

General Plan Advisory Committee
Department of Planning & Building
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

May 1, 2013

Dear GPAC:

The GPAC's recommendation at the April 25 meeting to strike any mention of Alto Tunnel from the new General Plan took place with no prior fact-finding and discussion and no proper vote. It merely followed a suggestion by one member of the public that deletion would be a "simple solution" to avoid controversy. The fallacy of that notion is probably clear by now.

More importantly, the role of civic leaders is not to avoid controversy but to serve the public interest. The county's feasibility assessment on converting the tunnel for commuter cyclists and pedestrians is going to take place, anyway. Ignoring it is no solution to Mill Valley's problems with car traffic congestion. Congestion is the top complaint that residents voice about this city.

Alto Tunnel is a critical link in our expanding network of flat, protected routes for non-motorized transportation. Careful consideration of feasibility assessments will be needed for many parts of this network, including the tunnel. Nothing more has been requested for the tunnel thus far.

The tunnel is contiguous with the Mill Valley – Sausalito multiuse path, for which improvements are now being planned and will need feasibility assessment. That path connects with Sycamore Avenue, for which a shared bike and pedestrian path past the middle school and south down Camino Alto to Miller Avenue is already funded under a grant from Safe Routes to School.

On Miller, the Streetscape plan calls for buffered bike lanes and wide sidewalks, for which refinements may require new feasibility assessments. Farther south, the multiuse path connects with Tam High, where another grant-funded project will improve the long crosswalk at Almonte.

Even farther south, the multi-use path connects with Tennessee Valley through the new Charles McGlashan pathway. In Sausalito, it connects with the Bridgeway bike lanes; and improvements along southern Bridgeway, Alexander Avenue, and in the GGNRA parkland will soon begin. To the north, Corte Madera's beautiful network of protected pathways dead-ends at Alto Tunnel.

The network, including connections between towns, must be considered as a functional whole. We have a duty to evaluate all its components in service of multimodal transportation, health and safety, and the environment, as articulated in Mill Valley's mission statement.

The Land Use and Mobility Working Group, on which I served, spent a long time discussing and editing language originally proposed by the Planning Department. After hearing comments from the GPAC members who attended the April 25 meeting, I conclude that we tried to cover too many ideas too briefly, and that we wrongly assumed our readers understood key facts.

GPAC's deletion in order to avoid an appearance of favoritism overlooks some critical points:

1. The other two Horse Hill routes have already been studied—the \$600,000 in federal NTPP funds covers a feasibility assessment just for the tunnel.
2. The county's earlier study found that the other two routes are unpopular with average users and cannot be made safe and convenient—we cannot level and realign Camino Alto or Lomita, much less Meadowsweet or Casa Buena on the Corte Madera side.
3. Only a single private land parcel—parcel APN:033-161-04—is even potentially affected on the Mill Valley side, according to Appendix G in the county's study.¹
4. The Town of Corte Madera has already stated its support for feasibility assessments in its general plan, as “Implementation Program CIR-3.3.c: Alto Tunnel.”
5. Sports cyclists seeking a workout will not be prevented from using either of the difficult routes over Horse Hill. Conversely, most average users cannot or will not ride over hills.

The sentence that my Working Group sent along to the GPAC used to read:

Support feasibility assessments for bicycle and pedestrian facilities, such as Alto Tunnel, that can provide safe and convenient connections between Mill Valley and the rest of Marin County.

GPAC diluted “support” to “consider” and “can” to “may,” before striking the whole sentence.

However, this flat route contiguous with the multi-use path is the only one of the three Horse Hill routes that could serve daily transportation needs and help to alleviate car traffic congestion.

Therefore, I propose insertion of a more comprehensive, two-part section, as follows:

Support feasibility assessments for public works that may include tunnels, bridges, and overpasses to provide safe and convenient travel for cyclists and pedestrians of all ages and abilities, both within Mill Valley and between Mill Valley and other towns.

Support priority rehabilitation of Alto Tunnel for regional bicycle and pedestrian use for all ages and abilities, consistent with feasibility assessments.

Sincerely,



Elisabeth Thomas-Matej
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¹ http://walkbikemarin.org/documents/mv_cm_study/FINAL%20Study/Appendix%20G.pdf

- Planning Website – add webcasting, flood stuff to main page.
- Clean up applications on T drive, make one folder for current.
- GPAC meetings in Granicus
- History Info into CRW, work off old pending apps
- Study Session Application

May 2, 2013

TO: Mill Valley City Council

RE: MV2040 -- Alto Tunnel

Dear City Council Members:

I am puzzled by the proposed General Plan, in that it eliminates any specific reference to Alto Tunnel.

The tunnel is a unique facility, with local and regional significance. Whether it's a *problem* or an *opportunity* depends on one's point of view, but ignoring it is like ignoring the "elephant in the room." It is there. Arguments pro and con will take up an immense amount of time and energy, down through the years, if the feasibility of opening it is not timely resolved.

If the opening the tunnel proves not feasible, then we can all move on.

However, I hope the tunnel can be opened. Full disclosure: I ride my bicycle every day for routine transportation. But I am also active in the GCIP controversies, and am alarmed about the pressing lack of space for motor vehicle transportation.

The 101 corridor is tightly constrained by development, hills, and the (rising) bay waters. It is almost impossible at present to squeeze in any improvements that will "solve" (in even a minimal way) today's traffic congestion, let alone future traffic.

One way to free up traffic flow, of course, is to encourage cycling and walking. Surely you're aware of this principle, based on the time-honored parabolic curve (cost-benefit analysis).

Long, long before 2040, the feasibility of opening the Alto Tunnel will inevitably become an urgent and major issue. I think the issue must be solved soon. I urge that you include Alto in the General Plan, to show that the City is facing head-on the needs of all kinds of transportation.

Respectfully submitted,



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MV2040 GP Advisory Committee:

Re: Removal of support for "considering feasibility assessments" for Alto Tunnel

We urge the MV2040 GPAC to include support of feasibility assessments for Alto Tunnel as part of its Marin needs to continue to build transportation infrastructure that accommodates people of all ages and abilities. My husband and I are new residents to Marin in our 60's who still try to do most of our errands and visiting by bicycle. We have greatly appreciated the San Rafael-Larkspur tunnel, both for shopping and recreation; it is a welcome option to either East Francisco or Wolfe Grade to Sir Francis Drake. We are sprightly hikers and bikers in our 60's—but hills are more of a deterrent than they once were. The Alto tunnel offers an opportunity for Marin to continue its transportation goal of reducing vehicle use by offering a route that will allow cyclists and pedestrians of a wider range of ages to access Corte Madera from Mill Valley and vice versa. We believe it is vital that Alto Tunnel be considered for feasibility and included in Mill Valley's General Plan. Thank you.

Jana and Jeff Zanetto

Robert Silvestri

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May 2, 2013

Andy Berman
Mayor / Chair GPAC
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, California 94941

Re: Housing Element Update 2009-2014
Draft Version February 26, 2013
Review Comments

Dear Andy and GPAC:

Please consider the following comments on the Draft Housing Element (DHE). At the outset, I want to say that I fully support the comments made by Burton Miller in his letter on the DHE, dated April 29, 2013. Burton has made an in-depth assessment of the strengths and weaknesses of the DHE and I would request that you take his comments under careful consideration because they are representative of those held by a large number of informed residents who have been following the GPAC and Housing Element process.

Preface

GPAC members should be aware that changes are afoot at MTC and ABAG regarding what has come to be known as the "one size fits all" approach. It's now being acknowledged by some members of the MTC and ABAG Executive Committee that each part of the SF Bay Area is unique in its challenges to provide affordable housing for its residents and demographic groups that are most in need. As the Plan Bay Area process has moved forward, it's become clearer that the current single-minded "high density near public transportation" approach may be well suited for San Francisco, Oakland and San Jose but is irrelevant and undesirable when dealing with small towns like Mill Valley where urban redevelopment sites are nonexistent, there are no public redevelopment funds, and public transportation consists of a few buses.

Plan Bay Area's support for building mid-rise, SRO homeless housing in San Francisco's Tenderloin does not help solve West Marin's challenge to build migrant and farm labor cohousing. Similarly, Mill Valley's increasingly large "active elderly," downsizing demographic looking for simpler and sometimes innovative ways to live, is not helped by the RHNA method of not counting residential conversion or cohousing development as qualifying units (i.e. a 30 unit, senior cohousing project with a communal kitchen is only counted as one unit under RHNA). And it's clearly pointless to keep building overly impactful, in-lieu housing projects (20 percent "affordable") just because the units "count" for RHNA, but at the same time neglect funding the upkeep and renovation of existing affordable units that are falling out of use and getting converted back to market rate, luxury units.

Housing Element Law, SB375 and Plan Bay Area, which all weigh on the DHE and its goals, were not written for small towns like Mill Valley and, as written, actually create obstacles to more reasonable and financeable, mixed use, infill affordable housing solutions for small cities like ours. After all, Mill Valley doesn't have the "suburban sprawl" that the SB375 seeks to minimize. We have pretty much the opposite: we have endless development constraints (hillsides, flood zones, narrow roads, and small lots). Our challenges do not include urban decay or brownfield sites. Our challenge is a land ownership challenge because the vast majority of appropriate, infill, mixed use development "opportunity" sites are in the hands of individual owners and small businesses that are not likely to be development minded. It's a good challenge to have but it requires our own, locally based approach.

ABAG and MTC are now getting this kind of feedback consistently from small cities around the Bay Area (Corte Madera, Novato, Sausalito, Palo Alto, Danville, Orinda, Napa, Saratoga, and many other places). This being the case, a new discussion has begun at the ABAG executive committee level about this.

In response to the ideas contained in the book I recently published (*The Best Laid Plans: Our Planning and Affordable Housing Challenges in Marin*), Brad Paul, the new deputy director of ABAG, has recently reached out to me and invited me to work with him on proposing changes to the implementation of Plan Bay Area, along the lines of those outlined in my book (a wider variety of unit types that "count" and local public policy leading project selection) to make the process more transparent, more locally controlled and more effective in creating the kinds of affordable housing each community actually needs. We've met and had several discussions and hope to begin jointly drafting a proposal that will go first to the MTC and ABAG Executive Committees and then hopefully to Sacramento (HCD and legislators), in the coming month.

The outcomes of this will impact our Housing Element's future implementation and bears directly on the questionable language and concepts presently contained in it: the ones that Burton has carefully pointed out. As Burton's letter so clearly notes, language and methods noted in SB375, the Sustainable Communities Strategy (SCS), Plan Bay Area and related Housing Laws has been reused in our Housing Element but makes little or no sense for our particular situation (i.e. high density near public transportation as the paramount solution to our affordable housing challenges).

Burton is correct in pointing out that to include language that simply mimics SB375 and Plan Bay Area, even though it may be irrelevant or counter-productive to our local reality and needs, is a significant mistake and could lock us into unforeseeable bad options in the future. Furthermore, with the goal of getting HCD to approve our HE, it's completely unnecessary. Duplication of language found in other laws, at higher levels of government, is generally a bad idea as that language can change and cause conflicts and legal ambiguity in our regulations, in the future.

Please keep in mind that SB375, the legislation that is the primary driver behind Plan Bay Area and the Sustainable Communities Strategy (and which forms the legal nexus with the Housing Element), clearly states that "*Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region.*" and "*Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy.*" (Section 4(a)2(J)). These statements supersede previous sections of 65080 of the Housing Law.

Mill Valley has a choice as to how far it wants to go, or should reasonably go, to align its DHE language with SB375 and Plan Bay Area. It's a choice that should be carefully considered for its unintended consequences. It is the intentions and goals of these laws that we are required to address but cities have great latitude in how they do that. So please keep in mind that when HCD uses language such as "we recommend" when responding to our DHE, it means they do not have the legal authority, in the law, to demand what they are suggesting but are simply promoting their highly politicized agenda. This is where we need to maintain our local perspective and local control of our land use policies, as we are within our rights to do under the Housing Law and SB375.

For example, after careful consideration Danville recently removed almost all SB375 / SCS / Plan Bay Area mimicking language from its General Plan and HE, and eliminated its Priority Development overlay (PDA) area to ensure that it retained local

control over future development and interpretive flexibility for the coming decades. I urge the GPAC to do the same. The Final HE should be stripped of all but the most essential language needed to solve our local problem: provide the types of units we need for those most in need.

Specific Points to Reconsider

1 - Reaffirm General Plan Community Values: I agree that it's important that the HE reaffirm the existing General Plan's purpose, principle goals and community values, including references to "small town character."

2 - Micro-Apartments: I think micro-units (basically small studio apartments) should be one of the options that might be employed to provide affordable housing. However, it is an unsupportable argument that micro units need less parking than other small apartment units. For better and for worse, Mill Valley and Marin lack any significant public transportation and nothing is proposed in Plan Bay Area to change that, so auto and light truck ownership is a reality we must accommodate, particularly among low income working people who have tools and supplies for their small, home-based service businesses.

3 - In-Lieu Fees for Single Family Homes: This proposal is a truly awful idea and if it is not technically illegal under Prop 26, it clearly violates the spirit and intent of that law to require fees that are really taxes to be put to a vote. How can a fee be called "in-lieu" if those paying it have nothing they can do "in lieu" of paying it (e.g. I can't build an affordable unit on my property because I don't have the zoning for it)? This is a property tax proposal and as such, if it's considered at all, it should be put to a public vote, which I'm confident, would fail. The idea of taxing households under the guise of a "fee" to fill the coffers of a "trust fund," which is completely undefined and of questionable financial sustainability (i.e. it will cost more to administer than it will generate in benefits) is just plain poor public policy and shows poor judgment. As I've already told Andy Berman, if the city attempts to backdoor this property tax as a fee, I will dedicate time to forcing a local ballot initiative to overturn it and all the attached "trust fund" aspects noted in the HE.

4 - Maximum Parking Requirements versus Minimum Parking Requirements: This idea is a nonstarter. A maximum parking standard is the same as no parking standard / requirement at all. That just makes no sense.

5 - Establishing a Housing Advisory Committee: This is another incredibly bad idea that is a nonstarter for many reasons. In a city where we haven't even resolved the significant

communications problems and decision-making authorities between our Planning Department and Planning Commission, the last thing we need is yet another new branch of government, particularly one that will be off the radar and generally out of the public's watchful eye. And this committee is completely unnecessary and unneeded.

I'm told that this idea may have sprung, on part, from my commenting to Andy Berman that during the GPAC process it might be helpful to bring in expert advisors for "sidebars" to help the committees make decisions. However, that "advisory" role was only meant to be *during* the GPAC process, not on a permanent basis.

This idea is fraught with problems:

- What will these people possibly do all year while on this committee? it's inconceivable that their advice, no matter how valuable, will be required all the time. And that being the case and human nature being what it is, they will begin to "make work" for themselves and attempt to expand their influence. We just don't need full time housing advisors.
- Who will be on this committee, based on what skills and to what end? It would be incredibly naïve to think that appointment to this group would not become instantly politicized and without any objective basis. As a result, it's highly likely that it would end up being filled with the spectrum of political views (qualified or not) to be "fair" and end up being totally ineffective at best and a major public policy making problem at worst.
- Any actual authority to work on behalf of the city or ability to engage in direct communications with agencies, corporations, foundations or other entities (ABAG, MTC, Housing Advocacy nonprofits, MCF, etc.) outside of our own city government agencies (which is clearly the stated intention in the HE), delegated to this group, would be a huge mistake and a major rearrangement of our government structure. Regardless of its intentions, this would create an unelected and unaccountable quasi-governmental body that would be directly in the line of creating public policy, which I believe conflicts with our local and state law.
- Private conversations with agencies like ABAG and MTC or MCF, private developers or nonprofit housing advocacy groups, all of which have charged political agendas, should not under any circumstances be delegated to anyone other than our elected representatives or our paid Planning Staff / City Manager's office. That is a recipe for real political disaster and an invitation to intentionally or unintentionally usurp the powers that the public has only vested and entrusted to those noted.

- I urge you to abandon this Advisory Committee idea quickly. It would be naïve to think this can somehow be properly structured to produce a good outcome. As Burton has correctly pointed out, we just don't need another layer of government to deal with, and setting up a committee such as this adds no value to getting our HE approved by HCD. It is by no means required or even suggested in the law.

In conclusion, I ask that you carefully consider these comments and continue to bring a skeptical eye to the drafting of our HE, understanding that going beyond our statutory requirements should not be considered unless the public benefits to all residents far outweigh any possible downsides. Simple and straightforward is the better path of valor in this endeavor.

Thank you for your time and consideration.

Best,
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