

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

July 5, 2016

Marin County Community Development Agency, Planning Division
3501 Civic Center Dr., Room 308
San Rafael, CA 94903
Attention: Planner Jocelyn Drake
jdrake@marincounty.org

Re: Proposed Office Building at 150 Shoreline Highway, Mill Valley, CA 94941 (Manzanita Area), Parcel 052-371-03, - Application for Tamalpais Area Community Plan Amendment, Master Plan Amendment and Precise Development Plan Approval - Business and Professional Offices in order to change the land use from MRVC (Multiple Residential – Visitor Commercial) to GC (General Commercial) and allow for business and professional office use.

Dear Planning Division of the Marin County Community Development Agency,

We wish to make the following comments and recommendations regarding the proposed office building at 150 Shoreline Hwy in the Manzanita area.

I. Circumstances Have Deteriorated Significantly At 150 Shoreline Hwy

Situated on approximately 100 feet of fill, 150 Shoreline Hwy is an extremely hazardous site, subject to: Severe flooding (within the 100 year flood plain); Sea level rise; High traffic congestion (LOS “F”), High air pollution; High seismic activity; Subsidence; and Mud displacement. It is also located in proximity to vulnerable natural habitat and endangered species.

Conditions at the site have deteriorated significantly since the adoption of the 1992 Tamalpais Area Community Plan, the adoption of the 2007 Countywide Plan, and since the Board of Supervisors approved the Project Initial Study and Negative Declaration for the proposed deli and residential project in May 2011.

In just the last 5 years, traffic congestion along Shoreline Hwy has significantly increased, flooding has become more frequent, and sea level rise is now predicted to rise sooner and higher than previously forecasted. Due to the increase in traffic, we suspect that the air quality has further degraded also.

These environmental constraints mandate a very cautious approach to consideration of any development at the site and potentially limit or preclude such development.

II. The Proposed Tamalpais Area Community Plan Amendment To Change The Land Use Should Be Denied

We urge you to follow the Tamalpais Area Community Plan guidelines in all respects, except for those sections that allow housing in the hazardous commercial areas.

On Page III-86 of the Tamalpais Area Community Plan, the plan describes the uses allowed in the Multiple Residential – Visitor Commercial land use category, which applies to the afore referenced site. It states; “The multiple residential – visitor commercial category in the Manzanita area is intended to provide an area within the community where visitors to Marin County and its recreation resources can find lodging and meals, and take advantage of transit options to the recreation areas of Mount Tamalpais and West Marin. However, commercial retail or office uses not directly subsidiary to the principal visitor use will not be allowed in this area.” “Commercial enterprises expected within this land use category include: motel, hotels, inns, and restaurants, which are not freeway or roadway oriented but draw clientele from overnight visitors or the immediate Planning Area.”

Highway oriented regional serving commercial business and professional office use at 150 Shoreline Highway is not an appropriate use.

In general, the Tamalpais Community Plan discourages ‘larger highway serving’ regional commercial business and encourages neighborhood-serving businesses.

Regional commercial is explicitly discouraged because of its potential adverse impacts on traffic. Increased traffic congestion from such development could jeopardize public health and safety. Besides increasing the risks of bodily injury from accidents and disease from poor air quality, it would also hinder emergency access and egress in a high-risk seismic, fire and flood area. The Manzanita bottleneck cannot handle additional regional traffic, which would further worsen this segment and endanger the community.

Therefore, the referenced Tamalpais Area Community Plan Amendment to change the land use in the Manzanita area from MRVC (Multiple Residential – Visitor Commercial) to GC (General Commercial) and allow for business and professional office use should be denied. Instead, the applicant should pursue a use that is already allowed by the Community Plan, such as a motel, hotel, inn or restaurant. The only allowed use that should not be pursued is multifamily housing.

The Multiple Residential – Visitor Commercial land use allows for development of multiple family housing. However, due to the extremely hazardous conditions at the site that present serious issues involving residents’ health and safety from environmental impacts, this use is no longer appropriate and should be prohibited.

III. Require A Full CEQA Review Of Any Development Proposed At 150 Shoreline Hwy

150 Shoreline Hwy sits within the Baylands Corridor of the Marin Countywide Plan and is thereby governed by regulations pertaining to the protective designation. Please see the enclosure entitled; “Addendum I - Excerpts from the Countywide Plan regarding the

Baylands Corridor”.

On Page 2.4-35, BIO-5.4 “Limit Development and Access”, the Countywide Plan states; “Require an environmental assessment where development is proposed within the Baylands Corridor”.

Due to the above requirement for parcels located in the Baylands Corridor and the numerous environmental constraints that impact 150 Shoreline Hwy, any proposed development at the site should require a full CEQA review, including a review of cumulative environmental impacts.

IV. The Preferred Use Of 150 Shoreline Hwy Is Acquisition For Open Space And Restoration Of The Property Back To Marshland

As mentioned before, 150 Shoreline Hwy sits within the Baylands Corridor of the Marin Countywide Plan and is thereby governed by regulations pertaining to the Baylands Corridor. Please see the enclosure entitled; “Addendum I - Excerpts from the Marin Countywide Plan regarding the Baylands Corridor”.

The Marin Countywide Plan encourages the following to happen within the Baylands Corridor:

- Limit development and development impacts;
- Preserve and enhance the Baylands ecosystem;
- Encourage acquisition of Baylands for open space;
- Restore marshlands; and
- Protect Movement Corridors.

According to the CWP, the preferred use of 150 Shoreline Hwy would be acquisition for open space and restoration of the property back to marshland. Besides other benefits, this would help to lessen flooding in the area.

In the future, as sea level rises higher, the adjacent properties on the East Side of Shoreline Hwy may also be acquired for open space and marsh restoration. Together the sites could allow for the retreat of baylands/wetlands habitat and wildlife as waters rise.

Discussion:

There are numerous concerns about adding more development on a floodplain that is already flooding and compromised during the year. Additional runoff will exacerbate the problem and bioswales are inappropriate on marshland. The flooding has and will continue to increase as evidenced by all mapping of present and future sea level rise. The proposed grading and impermeable paving will only exacerbate the problems.

The proximity to water inlet, the historic marsh and 100’ deep bay mud and subsidence and mud displacement make future development in this area inappropriate. The elevated building may rise in the future but the access to it won’t and the public should not have to become responsible for the expense of protecting and sustaining access to this privately owned building. To allow further development in this area is shortsighted

and not cost effective.

Request:

We urge the County to seek funding from appropriate sources to purchase the property for open space and to restore it back to marshland.

V. Limit Development at 150 Shoreline Hwy If Acquisition Of 150 Shoreline Hwy For Open Space & Marsh Restoration Is Not Possible At This Time

If 150 Shoreline Hwy is not purchased for open space and marsh restoration at this time, then development at the site should be limited to the greatest degree possible.

A. Sections of the CWP pertaining to the Baylands Corridor encourage limited development at 150 Shoreline Hwy:

Per the enclosed excerpts of the Marin Countywide Plan that relate to the Baylands Corridor (See Addendum 1), development should be limited within this protective designation.

B. Following the guidelines of the Tamalpais Area Community Plan will result in a smaller building size:

In Section VI of this letter, we list relevant excerpts from the Tamalpais Area Community Plan, regarding compatibility with the neighborhood, maximization of views, perimeter landscaping, height, etc. In order to follow these requirements, the proposed building size would need to be reduced.

- Clarification of the 25' height limit for development on the East side of Shoreline Hwy in Manzanita, which is required by the Tamalpais Area Community Plan:
The flood risks would result in elevating the proposed building above 25' in violation of the Tam Plan. At the time that this height was established the authors intended this to be the limit on this side of Shoreline Highway (any other reference is an error as corrected by the Tamalpais Area Community Plan Updates in 2013). In 1992 there was no provision for the FEMA expectation of an increased 3' elevation for flood protection. Therefore the intended height should be adjusted to incorporate this new mitigation rather than effectively increasing the building height limit from visual ground level.

C. Restrict development to the lowest end of the applicable FAR where LOS standards will be exceeded:

Per the below excerpts from the Built Environment – Transportation Section of the Countywide Plan, “New development should be restricted to the lowest end of the applicable residential density/ commercial floor area ratio range where LOS standards will be exceeded at any intersection or road segment or worsened on any grandfathered segment.”

Due to the extremely hazardous traffic congestion in the area, a rigorous traffic study should be conducted to evaluate traffic conditions at the site as well as cumulative traffic impacts from other proposed developments in the area and the expected rise in visitation to the National Parks. If the LOS standards are worsened, then the proposed office building should be restricted to the lowest end of the applicable FAR.

Relevant Excerpts from the Built Environment – Transportation Section of the Countywide Plan:

- **Pg. 3.9-13, BUILT ENVIRONMENT, TRANSPORTATION - TR-1.e Uphold Vehicle Level of Service Standards:** “Uphold peak-hour vehicle Level of Service standard LOS D or better for urban and suburban arterials and LOS E or better for freeways and rural expressways...”

New development shall be restricted to the lowest end of the applicable residential density/commercial floor area ratio range where the LOS standards will be exceeded at any intersection or road segment or worsened on any grandfathered segment.”

- **Page 3.9-18 BUILT ENVIRONMENT, TRANSPORTATION - TR-1.r Reduce Congestion on Grandfathered Road Segments:** “Encourage the Transportation Authority of Marin or other responsible agency to prepare plans to reduce congestion on grandfathered road segments that do not meet current LOS standards. These plans should rely on programs and policies other than physical infrastructure improvements to the extent feasible.”

VI. Development At 150 Shoreline Hwy Should Be Consistent With The Tamalpais Area Community Plan – Except For The Allowance Of Housing

Except for the allowance of housing (discussed above), development at 150 Shoreline Hwy should be consistent with the goals, objectives, policies and programs specified in the Tamalpais Area Community Plan (TACP), which are listed below:

Excerpts from the Tamalpais Area Community Plan (TACP):

- Preface Land Use Goals: “The general approach during the Plan revision process was to acknowledge the identified environmental constraints as limitations on development rather than trying to identify extensive mitigation measures.”
- Preface “3. Encourage land uses that further the sense of neighborhood and community feeling, including in the commercial districts.”
- Preface “4. Limit commercial development or redevelopment to uses that primarily serve the Planning Area residents at a scale compatible with the semi-rural environment.”
- Pg. III-35 “When an FAR is specified, it should be interpreted as a maximum and may be reduced based on site specific conditions.”
- Pg. III-43 & 44 LU2.2 Environmental Sensitivity: “All undeveloped and underdeveloped properties located in areas of relatively high visibility, environmental hazards, sensitive environmental resources or areas which are identified as high priority open space lands shall be zoned a density which maximizes the protection of environmental resources.”

- Pg. III-36 LU1. Compatible Design: “New residential and commercial development shall be comparable and compatible with the scale (bulk, mass, and height) and appearance (colors, materials and design) of the particular neighborhood and shall be integrated with and subordinate to the area’s natural setting.”
- Pg. III-43 (While referencing residential densities and re-zoning) Environmental Protection and Hazards Reduction “ v) Keep grading to a minimum to prevent erosion and to retain natural land forms.”
- Page III-9 The “expressed community concerns about new development include the difficulty, or impossibility, of widening existing streets sufficiently to ease current and future projected traffic congestion; driving safety on congested streets; increased runoff from new developments and the associated danger of flooding in adjacent low-lying neighborhoods; and the safety hazards posed by landslides, erosion and seismic activity.”
- Pg. III-74 LUDD.1b Development Guidelines for the Shoreline and Manzanita Areas
 - Design Guidelines: “h.)The Manzanita area height limit shall be a maximum of...two stories or 25 feet on the east side. These limits indicate the maximum height of any new building or structure, including all rooftop mechanical equipment.”
 - Design Guidelines: “j.) The longest dimension of any building should be perpendicular to the shoreline to maximize views through the site.”
- Pg. III-76 LU33.1d Landscape Guidelines
 - Landscape Guidelines: “h) Perimeter landscaping around parking areas shall have a minimum width of 10 feet.”
 - Landscape Guidelines: “i) Provide a landscaped roadside buffer of a t least ten feet in width.”
 - Landscape Guidelines: “j.) Include a landscaped area between the property line and the Caldrons roadway surface.”
- Pg. III-77 g. Manzanita Area: “The Manzanita area is the primary gateway to the Tamalpais Planning Area, and contributes directly to the visual image and character of the community. The local community has strong concerns about development in this area and its effect on the wetland environment on the east side”
- Pg. III-86 Multiple Residential - Visitor Commercial: “The multiple residential - visitor category in the Manzanita area is intended to provide an area within the community where visitors to Marin County and its recreation resources can find lodging and meals, and take advantage of transit options to the recreation areas of Mount Tamalpais and west Marin. However, commercial retail or office uses not directly subsidiary to the principal visitor use will not be allowed in this area”

- Pg. IV-39 (Shoreline/Manzanita area) Traffic: “Traffic shall not be allowed to deteriorate below level “D”.”

VII. Conclusion

The environmental constraints that impact 150 Shoreline Hwy mandate a very cautious approach to consideration of any development at the site. We urge you to follow our above recommendations, which include:

- A. Deny the proposed Tamalpais Area Community Plan Amendment to change the land use.
- B. Require the applicant to follow the Baylands Corridor and Tamalpais Area Community Plan guidelines in all respects, except for those sections that allow housing in the hazardous commercial areas.
- C. In accordance with the sections of the Countywide Plan that relate to the Baylands Corridor, seek funding from appropriate sources to purchase 150 Shoreline Hwy for open space and restore it back to marshland. If acquired and restored, the sites on the East Side of Shoreline Hwy could help lessen flooding and allow for the retreat of baylands/wetlands habitat and wildlife as waters rise.
- D. Limit new development at 150 Shoreline Hwy if acquisition of the site for open space and marsh restoration is not possible at this time.
- E. Require a full CEQA review of any development proposed at 150 Shoreline Hwy., including a review of cumulative environmental impacts, based on the requirements for parcels located in the Baylands Corridor and the numerous increasing environmental constraints that impact the site.

Thank you for your conscientious consideration.

Very truly yours,

/s/

Ann Spake, Vice-Chair
Sustainable TamAlmonte

**ADDENDUM I.
EXCERPTS FROM THE MARIN COUNTYWIDE PLAN
REGARDING THE BAYLANDS CORRIDOR**

2.4 BIOLOGICAL RESOURCES

Page 2.4-5, Baylands

“The Baylands Corridor was established to protect important baylands and large adjacent undeveloped uplands along the San Pablo and San Francisco Bays. The Baylands Corridor reinforces and refines the current Bayfront Conservation Zone, protecting important tidelands and adjacent undeveloped uplands within the City-Centered Corridor.”

Page 2.4-7, Baylands

“Development is encroaching on baylands and limiting the potential for restoration of historic diked and tidal areas. Major opportunities for preservation and enhancement of the baylands ecosystem in Marin exist... Threatened marshland complexes also fringe the Manzanita and western shorelines of Richardson Bay.”

Page 2.4-7, Baylands

“Future development may further impact public lands where it is proximate to sensitive habitat on public lands. Inappropriate development could, for example, fragment habitat or negatively impact adjacent sites. The Countywide Plan establishes or reaffirms policies that protect natural resources on and adjacent to public lands. For instance, the Ridge and Upland Greenbelt, Wetlands Conservation Area, Streamside Conservation Area, and Baylands policies all strive to limit impacts on sensitive sites and, by extension, public lands adjacent to them.”

Page 2.4 – 7, BIO-1.1, POLICIES

“Protect Wetlands, Habitat for Special-Status Species, Sensitive Natural Communities, and Important Wildlife Nursery Areas and Movement Corridors. Protect sensitive biological resources, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through careful environmental review of proposed development applications, including consideration of cumulative impacts, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide permanent protection of important natural habitats.

Page 2.4-8, BIO-1.2, POLICIES

“Acquire Habitat. Continue to acquire areas containing sensitive resources for use as permanent open space, and encourage and support public and private partnerships formed to acquire and manage important natural habitat areas, such as baylands, wetlands, coastal shorelines, wildlife corridors, and other lands linking permanently protected open space lands.”

**Page 2.4-13, GOAL BIO-2 “Protection of Sensitive Biological Resources”,
POLICIES, BIO-2.2**

“BIO-2.2, Limit Development Impacts. Restrict or modify proposed develop in areas that contain essential habitat for special-status species, sensitive natural communities,

wetlands, baylands and coastal habitat, and riparian habitats, as necessary to ensure the continued health and survival of these species and sensitive areas. Development projects should preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site or (as a lowest priority) off-site replacement at higher ratio.”

Page 2.4-13, BIO-2.3

“BIO-2.3, Preserve Ecotones. Condition or modify development permits to ensure that ecotones, or natural transitions between habitat types, are preserved and enhances because of their importance to wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands, and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types.”

Page 2.4-13 & 14, BIO-2.4

“Protect Wildlife Nursery Areas and Movement Corridors. Ensure that important corridors for wildlife movement and dispersal are protected as a condition of discretionary permits, including consideration of cumulative impacts. Features of particular importance to wildlife for movement may include riparian corridors, shorelines of the coast and by, and ridgelines. Linkages and corridors shall be provided that connect sensitive habitat areas such as woodlands, forests, wetlands, and essential habitat for special-status species, including an assessment of cumulative impacts.

Page 2.4-16, GOAL BIO 3, WETLAND CONSERVATION

“Wetland Conservation. Require all feasible measures to avoid and minimize potential adverse impacts on existing wetlands and to encourage programs for restoration and enhancement of degraded wetlands.”

Page 2.4-16, BIO-3.1 Protect Wetlands

“Protect Wetlands. Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone).”

Page 2.4-16

City-Centered Corridor:

- ◆ For parcels more than 2 acres in size, a minimum 100-foot development setback from wetlands is required.
- ◆ For parcels between 2 and 0.5 acres in size, a minimum 50-foot development setback from wetlands is required.

- ◆ For parcels less than 0.5 acres in size, a minimum 20-foot development setback from wetlands is required. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.

- ◆ Regardless of parcel size, an additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary. Site

assessments will be required and conducted pursuant to Program BIO-3.c, Require Site Assessment.

Page 2.4-17

Coastal, Inland Rural, and Baylands Corridor:

◆ For all parcels, provide a minimum 100-foot development setback from wetlands (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone). An additional buffer may be required, based on the results of a site assessment, if such an assessment is determined to be necessary. Site assessments will be required and conducted pursuant to Program BIO-3.c, Require Site Assessment.

Exceptions to full compliance with the Wetland Conservation Area (WCA) setback standards may apply only in the following cases:

1. Parcel is already developed with an existing use, provided no unauthorized fill or other modifications to wetlands have occurred as part of ongoing use of the property.
2. Parcel is undeveloped and falls entirely within the WCA.
3. Parcel is undeveloped and potential impacts on water quality, wildlife habitat, or other sensitive resources would be greater as a result of development outside the WCA than development within the WCA, as determined by a site assessment.
4. Wetlands are avoided and a site assessment demonstrates that minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands.

Page 2.4-33, GOAL BIO-5 BAYLANDS CORRIDOR

“Baylands Conservation. Preserve and enhance the diversity of the baylands ecosystem, including tidal marshes and adjacent uplands, seasonal marshes and wetlands, rocky shorelines, lagoons, agricultural lands, and low-lying grasslands overlying historical marshlands.”

Page 2.4-35

“BIO-5.1 Protect the Baylands Corridor. Ensure that baylands and large, adjacent essential uplands are protected, and encourage enhancement efforts for baylands, including those in the Baylands Corridor. The following criteria shall be used to evaluate proposed development projects that may impact the Baylands Corridor:

- ◆ For large parcels (over 2 acres in size), adhere to development setback standards for areas qualifying for protection under the WCA and SCA, but increase setback distances as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marshes are adequately linked to permanently protected habitat. These additional development setbacks shall serve to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor.

- ◆ For small parcels (2 acres or less in size), encourage property owners where suitable habitat exists to preserve up to 10 feet landward of mean high tide as a species refuge area for high water events. Site constraints, opportunities for avoidance of sensitive biological resources, and options for alternative mitigation, may also be considered.
- ◆ Minor redevelopment involving less than 25% of a structure on a residential or industrial parcel that is already filled and at least 50% developed may be exempted from the requirements for a site assessment, provided that no additional filling or modification to wetlands occurs. (See BIO-5.2.)

Page 2.4-35, BIO-5.2, Limit Development and Access.

“Limit Development and Access. Ensure that development does not encroach into sensitive vegetation and wildlife habitats, damage fisheries or aquatic habitats, limit normal wildlife range, or create barriers that cut off access to food, water, or shelter for wildlife. Require an environmental assessment where development is proposed within the Baylands Corridor.”

Page 2.4-36, BIO-5.4 Restore Marshlands.

“Restore Marshlands. Enhance wildlife and aquatic habitat value of diked bay marshlands, and encourage land uses that provide or protect wetland or wildlife habitat and do not require diking, filling, or dredging.”

Page 2.4-36, BIO-5.4

“Encourage Acquisition of Essential Baylands. Continue to acquire large, essential baylands for open space and habitat restoration purposes, and support public and private partnerships working to acquire baylands.”

BAYLANDS CORRIDOR IMPLEMENTING PROGRAMS

Page 2.4-39

BIO-5.g Identify Baylands as a Priority for Open Space Acquisition. Designate regionally significant baylands, including tidelands, diked marshlands, and adjacent uplands, as a priority for open space acquisition, particularly in areas known to support essential habitat for special-status species, wetlands, and important habitat linkages for wildlife (see policies and programs in the Open Space and Trails sections of this Element).

EXCERPTS FROM THE COUNTYWIDE PLAN REGARDING TRANSPORTATION

BUILT ENVIRONMENT TRANSPORTATION

Pg. 3.9-13, BUILT ENVIRONMENT, TRANSPORTATION

“TR-1.e Uphold Vehicle Level of Service Standards. Uphold peak-hour vehicle Level of Service standard LOS D or better for urban and suburban arterials and LOS E or better for freeways and rural expressways...

New development shall be restricted to the lowest end of the applicable residential density/commercial floor area ratio range where the LOS standards will be exceeded at any intersection or road segment or worsened on any grandfathered segment.”

Page 3.9-18

TR-1.r Reduce Congestion on Grandfathered Road Segments. Encourage the Transportation Authority of Marin or other responsible agency to prepare plans to reduce congestion on grandfathered road segments that do not meet current LOS standards. These plans should rely on programs and policies other than physical infrastructure improvements to the extent feasible.