

SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941

November 9, 2011

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA

Regarding: Proposed Revisions & Additions to the Marin Countywide Plan Amendment

Dear Marin County Board of Supervisors,

Regarding the Marin Countywide Plan Amendment, the Sustainable TamAlmonte Executive Committee recommends the following revisions and additions.

FINDINGS

Whereas the Sustainable TamAlmonte Executive Committee hereby finds the following:

WHEREAS the Commercial Mixed Use parcels in the Tamalpais Area Community Plan area are laden with multitudinous constraints to development, including hazardous conditions (unacceptable level of service traffic (LOS "F"), flooding, projected sea level rise, high air pollution, high seismic activity, subsidence, & mud displacement) and insufficient infrastructure & public services, as well as proximity to vulnerable natural habitat & endangered species. These constraints make development unfavorable.

WHEREAS the Commercial Mixed Use parcels in the Tamalpais Area Community Plan area lack sufficient retail & professional services and public transit to serve the communities of the Plan area, causing residents to drive outside the area to obtain their daily needs. Future residents would need to do the same, thus increasing Green House Gases.

WHEREAS restoration of all lands East of Shoreline Highway, back to the marsh has been advocated by Tam Valley and Almonte residents for decades and is recognized as a high priority in the Tamalpais Area Community Plan. Such restored wetlands would not only provide critical habitat but would also serve to protect residents from the surge of increased flooding and future sea level rise. Were increased development allowed on this land, any chance of restoring it back to marshland would be significantly impaired. Land value would increase, making it more difficult to fund the purchase of the land for restoration. Thus, further development of land that was once part of the marsh and that could be restored, would potentially cause irreversible impacts to the marsh and its restoration.

WHEREAS "Goal Bio-5 Baylands Conservation" in the 2007 Marin Countywide Plan mandates analysis and mapping of historic wetlands in Richardson Bay and the Bothin Marsh area (including all parcels East of Shoreline Hwy) to determine if the parcels should be included in the Baylands Corridor. It is expected that once the analysis and mapping are completed that all parcels East of Shoreline Hwy will be added to the

Baylands Corridor and will then be subject to Baylands Corridor regulations. The purpose of the Baylands Corridor is to give greater protections to wetland, including reducing development.

WHEREAS the primary land use goal of the Tamalpais Planning Area as stated in the Tamalpais Area Community Plan is the conservation of the semi-rural residential and commercial character and scale of the community and its close relationship with the natural beauty of its setting. In addition, the Tamalpais Area Community Plan's goals include limiting commercial development or redevelopment to uses that primarily serve the local residents at a scale compatible with the semi-rural environment and adjacent neighborhood.

RECOMMENDATIONS

Now, therefore, for the sake of protecting the environment and public health and safety, the Sustainable TamAlmonte Executive Committee advocates decreasing the number of residences and increasing the amount of neighborhood serving retail & professional services in the Commercial Mixed Use parcels to the greatest extent possible as well as upholding all Baylands Corridor protections, as delineated in the Biological Resources section of the Countywide Plan. In so doing, the Sustainable TamAlmonte Executive Committee recommends the following revisions and additions to the Marin Countywide Plan Amendment:

REGARDING PROPOSED CHANGES TO THE CWP POLICIES & PROGRAMS, WHICH SHALL BE FURTHER MODIFIED, AND ARE SCHEDULED FOR REVIEW AND ADOPTION BY THE BOARD OF SUPERVISORS ON NOVEMBER 13, 2012:

We understand that on October 2, 2012, the Board of Supervisors considered changes to Policy CD-1.3, Program CD-1.c and Program CD-5.e related to affordable housing. Per their request at that meeting, staff has returned with new language to clarify that increased densities for affordable housing may be considered, on a case-by-case basis, without encouraging higher development in environmentally constrained areas.

Excerpt from Staff Report prepared for the November 13, 2012 Board of Supervisors Public Hearing:

“As requested by the Board, staff has modified Policy CD-1.3 and Programs CD-1.c and CD-5.e to clarify this intent. This is reflected by the following proposed language: “Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households, as long as the development complies with the California Environmental Quality Act (CEQA) and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.”

As currently written above, there is no clear guidance, without exceptions, that specifically outlines what would be needed to determine if an area is environmentally constrained. The CWP is filled with contradictions of protections for the environment and public, health and safety followed by exceptions, for certain affordable housing developments, that negate those protections. The CEQA law includes exceptions for affordable housing (that meets certain criteria). Furthermore, since California State law allows for streamlining and exemption of CEQA review, an Environmental Impact Report

(EIR) may not be required during permit review of an affordable housing project and therefore would not be available to determine if the area, surrounding the affordable housing development, were environmentally constrained. For these reasons, there is no guarantee that the constraints of the Tamalpais Area Community Plan area would be recognized. Therefore, we recommend more straightforward protections for the Tamalpais Area Community Plan's constrained areas.

RECOMMENDATION

Sustainable TamAlmonte recommends adding the following new language to Policy CD-1.3 Reduce Potential Impacts, Program CD-1.3 Reduce Potential Impacts and Program CD-5.e Limit Density for Areas Without Water and Sewer Connections:

Residential units in the Tamalpais Area Community Plan area are not subject to the density or FAR exceptions for development of housing exclusively affordable to very low or low income residents, listed in Policy CD-1.3, Program CD-1.3 and Program CD-5.e due to the area's highly constrained (week and weekend) traffic conditions, flooding, future sea level rise and other hazards.

Thank you for your conscientious consideration.

Very truly yours,

SUSTAINABLE TAMALMONTE EXECUTIVE COMMITTEE