

Frequently Asked Questions

825 Drake Ave. Affordable Housing Project

1. Why is the County trying to reduce the size of the project in Marin City?

In 2020 Marin County approved a proposal from developers Pacific West Communities and Affordable Housing Land Consultants for a five-story, 74-unit affordable housing project in Marin City. The project, to be located at 825 Drake Ave., has generated significant community concerns. The project is being developed under the provisions of Senate Bill 35 (SB35), which allows certain projects to bypass normally required environmental review, move faster through the review process, and restricts local agencies from rejecting projects if they meet minimum affordable housing guarantees. The project also uses other State housing laws that allow extra units and exemptions from other planning standards.

Because of the unique circumstances and history of Marin City, including decades of inequitable policies after World War II, and because the project was proposed before recent countywide housing planning, the County has been working with the developer on an agreement that would result in 42 units (versus 74) in a building with a reduced footprint in Marin City and constructing the remaining 32 units in Tam Junction at 150 Shoreline Hwy. on a parcel recently acquired by the Marin City project developer.

2. If SB35 had not applied, would the County have denied this project as currently proposed?

There's no way to know what action the County would have taken. State law limits the County's ability to deny or downsize housing in any circumstance. If SB35 had not been applied, the project would have required environmental review and a discretionary approval process with public hearings, and the County would have had more latitude to require project changes.

3. Could additional changes still be made to address the concerns in Marin City?

As required by State law, the project with 74 units in Marin City has been fully approved and building permits have been issued. The developer has agreed to pursue reducing the size of the project in Marin City and moving units to the 150 Shoreline Hwy. site in Tam Valley, and has made significant moves in this direction with the purchase of the parcel and by progress on the agreements on project modifications. Some of those agreements involve further work on the building and landscaping design at 825 Drake, which will reflect changes responsive to some residents' concerns. It's important to note that further steps are needed for the units to be developed at the Tam Valley site. If that process is not successful and another site is not identified in an adequate time frame, then the approved project could go forward in Marin City.

4. Will the development's apartments be affordable for current Marin City residents?

The rents will be affordable for Very-Low (30—50% area median income) and Low-Income (50—70% area median income) households. In addition, vouchers for 25 units will be offered that will make rent payments affordable to eligible families at the lowest income levels.

5. Can the County purchase the land and leave it as open space or other community amenity?

For the site to become open space, the County or a non-profit would have to purchase it, reimburse the developer for all the development-related costs already spent, including constructing modular units and acquiring the Shoreline Highway site, plus acquire a brand new site and immediately construct new affordable housing.

6. Is the County's current agreement with the developer available for public review?

Yes, it will be discussed at the Oct. 15 meeting of the Board of Supervisors. All background materials will be provided for that meeting and are also on the County's website at: <https://www.marincounty.gov/departments/cda/825-drake-avenue-marin-city>

7. How will the County make sure that the developer follows through on putting some units on another site?

The Board of Supervisors will approve a Memorandum of Understanding at their meeting on Tuesday, October 15, 2024, that will confirm project elements.

8. If this plan goes forward, when might the developer begin work on the Drake Avenue site?

As spelled out in the April 2024 term sheet between the developer and the County, which would be formalized in the MOU set to be considered by the Board of Supervisors on Oct. 15, grading and foundation construction at 825 Drake Ave. can begin. A grading permit has been approved and work could occur this fall. The developer would not proceed the portions of the building above the foundations without further approval of revised plans, based on the outcome of this effort to add a second site to accommodate some of the units.

9. How will neighbors of the project know when the developers begin work or undertake construction activities?

Approximately two weeks prior to the start of construction, the developers will meet with affected neighbors, specifically those from Village Oduduwa and the Marin County Community Services District, among others.

Throughout construction, the developer will communicate monthly via emails and posts to the County's project webpage: <https://www.marincounty.gov/node/7736/latest> . Communication will occur at least one week prior to starting site work. Should there be road closures or other similar impacts, the developer will communicate at least 72 hours prior to that work. The County encourages everyone to subscribe to the webpage to regularly receive updated information.

10. What is the County's plan for evacuation and other access issues when Marin City periodically floods or in other emergencies?

Utility service providers have reviewed the project and the existing infrastructure system, and they have approved the project. The project will not contribute to flooding, and future residents will be included in emergency management plans and procedures. The county is working on several efforts to reduce flooding and improve evacuation.

11. Can the need for necessary infrastructure improvements be a sufficient reason to reject the project?

The Marin Water District and the Sausalito-Marin City Sanitary District have reviewed the proposed project and confirmed that the existing infrastructure can adequately support the project as approved. The project will necessitate new sewer lateral upgraded connections and a new water connection, but there will be no need for water and sewer main upgrades along Drake Avenue. Moreover, the project must adhere to stormwater and drainage regulations. It is designed to retain and treat stormwater on-site before releasing it to storm drains. The on-site treatment includes low-impact development features such as bioretention facilities, which comply with the County's code requirements for conveying new drainage facilities. Lastly, before the issuance of a certificate of occupancy, the project sponsor must repair any damage to the public street caused during construction. This encompasses but is not limited to, storm drains, sidewalks, street signage, streetlights, etc.

12. Is the project in a high fire hazard area or in a flood plain?

The site is within a high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178. However, the County has adopted fire hazard mitigation measures as part of building standards which will be imposed on the project. In addition, the project will feature fire mitigation measures, such as fire sprinklers throughout the development, as well as fire-rated exterior walls all around. Further, the Project site is not within a mapped flood plain (it is within Zone X, the lowest flood risk zone) as determined by Federal Emergency Management Agency maps. Additional information is available at this site:

<https://www.marincounty.gov/departments/cda/825-drake-avenue-marin-city>

13. What about the Save Our City lawsuit to prevent the issuance of bonds to finance the project?

Since the bonds were issued by the State, that matter is up to the courts and the State. The outcome of litigation on 825 Drake could affect the developer's actions, but since there is no injunction, the County is obligated to proceed with the project.

14. Why is so much dense development approved in Marin City and not in other parts of the County?

There has been very little new development in Marin City in recent years. A key aspect of this split development approach is making sure that housing is distributed around the county and not concentrated in just a few areas. There are multiple dense development proposals before the County at this time, including in Lucas Valley ([Souang Vesting Tentative Map and Housing Compliance Review](#)), Marinwood ([Hoyt \(Marinwood Plaza\) Housing Compliance Review](#)), San Rafael ([Pierce Co Properties \(Auburn Grove\) Housing Compliance Review](#)), Strawberry ([Nijjar Living Trust Housing Compliance Review](#)), and others. Many other higher-density developments are entitled, under construction or under consideration in many incorporated cities.

15. How can I participate, get more information and stay informed?

All residents, business owners, and other stakeholders are encouraged to take part in this project. You can view the latest updates and subscribe to the County's project webpage: <https://www.marincounty.gov/node/7736/latest>. This webpage will be updated regularly as various

actions occur. If you have general or specific questions, please contact the Planning Division at (415) 473-2755 or via email at Immanuel.Bereket@MarinCounty.Gov