

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

November 30, 2014

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Tam Junction Sites evaluated by the 2015 to 2023 Marin County Housing Element's Addendum to the 2013 SEIR:

- Site #4: Old Chevron Station, 204 Flamingo Rd, Tam Junction
- Site #9: Manzanita Mixed Use, 150 Shoreline Hwy, Tam Junction
- Site #14: Armstrong Nursery, 217 & 221 Shoreline Ave., Tam Junction

Dear Marin County Board of Supervisors,

We strongly urge you to remove the above-referenced Tam Junction Sites from the 2015 to 2023 DRAFT Marin County Housing Element's Addendum to the 2013 Supplemental Environmental Impact Report (SEIR).

As you are aware, the Planning Commission found that two of the above-referenced Tam Junction sites (the Old Chevron Site and the Armstrong Nursery Site) were inappropriate for housing and removed them from the 2015 to 2023 DRAFT Marin County Housing Element's Site Inventory. Our letter, dated November 26, 2014, from us to your Board substantiates their finding and more. It demonstrates that, due to the unique environmental constraints and hazards in the area, encouraging residential development at all three of the above-referenced Tam Junction Sites would increase the risk of undue harm to the environment and undue hardship, illness, and/or injury to the current and future residents.

Unfortunately, although two Tam Junction sites were removed from the Housing Element's Site Inventory, none of the Tam Junction sites were removed from the Housing Element's Addendum.

The Housing Element's Addendum is the **Program** environmental review document that future specific development projects would tier off of and rely on for exemptions and streamlining of the California Environmental Quality Act (CEQA). For instance, if the **Program** environmental review has already evaluated an environmental impact, then the **Project** Environmental Impact Review (EIR) for the specific proposed development may not have to evaluate that impact because it had already been evaluated, unless conditions have

changed since the Program environmental review document was conducted. Addendum certification confers what is essentially a CEQA free pass on future programmatic issues relating to cumulative impacts and alternatives. This process streamlines environmental review of future specific development projects and therefore could streamline environmental review of future development projects at the Tam Junction Sites.

Moreover, whether or not the streamlined environmental review of future specific projects truly protects the environment and public health and safety, is greatly dependent on the quality of the previous Program environmental review documents that the Project EIRs would tier off of. Unfortunately, there are serious problems with the Program environmental review documents.

The 2015 to 2023 County Housing Element's **Addendum** for environmental review is an abbreviated addendum to the 2007 to 2014 Marin County Housing Element's **Supplemental Environmental Impact Review (SEIR)**, which is supplemental to the 2007 Marin Countywide Plan's (CWP) **Environmental Impact Review (EIR)**. The Addendum, the SEIR and the EIR are all considered 'Program' environmental review documents and all have serious problems.

Problems with the 2015 to 2023 Marin County Housing Element's Addendum:

According to State CEQA guidelines, an Addendum does not require a jurisdiction to provide formal responses to any comments provided by the public and therefore does not have to take public comments into account in any meaningful way. This lack of public review and comment constrains effective community engagement and hinders thorough environmental review and transparency.

Problems with the 2007 to 2014 Marin County Housing Element's SEIR:

The 2007 to 2014 Marin County Housing Element SEIR failed to comply with CEQA and failed to fully disclose, analyze and mitigate the plan's potentially significant adverse impacts (E.g. traffic congestion, sea level rise, flooding, air pollution, long term sustainability of water supply, etc.). The SEIR relied on the CWP's EIR to evaluate and mitigate numerous adverse impacts. Yet, the 2007 to 2014 Housing Element eliminated some of the mitigations that the CWP's EIR required, such as the mitigation that required "calculating potential residential densities and commercial floor area ratio (FAR) at the lowest end of the applicable range on sites with sensitive habitat, on sites within the Ridge and Upland Greenbelt or the Baylands Corridor, or on sites lacking public water or sewer systems". As a result, a lawsuit was filed against the county and the Board of Supervisors and is still pending today.

Problems with the 2007 Marin Countywide Plan's EIR:

The most significant finding of the 2007 Marin Countywide Plan's Environmental Impact Report was that "land uses and development consistent with the 2007 Countywide Plan would result in **42 significant unavoidable adverse environmental impacts.**" These impacts include, but are not limited to, traffic congestion, flooding, impending sea level rise, air and noise pollution, endangering habitat and a potential water deficit. There was a lawsuit filed against the County related to the CWP's EIR too.

Many of the above-referenced adverse impacts would apply to the Tam Junction Sites. Unfortunately, even though these adverse impacts could not be mitigated, they may not have to be evaluated again in a future Project EIR that tiers off of the prior Program environmental review documents, which include the CWP's EIR (unless conditions were to have changed since the CWP's EIR was conducted).

Conclusion

It makes no sense to encourage exemption or streamlining of environmental review of housing developments at sites that have been proven to be inappropriate for housing. It makes no sense to foster CEQA exemptions and streamlining at sites that are some of the most environmentally constrained and hazardous in the entire County. Moreover, furthering CEQA exemptions and streamlining undermines the Precautionary Principle, a fundamental guiding tenet of the Marin Countywide Plan.

Once again, we strongly urge you to remove the Tam Junction Sites from the 2015 to 2023 DRAFT Marin County Housing Element's Addendum to the Supplemental Environmental Impact Report (SEIR).

Thank you for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte