

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

June 28, 2016

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

Re: Proposed Memory Care Assisted Living Facility at 205 Tennessee Valley Rd, Mill Valley, CA 94941

Dear Planning Division of the Marin County Community Development Agency,

We, along with many other residents, have numerous concerns about the proposed Memory Care Assisted Living Facility at 205 Tennessee Valley Rd. The location is inappropriate for such a facility. The project is inconsistent with the Tamalpais Area Community Plan (TACP). It also ignores future cumulative impacts of sea level rise in the adjacent floodplain and increased traffic congestion from nearby proposed projects and from greater visitation to the Golden Gate National Recreation Area (GGNRA). For these reasons and more, which are discussed in detail below, we urge you to disapprove the subdivision of the parcel and the proposed facility.

If new development is allowed at the site, it should be modest in size and incur as little vehicle and pedestrian traffic as possible. Moreover, any proposed development at the site should require full CEQA review.

Our viewpoint is substantiated by the following information:

I. Inappropriate Location

A memory care facility may be needed in Marin but this is the wrong location for it. This project is inappropriate in this congested area of Tennessee Valley Road. We have only two ways in and out of our valley. With 2 million + visitors annually already trying to pass through our valley for recreation, the area cannot accommodate additional regional traffic from requisite staff services and supervision as well as visitors of residents in this 'memory center' with parking for only .5 cars per bed. It makes no sense to locate an Alzheimer center near the physical hazards of proximity to a busy road and freeway as

well as Coyote creek and Richardson Bay. This poses serious risks to these residents if they wander off. The ability of ambulances to serve them is likewise dicey with the congestion on busy weekends and the National Park Service's plan to increase park visitation and traffic and, via a reservation system, distribute the increasing traffic year round.

Relevant excerpts from the Tamalpais Area Community Plan (TACP):

- **PREFACE:** "The primary land use goal for the Tamalpais Planning Area is the conservation of the semi-rural small town residential and commercial character and scale of the community, and its close relationship with the natural beauty of its setting."...
"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."
- **Pg. III-9:** "The current Community Plan review process has reaffirmed the strong community concern about the visual effects of future residential development on the existing semi-rural image and character of the Planning Area. The concern is heightened because the remaining undeveloped residential lots are located on lands, which are the last vestiges of open space in the area. ...Other 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."

II. Massive Structure

The proposed structure is too massive for the area.

Relevant excerpts from the Tamalpais Area Community Plan:

- **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-36 LU1.4. Size, Height, Setbacks:** "The size, height, and building setbacks of all new or expanded residential development shall be carefully regulated to maintain the existing character of residential neighborhoods and to protect the exposure to sun light, views, and privacy of adjacent homes."

III. FAR

The maximum allowable Floor Area Ratio (FAR) for the parcel is 30%. This is what is proposed. However, the maximum FAR does not have to be granted.

Relevant excerpts from the Tamalpais Area Community Plan:

- 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-36 LU1.2. “Preserve natural and Cultural Characteristics.New development will be required to preserve a significant portion of the natural and cultural characteristics of their respective development sites.”
- Pg. III-37 LU1.4a. “For all new residential construction and substantial remodels involving 25% or more of existing structures, proposed on properties with a slope of 25% or greater, or where the lot does not comply with minimum required size (area) and width requirements, the following shall apply: Maximum adjusted Floor Area Ration (F.A.R.) = .30 (30% of the total lot area). The “adjusted F.A.R” is the gross enclosed floor area...”

IV. Height

The height limit at the site is 30 feet and should not be exceeded.

Relevant excerpt from the Tamalpais Area Community Plan:

- Pg. III-38 LU1.4b. “The height limit for structures on hillside lots shall be regulated as follows: No part of a building shall exceed 30 ft. above natural grade (see Figure 13).”

V. Density

The Tamalpais Area Community Plan (TACP) restricts living care facilities to 18 patients per acre. So, on 2.7 acres, the memory care facility should be limited to 48 beds and not 72 beds as proposed. There are environmental constraints based on site-specific conditions referenced in the TACP, which should further reduce the density of development here.

Relevant excerpts from the Tamalpais Area Community Plan:

- Pg. III-85 Single Family Residential (> 4 Units/Gross Acre): “The single family residential category is assigned to those residential areas within established neighborhoods which are characterized by single family detached homes on individual lots.... The population density of new development in the single family residential category shall not exceed an average of 18 persons per gross acre.”
- 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.”
- Program:LU2.1a. “Relate development density to the capacity of existing roads and public services, soil, geologic, hydrologic and slope conditions.”
- Pg. III-43 Residential Densities and Re-Zoning Objective LU.2: “To establish residential densities which are compatible with the environmental constraints of

the area and sensitive to adjacent land uses.”

VI. Slope Policy

Particularly important is an indication that the current proposal request is actually for a lot split, which appears to manipulate the lot lines to avoid compliance with the Tamalpais Area Community Plan slope policy effect on FAR and thereby allow greater development than would otherwise be allowed.

Relevant excerpts from the Tamalpais Area Community Plan:

- Pg. III-43 Residential Densities and Re-Zoning Objective LU.2: “To establish residential densities, which are compatible with the environmental constraints of the area and sensitive to adjacent land uses.”
- f.) Environmental Protection and Hazards Reduction v) “Keep grading to a minimum to prevent erosion and to retain natural land forms.”

VII. Parcel Subdivision

If the goal of the church is to retain the Church at its current location, rebuild the Parsonage at another location on the property, and construct a new Memory Care Assisted Living Facility, then only two parcels should be needed and not three. The Church and Parsonage could be on the same parcel, as they are today. It doesn't make sense to divide the site into 3 parcels, unless the applicant has other intentions that weren't revealed.

The Church has a small congregation currently. An additional loss of membership could lead to the closing of the church and redevelopment of Parcel "A". Perhaps a restricted zoning could be applied to Parcel "A" if the memory care assisted living facility and parcel division is granted. This could prevent Parcel "A" from becoming another big apartment complex or an extension of the assisted living facility if the parcel is redeveloped.

Relevant excerpts from the Tamalpais Area Community Plan:

- 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.”
- Program: LU2.1a. “Relate development density to the capacity of existing roads and public services, soil, geologic, hydrologic and slope conditions.”
- Program: LU2.1e. “For all parcels subject to further subdivision, design review shall be required as a condition of tentative map approval.”

VIII. Underestimation of Necessary Staffing

The developer has underestimated the number of in-house nursing staff, auxiliary care givers and management personnel that would be needed 24/7. This not only undermines the prospective care of patients but also does not adequately describe the potential adverse impact from additional regional traffic and the concomitant aggravation of

access and egress problems.

IX. Roads & Traffic

The roads in the area are extremely congested with a Level of Service "F". The comings and goings of all the staff, auxiliary caregivers, visitors, and local walks/outings with the Alzheimer residents would make traffic worse. It doesn't make sense that the traffic study concluded that the proposed facility would not have a significant impact. The Tamalpais Area Community Plan explicitly discourages regional traffic and any realignment of Tennessee Valley Road. Current traffic already exceeds the capacity of the roadway and nearby intersection. In this instance though not actually on Shoreline Highway itself, it is nearby and the entrance/exit onto the curve of busy Tennessee Valley Road from the proposed Memory Center does not afford safe sight line distance for such additional traffic.

Relevant excerpts from the Tamalpais Area Community Plan:

- Pg. IV 42 4.ISSUE: Relationship of Development Intensity to Roadway Capacity Policies: T4.1 "To limit the intensity of proposed commercial development and the density of a proposed residential development if the traffic generated by such development exceeds the capacity of the roadway or intersections in the Planning Area."
- Pg. IV-43 T5.1a "The County shall limit improvements to Tennessee Valley Road to those necessary for safety, and maintain Tennessee Valley Road in its current configuration to the greatest extent possible. The community has expressed a strong desire to maintain the road in its current alignments."
- General Guidelines on pg. III-41 iii "Should new residential development require access to Shoreline Highway, the access shall be designed with safe sight line distances as determined by the Planning and Public Works departments."
- Pg. IV-25 4. Future Travel Demand (See the description of projected increases)
- Pg. IV-26 "The operation of Shoreline Highway is controlled by the capacity of intersections of Shoreline Highway with each side street. While it is the capacity of intersections, which determine the most critical points for potential traffic congestion, the width of the roadway between intersections is also an important factor in the overall efficiency of the local street system."
- Pg. IV-34 D. Transportation Goals: "The primary goals of the Transportation Element are: (include) 3. To discourage regional traffic from using local residential streets."
- Pg. IV-49 Program T14.1a. "The County shall approve a Traffic Mitigation Fee Ordinance which requires that the developers of new projects shall pay a traffic mitigation fee based on the trips which would be generated by each new development."

X. Priority of Community-Serving Businesses & Services

The local Tamalpais Area Community Plan emphasizes that businesses and services should serve the local community. Unfortunately, most local residents would not be able to afford staying at a memory care assisted living facility, which typically costs between \$6000 and \$10,000 per month. Government subsidies are not available to patients living in such facilities. Moreover, the facility's employees would probably come from other counties.

Relevant Excerpts from the Tamalpais Area Community Plan:

- Pg. III-48 b. Commercial1) ISSUE: Maintenance of a Sound Local-Serving Commercial Base Objective LU.9: “To develop a mix of community-serving commercial uses which will enhance the attractiveness and economic vitality of existing commercial areas, while protecting the small scale community character.”
- TACP - Preface 2. “New development shall be integrated harmoniously into the neighborhoods and geographic areas of the Planning Area in order to maintain its distinctive character.”
- TACP Preface 3. “Encourage land uses that further the sense of neighborhood and community feeling, including in the commercial districts.”
- TACP 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.”

XI. Comparable Costs Indicate Not Best Use of Property

Since the costs are similar, the current trend is for Alzheimer patients to stay at home and pay for caregivers to visit them at home. This is not a good use for the property.

XII. Neighbors' Concerns

Residents living in the next door apartments expressed concern over loss of privacy and views, increased noise, and possible exposure to air contaminants from car fumes and outdoor smoking by staff.

Relevant excerpts from the Tamalpais Area Community Plan:

- Pg.III-33 Other Community Facilities: “The Tamalpais Planning Area contains a number of private owned facilities which are often used by residents of the community for public gatherings, meetings and events. ... The use permit regulations most often limit the hours of operation and the types of activities for which the facility can be used. The primary purpose of these regulations is to minimize the effects of noise and other activities associated with events on neighbors in the surrounding area.”
- Pg. III-36 LU1.4 Size, Height, Setbacks: “The size, height, and building setbacks of all new or expanded residential development shall be carefully regulated to maintain the existing character of residential neighborhoods and to protect the exposure to sun light, views, and privacy of adjacent homes.”

XIII. Services and Infrastructure

Services, both routine and emergency, to such a center could be jeopardized due to the difficulty of traveling through a flooded floodplain.

New expensive sewerage infrastructure would have to be created at the developer's expense, which would have further environmental impact on development of the property.

Relevant excerpts from the Tamalpais Area Community Plan:

- [Pg. 1 ISSUE: Adequacy of Public Facilities and Services to Meet Needs of New Development. Program: PS1.1a.](#) “The County shall require that a detailed environmental review be prepared on any development which requires service expansion or improvement of any public facility. The environmental review must address both primary and secondary impacts of the development on public services and facilities and be completed in accordance with CEQA prior to approval of the development application.”
- [PS1.1b.](#) “The County shall require new development to pay its fair share of the infrastructure development it requires and the public services it receives.”
- [Pg. 5. ISSUE: The Provision of Adequate Police Protection in the Community PS5.1b.](#) “The County, during long-range planning for Sheriff services in the Planning Area, should recognize that increasing population without increased service will result in a reduced level of service in the area.”

XIV. Emergency Access and Egress

Emergency egress of such patients would be difficult, especially when added to community egress in the same area. This is an area of high seismic, fire, and flood risk. There is no analysis of potential fire hazard. Prior to increasing traffic congestion on roads, there should be evaluation of emergency access for fire fighting equipment and personnel as well as assisted evacuation of elderly Alzheimer residents. This situation could also be compounded by the current expectation that in a disaster the Church has been designated as an emergency shelter for the community.

Relevant excerpt from the Tamalpais Area Community Plan:

- [Pg. V-7 Disaster Planning \(The Peace Lutheran Church is designated in the planning area as a shelter in a disaster.\):](#) “In a major earthquake, the Red Cross expects total gridlock, with bridges down and the road network unworkable.”

XV. Environmental Impacts on Hillside

The cutting into the hillside with accompanying soil removal to facilitate construction of massive retaining walls and grading to make flat building surfaces and parking pads do not ‘protect and preserve the hillside’ but rather disturb it, creating potentially adverse environmental impacts and ignore the general approach of the Tam Plan which was “to acknowledge the identified environmental constraints as limitations on development rather than trying to identify extensive mitigation measures”.

Relevant excerpts from the Tamalpais Area Community Plan:

- [Pg. III-48 b. Commercial1\) ISSUE: Maintenance of a Sound Local-Serving](#)

Commercial Base Objective LU.9. “To develop a mix of community-serving commercial uses which will enhance the attractiveness and economic vitality of existing commercial areas, while protecting the small scale community character.”

- Pg. IV -45 8.1b. “The County shall require that all new parking lots have landscaping plans that include trees to break up the flatness of the visual impact. Hillside residential areas shall have landscaped parking lots where appropriate and feasible.”
- Pg. V-11 & 12 6. ISSUE: The Effects of New Development on Stream Erosion and Flooding Objective PS.6: “To list the impacts of new development on stream erosion and down stream flooding in the low lands.”
- Policies -PS6.1: “The County shall limit the cumulative downstream erosion and flooding impacts of new development in the Planning Area. Program The DPW shall evaluate the impact of hillside development in terms of its potential for increasing down slope flooding and erosion, as well as silting of the marshlands and flood control channels.”
- Pg. III-24 Creek Resources: ”Throughout the watersheds, grading, excavation, vegetation removal and the replacement of natural ground surface by impervious structures and paved surfaces have led to flooding and erosion of channel banks.”
- Pg. III-35 Policies: LU1.1: Protect Natural Habitats. “All land use decisions within the Planning Areas neighborhoods will take into consideration the protection and preservation of the area’s hillsides, ridges, water courses, wetlands, woodlands and any other unique natural habitats.”

XVI. CEQA/EIR Cumulative Impacts:

Such a large development should require an Environmental Impact Review (EIR) that analyzes impacts, including cumulative impacts. The National Park Service plans to increase visitation to the national parks situated further down Tennessee Valley Road and there are other proposed developments in the near vicinity. Impacts of growth from various future projects should be evaluated together in relation to both sustainability and our Community Plan.

Relevant excerpt from the Tamalpais Area Community Plan

- Pg. 1 ISSUE: Adequacy of Public Facilities and Services to Meet Needs of New Development. Program: PS1.1a: “The County shall require that a detailed environmental review be prepared on any development which requires service expansion or improvement of any public facility. The environmental review must address both primary and secondary impacts of the development on public services and facilities and be completed in accordance with CEQA prior to approval of the development application.”

XVII. Implications of Implementing the Golden Gate National Recreation Area Muir Woods National Monument General Management Plan

A. Enhancement of park amenities will increase visitors and generate more traffic and use:

Relevant excerpts from the Golden Gate National Recreation Area Muir Woods National Monument Final General Management Plan/ Environmental Impact Statement 2014:

- Ex. “Diverse Opportunities Zone (Oakwood Valley)
Visitor access improvements, including trailhead amenities, parking, picnicking, and restrooms, would be provided in this zone to support access to the trail system.”(Vol. I Pg. 126)
- “Tennessee Valley and Surrounding Parklands (from Oakwood Valley to the ocean, and northwest to Highway 1) Diverse Opportunities Zone (Tennessee Valley trailhead and the upper stables area) Trailhead site improvements, including potable water, restrooms, and an improved picnic and parking area, would enhance this portal to the park that supports hiking, biking, and equestrian activities. A small food and information kiosk could be included in this area.” (Vol. I Pg.126)

B. Future traffic impacts of autos and tour buses on Tennessee Valley Road from increased visitation:

Tennessee Valley Road is a rural road and allows Tour Bus traffic and the following excerpt is relevant.

Relevant excerpts from the Golden Gate National Recreation Area Muir Woods National Monument Final General Management Plan/ Environmental Impact Statement 2014:

- **Regarding transit:** "Currently, the majority of visitors, especially those from outside San Francisco, arrive by personal vehicle. This sometimes causes congestion problems along roadways, in parking areas, and in nearby neighborhoods." (Vol. II Pg.108)
- “Marin County park sites are accessed primarily by private automobile. The most popular destinations experience considerable congestion during peak periods on winding, two-lane roads and exceed the capacity of limited parking areas. There is little public transit service to park sites within Marin County.” (Vol. II Pg. 142)
- “Golden Gate National Recreation Area park sites in Marin County are generally relatively remote....the eastern edge of the park lands in the county’s southwestern corner is bordered by the larger communities of Marin City, Tamalpais Junction, and Mill Valley. Despite several trails that extend into these communities, pedestrian access to park sites is fairly limited. Even in those residential areas adjacent to park lands, there are few sidewalks, and residents of southern Marin County often drive to nearby trailheads such as Tennessee Valley.” (Vol. II Pg. 142)

- “In the 2004 report from HDR, Inc., Transportation Planning to Address Access and Congestion Issues – Muir Woods National Monument, traffic studies indicated a peak season intersection level of service of “F,” where State Route 1 intersects with Tennessee Valley Road” (Vol. II Pg.137)
- **Tour Buses:** “While no data is available on private tour bus operators serving Golden Gate National Recreation Area park sites, park staff estimate that up to 20% of visitors to the monument may arrive by tour bus.” (Vol. II Pg. 138)

C. Carbon footprint and increased potential air quality impacts from traffic:

As an adjacent community we are concerned with stationary, area and mobile sources of air emission, with particular concern regarding ozone and inhalable particulate matter. Due to the very serious congestion at the entrance to our valley, residents are potentially subjected to the well-known adverse health impacts coming from major roads and freeways that are heavily trafficked by visitors to Tennessee Valley, Muir Woods, Mount Tamalpais and beyond.

Relevant excerpts from the Golden Gate National Recreation Area Muir Woods National Monument Final General Management Plan/ Environmental Impact Statement 2014:

- "Based on the emissions inventory completed in 2006, emissions from visitors (mobile combustion primarily from personal automobile use) represents 91% of gross emissions ..."; "The vast majority of emissions at Golden Gate National Recreation Area are attributable to visitor mobile combustion vehicles)." (Vol. II Pg. 19)
- “EPA understands that with attempts to upgrade new facilities and to increase and expand visitor use in the park under Alternative 1, there could be long-term increases in energy consumption and related emissions." (Vol. II, Pg. 539).
- Table 3. Emission Statistics For Golden Gate National Recreation Area (Vol. II Pg.21)

With the expectation of increased visitation to Muir Woods by up to 1/2 million/yr. throughout the days and months of the year (fostered by a reservation system) the potential increase in traffic even with increased transit opportunities will further add to these emissions, which are already almost double those of Marin County.

Relevant excerpts from the Golden Gate National Recreation Area Muir Woods National Monument Final General Management Plan/ Environmental Impact Statement 2014:

- "Long- term, adverse impacts on air quality / carbon footprint would also be expected due to increases in energy consumption and related emissions attributed to these new facilities." (Vol. II Pg. 202)
- "Overall, adverse impacts would occur from new recreational development and expanded visitor use. " (Vol. II Pg.205)

D. The General Management Plan’s (GMP) comments on potential National Park Service development in the floodplain:

Noteworthy are comments made in the GMP about floodplain development and human life and safety, which they say is okay as long as it isn't 24/7 in use. But what about 24/7 access through a floodplain for residents in a care facility nearby though out of the actual floodplain?

Relevant excerpts from the Golden Gate National Recreation Area Muir Woods National Monument Final General Management Plan/ Environmental Impact Statement 2014:

- "...In addition, none of the structures that are present in the floodplain or tsunami inundation zone have overnight use—all are day use facilities only. Therefore impacts to human life and safety should be reduced." (Vol. II Pg. 14)

XVIII. Conclusion

For the above reasons, we urge you to disapprove the parcel subdivision and the proposed Memory Care Assisted Living Facility at 205 Tennessee Valley Rd. If new development is allowed at the site, it should be modest in size and it should not worsen vehicle and/or pedestrian traffic in the area. Moreover, any proposed development at the site should require full CEQA review.

Thank you for your conscientious consideration.

Very truly yours,

/s/

Ann Spake, Vice-Chair
Sustainable TamAlmonte