels of the sites. A thorough site analysis requires that San Anselmo determine that sites with existing uses are likely to redevelop. Given the low rate of development in recent years, this will likely require conversations with property owners on what zoning changes will make the development of housing feasible. Given the current presentation of housing sites, it does not appear that San Anselmo has done this.

- Site 6 - 300 Sunny Hills Drive - this is listed for 117 low income units. If a development is more than 20% affordable, subsidies must be offered. This is not done. There is no evidence of analysis that this will happen.
- Site 13 - 100 Center Drive - This states that an Andronico's will be converted to 100% affordable housing. San Anselmo would need to provide analysis that the existing use will be discontinued, and to confirm it would subsidize this 100% affordable project.
- Site 22 - 100 Red Hill Avenue - This states that an United Markets will be converted to 44 lower income units. This appears financially infeasible. San Anselmo will need to provide analysis that the existing use will be discontinued, and to confirm it would subsidize this 100% affordable project.
- Site 26 - 9 parcels at the intersection of RedHill/Greenfield and Sir Francis Drake for 36 moderate income units. San Anselmo will need to provide analysis that the existing use will be discontinued. But beyond that, this seems like a particularly bad place for residential construction. It's at the intersection of two large, busy thoroughfares. Maybe the back half of these lots could be developed, but few people would like their houses to face out on these roads.