

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

August 31, 2013

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

Re: Merits of the Tam Junction Affordable Housing Opportunity Sites listed in the 2012 Draft Marin County Housing Element's Available Land Inventory (to be discussed at the September 10, 2013 Board of Supervisors Public Hearing):

- 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
- Site #18: Around Manzanita (150 Shoreline Ave.), Tam Junction
- Site #19: Tam Junction Retail, 237 Shoreline Ave. etc., Tam Junction

Dear Marin County Board of Supervisors,

Introduction

Please be aware that Rachael Koss, an attorney with the law firm of Adams, Broadwell, Joseph & Cardozo, has submitted comment letters, including evaluations by Technical Expert Matt Hagemann and Technical Expert Geoffrey Hornek, on the sufficiency of the 2012 Draft Marin County Housing Element's DSEIR and FSEIR on behalf of Sustainable TamAlmonte. We fully endorse the comment letters written by Attorney Koss and Technical Experts Hagemann and Hornek. Their findings are very informative, particularly regarding the proposed Tam Junction Affordable Housing Opportunity Sites.

In addition, Sustainable TamAlmonte has the following comments and recommendations regarding the merits of the above referenced Tam Junction Affordable Housing Opportunity Sites listed in the 2012 Draft Marin County Housing Element's Available Land Inventory:

Due to the unique characteristics of the area, encouraging residential development, especially high-density development, at the above referenced Tam Junction Affordable Housing Opportunity Sites would increase the risk of undue harm to the environment and undue hardship, illness, injury and/or death to the current and future residents.

The Tam Valley and Almonte lowlands, in which the Tam Junction sites are located, experience the most number of environmental constraints and hazards of any area in Unincorporated Marin. Both the Marin Countywide Plan's EIR and the Housing Element's SEIR demonstrate that development at the Tam Junction sites would exacerbate the existing dangerous conditions and add new significant adverse environmental impacts. The extraordinarily high number of these hazards and adverse impacts magnifies the probability that a tragedy would ensue and the multiple mitigations that a developer would need to fulfill would cause development costs to soar. These

factors make the sites unsuitable for affordable housing. The only acceptable course of action is to eliminate the Tam Junction Affordable Housing Opportunity Sites from the 2012 Draft Housing Element's Available Land Inventory.

Below is a list of the unique natural features, hazards, and limited resources in the Tam Valley and Almonte lowlands that constrain development and population growth and substantiate our argument. For a quick overview of these constraints, please view the attached table entitled; "Table A: Environmental Constraints & Hazards at the Tam Junction Affordable Housing Opportunity Sites".

I. Dangerous Traffic with Unacceptable Level Of Service "LOS" Of Local Roadways:

The roads leading to the aforementioned Affordable Housing Opportunity Sites are drowning in traffic congestion. The level of service (LOS "F") on Highway 1 is unacceptable and unavoidable, as demonstrated in both the Marin Countywide Plan's Environmental Impact Report (EIR) and the Housing Element's Supplemental Environmental Impact Report (SEIR).

In addition to the Unincorporated Districts governed by the Tamalpais Area Community Plan, the City of Mill Valley, Stinson Beach, Muir Beach and Bolinas also use Hwy 1 as their regular commuter route to get to Hwy 101. Over a million tourists a year use Hwy 1 to access Muir Woods and other recreational destinations. As the jurisdictions grow and tourism increases, the additional commuters will further intensify the Tam Junction traffic.

The public transit service is inadequate to serve current local residents, let alone additional future residents. The assumption that low income people will not drive, especially in a poor service area, creates a flawed analysis which underestimates the additional traffic impacts that implementation of the Housing Element will cause.

Tam Junction's unavoidable high traffic volume and the unacceptable LOS present a danger to the current residents. This is especially true during times of emergency egress and ingress. Implementation of the Draft 2012 Housing Element with subsequent residential development at the proposed Tam Junction Affordable Housing Opportunity Sites, would only exacerbate this situation by adding more automobile and pedestrian traffic to the already dangerous area, creating an even greater danger to the current and future residents.

II. Flooding, 100 Year Floodplain, Impending Sea Level Rise

All the Tam Junction Sites are within the 100 Year Floodplain. Flooding is excessive in the Tam Junction/Manzanita area and continues to occur with the tides even in August with no rain. Sea level rise caused by global climate change, which will cause rises in tide elevations of San Francisco and San Pablo Bays, will further increase the risk of flooding in Tam Valley/Almonte and ultimately permanently cover the low lying Tam Valley/Almonte areas with water.

According to the San Francisco Bay Conservation and Development Commission and the Pacific Institute map, the Tam Junction Affordable Housing Opportunity Sites proposed for development or redevelopment will all likely be under water within 100 years or sooner due to global climate change. (Please see the attached BCDC map.)

Because the sea and Bay levels are fundamental in determining whether an area is in the 100-year floodplain, areas that are not currently in the floodplain will likely become part of that floodplain very soon. Moreover, development, including increased density of housing, would cause increased soil compaction, which would in turn further increase the risk of flooding in Tam Valley/Almonte.

Placing housing within a 100-year floodplain and in areas subject to sea level rise is dangerous, results in significant impacts to the environment and should be prohibited.

III. Filled Marsh Areas With High Seismic Activity, Liquefaction, Subsidence and Mud Displacement

The Marin Countywide Plan's EIR states, and the Housing Element FSEIR confirms, that implementation of the CWP and the Housing Element would have significant unavoidable project and cumulative impacts [Impact 4.7-2 (Seismic Ground Shaking) & Impact 4.7-3 (Seismic Related Ground Failure)] to persons living in new or redeveloped buildings due to risk of injury or death from severe seismic activity such as a major earthquake. The CWP's EIR and the Housing Element FSEIR then describe the areas in which the danger is greatest, which include Tamalpais Valley and more specifically, the referenced Tam Junction Affordable Housing Opportunity Sites. The CWP's hazard maps confirm this finding.

The proposed Tam Junction Affordable Housing Opportunity Sites sit on deep bay mud and landfill and are in a high seismic activity zone with very high liquefaction potential. During even moderate seismic activity, the filled land is susceptible to liquefaction, subsidence and mud displacement. Placing housing on these seismically active sites would put the residents at risk of injury or death.

Selecting Affordable Housing Opportunity Sites that are seismically unsafe, such as those in Tam Junction, is in direct conflict with CWP Policy EH-2.1 - that seeks to avoid development in seismically hazardous areas. Moreover, there can be no benefit that would result from implementation of the Draft Housing Element that would override the impact of severe injury or loss of life from building on ground known to be unstable in even a moderate seismic event.

The Tam Junction Affordable Housing Opportunity Sites should be removed from the Housing Element. New Affordable Housing Opportunity Sites should be selected that are underlain with bedrock and that thus do not present a significant impact due to seismic activity.

IV. Air Quality & Noise:

Increased Risk of Residents Developing Serious Illness Due to Living Near Major Roadways:

Site #9 and Site # 18, both in Manzanita, sit very close to Hwy 101 and all the Tam Junction sites sit along highly congested Hwy 1 with an unacceptable LOS of "F".

It is well documented, in a multitude of major studies (E.g. The California Department of Public Health Studies by Janice Kim MD, MPH; the UCSC study by Gauderman et al.), that residents living in proximity to major roads and freeways are at much greater risk of developing serious illness (lung impairment, cardiac disease, cancer, and premature

miscarriage) due to the cumulative effects of air and noise pollution. The Housing Element's SEIR states; "Residential development that could occur under the 2012 Draft Housing Element would have the potential to result in new or substantially more severe impacts due to exposures to toxic air contaminants (TACs) along highways and heavily traveled roads."

Comments by Technical Expert Geoffrey Hornek

According to Technical Expert Geoffrey Hornek's comment letters on the air quality analysis done for the Housing Element's DSEIR¹ and FSEIR², all of the Tam Junction Sites are located within the zone of influence of a number of strong roadway (within 1000 feet of Hwy 1 and/or Hwy 101) and stationary TAC sources (Sausalito Marin City Sanitary District Generator and County of Marin, Crest Marin Pump Station Generator) as identified in the BAAQMD's listings. As a result, all of the proposed Tam Junction sites are subject to a cancer risk greater than 10.

With respect to specific shortcomings in the Final SEIR, Mr. Hornek states that, in the absence of specific site plans for housing projects, the County's analysis of TAC emissions impacts fails to reflect a "worst-case scenario," as required by CEQA.

Mr. Hornek also states that the Final SEIR fails to adequately disclose and analyze the Project's impacts from TAC emissions because it fails to consider the additive effects of all sources of TAC emissions for each of the Tam Junction sites. For example, the County of Marin Crest Marin Pump Station Generator is a significant source of TACs and poses a distance-adjusted risk of 3.16. The distance-adjusted risk from the Crest Marin Generator (3.16), when added to the risk from Highway 1 (9.7) results in a project-level risk over 10 for Sites #4, #14 and #19.

The additive effects of all sources of TAC emissions for each of the Tamalpais Junction sites should be considered for the project-level 10-in-a-million risk criterion. When a sensitive receptor is exposed to TAC emissions that results in a cancer risk greater than 10, regardless of the number of sources of emissions, the result is a significant adverse project-level air quality impact that must be mitigated. Therefore, since all the Tam Junction Sites are subject to a cancer risk greater than 10, the Marin County Housing Element results in significant impacts from TAC emissions for all the Tam Junction Sites.

The mitigations sited in the CWP's EIR and the Housing Element's FSEIR fall short of protecting future residents from the above mentioned TACs. According to Geoffrey Hornek; "The DSEIR states that potentially significant impacts related to TACs could occur on certain housing sites identified by the DSEIR screening analysis, but concludes that additional site-specific health risk assessments conducted at these sites, once specific development plans are finalized, would propose site-specific mitigations that would reduce TAC impact to a less-than-significant level (DSEIR, p. 81). While additional site-specific analyses for the Tamalpais Junction sites would be essential for specific residential development plans proposed for any of the sites in the future, it is not clear

¹ Letter from Geoffrey Hornek to Rachael Koss re: Comments on Draft Supplemental Environmental Impact Report for the 2012 Draft Marin Housing Element, February 19, 2013.

² Letter from Geoffrey Hornek to Rachael Koss re: Comments on Final Supplemental Environmental Impact Report for the 2012 Draft Marin Housing Element, May 17, 2013.

that any proposed mitigations identified by such studies would be able to guarantee that TAC impacts would be reduced to a less-than-significant level for all possible exposure circumstances. The best solution for sites that have high TAC exposures would be to situate the proposed housing units on each site so that they are outside the zones of influence of all proximate roadway and stationary sources. But this is not feasible for any the Tamalpais Valley sites; all are relatively small and the entire sites are located within the zones of influence of significant TAC sources. The only possible mitigation measure for the Tamalpais Junction sites would be to fit the proposed residential buildings with air filtration systems to reduce indoor risk to acceptable levels. The problem with this is that there would be no assurance that these systems would be maintained sufficiently to assure acceptable long-term exposures to the future residents (i.e., commonly assumed to be 30-70 years for the purposes of residential health risk assessment). Moreover, indoor air filtration fails to address outdoor exposures to TACs. Children playing outside, or residents gardening, would have no protection from the high levels of TACs, which would pose cancer and other chronic and acute risks that would be additive to the risk imposed by their indoor exposure.”³

Technical Expert Geoffrey Hornek concludes; “The DSEIR screening risk assessment of toxic air contaminant (TAC) exposure for future residents of the five housing sites proposed for Tamalpais Junction is inadequate. Further, there is no evidence that future, in-depth health risk assessments could assure that TAC exposure would meet BAAQMD standards. Therefore, the County should remove the five Tamalpais Junction sites (4, 9, 14, 18 and 19) from the MCHE list and focus future residential planning on sites that clearly meet BAAQMD screening criteria with a health margin of safety.”⁴

In addition, after careful review of various studies, the Health Council Of Marin recommended to the Board of Supervisors that housing should be located at least 500 feet from major roads and freeways. Since the Tam Junction Affordable Housing Opportunity Sites are located within 500 feet of Highway 101, Highway 1 and/or Shoreline Highway, they should be removed from the Available Land Inventory. New Affordable Housing Opportunity Sites should be selected that are more than 500 feet away from a major roadway.

V. Hazardous Materials:

According to the SEIR (pg.148), the State Water Resources Control Board (SWRCB) data management system (Geotracker) was accessed to evaluate the potential for the proposed housing sites to be situated on or within a zone of contaminated soil or groundwater. As Indicated in Exhibits 3.0-13 and 3.0-14, Site #4, the Old Chevron Site, and Site #19, the Tam Junction Retail Site, may be affected by impacted soil or groundwater based on a review of that database.

Site #4, the Old Chevron Site, was issued a No Further Action (NFA) letter from the Water Board. However, the issuance was predicated on the continued use of commercial or industrial purposes and NOT conversion to residential land use. Residual

³ Letter from Geoffrey Hornek to Rachael Koss re: Comments on Draft Supplemental Environmental Impact Report for the 2012 Draft Marin Housing Element, February 19, 2013.

⁴ Letter from Geoffrey Hornek to Rachael Koss re: Comments on Final Supplemental Environmental Impact Report for the 2012 Draft Marin Housing Element, May 17, 2013.

hydrocarbons are likely in the soil. Conversion to residential land use could result in the Water Board requesting additional site assessment and/ or remediation. (Housing Element's SEIR pg. 150)

The shallow groundwater at Site #19, Tam Junction Retail, is impacted from the nearby gas station. A past case regarding this is closed, but remnant volatile organic compounds could pose a potential vapor intrusion risk for residential use. Again, conversion to residential land use could result in the Water Board requesting additional site assessment and/or remediation. (Housing Element's SEIR pg. 155)

In addition, the Manzanita Sites (Site #9 and Site #18) are located on or very near where a Texaco station used to be situated. The SEIR does not mention the old Texaco station. We suspect that these sites also have historical releases of hazardous materials. Furthermore, if the old Texaco site received an approved remediation, like the Chevron site, it was likely based on the continued use of commercial purposes and NOT conversion to residential land use and additional site assessment and remediation would be required.

In conclusion, due to probable contaminated soil or groundwater, Site #4 (The Old Chevron Site), Site #19 (Tam Junction Retail), Site #9 (Manzanita Mixed-Use) and Site #18 (Around Manzanita) would most likely need additional site assessment and remediation to make them suitable for residential use, which would greatly increase the cost of development at the sites and make them inappropriate for affordable housing.

VI. Endangered Special Status Species:

Site #14 (Armstrong Nursery) sits alongside Coyote Creek, which is inhabited by the California Clapper Rail and the Salt Marsh Harvest Mouse, both of which are endangered species. Site #18 (Around Manzanita) butts up against marshland, which is also likely to be inhabited by these endangered species. Development and increased human impact on these sites may reduce the essential habitat of these species or reduce the number of these species.

VII. Insufficient Services & Public Transit:

Tam Junction's insufficient services (lack of supermarket, bank, clothing stores, medical facilities, schools, etc.), coupled with inadequate public transit, causes residents to drive outside the area to obtain their daily needs. (E.g. Local Elementary School is so overcrowded that local school children must go to school outside the area.) The future residents of housing located at the Tam Junction Affordable Housing Opportunity Sites would need to do the same. This increase in the number of residents driving outside the area would increase greenhouse gas emissions and toxic air pollutants.

VIII. Analysis and Mapping of Historic Wetlands and Baylands Corridor:

"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. The Draft Housing Element's Affordable Housing Opportunity Site #9 and Site #18 are located East of Shoreline Hwy. It is expected that once the analysis and mapping are completed that all parcels East of Shoreline Hwy,

including Sites #9 & #18, 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. Therefore, Sites #9 and #18 would be inappropriate for the high-density development that affordable housing developers typically pursue.

IX. Historic Marshland That Could Be Restored:

Site #9 and #18 land are historic marshland. Restoration of these sites, as well as all lands East of Shoreline Highway, back to the marsh has been advocated by Tam Valley and Almonte residents for decades. 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 these sites, any chance of restoring them back to marshland would be significantly impaired. Land values would increase, making it more difficult to fund the purchase of the land for restoration. Also, development may cause irreversible impacts to the marsh and preclude its restoration.

Better yet, the Tam Junction Affordable Housing Opportunity Sites #9 & #18 should be removed from the Housing Element. New Affordable Housing Opportunity Sites should be selected that are not located on former marshland and therefore do not have the chance of being restored back to marshland.

X. MMWD's Finite Water Supply

We are conserving water, however, we must still live within the limits of our finite watershed. In regard to availability of water for the proposed development on the Tam Junction Affordable Housing Opportunity Sites, an unlimited water supply cannot be assumed, as the current supply is dependent on enforcement of the Countywide Plan's stipulation of "No net water increase".

Figure III-1: Water Capacity for New Development states the following regarding MMWD; "Current water sources are sufficient for the development of the units proposed in the **Site Inventory**. Additionally, the district is pursuing alternative water sources (desalination) and measures such as conservation, and will continue to allow new development."

It is shortsighted and perilous to increase the number of potential units allowed by the Countywide Plan, via the Housing Element, and only ensure sufficient water for the Site Inventory but not ensure sufficient water for Development Potential and for the Countywide Buildout. This sets the stage for a future catastrophe.

Mitigations that would require actions not within the authority of the County, but lie instead within the authority of other agencies, such as MMWD, cannot be considered feasible, according to the 2007 CWP's EIR. No development projects can assume available water from Desalination (using the most toxic Bay in California) because the construction of a desalination facility would be subject to a public vote. Given the strong opposition by some sectors of the public to the environmental impacts and high cost of desalination, it cannot be assumed that this is a realistic option. Increased supply from

Sonoma County Water Agency, a supplier for MMWD, is equally unviable.

In regards to evaluating the impact of accelerated development on MMWD's water supply, potential future residential development on the proposed Tam Junction Opportunity Sites should not be evaluated separately but rather as part of the potential future development in MMWD's entire jurisdiction. This cumulative development impact should not exceed the limits of our finite water supply.

XI. High Density Development Is Not Consistent With the Traditional Character Of The Local Semi-Rural Communities:

The projected high-density development on the Tam Junction Sites is incompatible with existing development in the commercial areas and in the adjacent neighborhoods based on scale and appearance, FAR, height and setbacks. Urban development and overdevelopment by private developers has consistently been considered both inappropriate and unsustainable and has therefore been opposed by the community for decades.

Conclusion:

The County now has sufficient information to understand that the proposed Tam Junction Affordable Housing Opportunity Sites are inappropriate for inclusion in the Housing Element Available Land Inventory. Not only would construction of housing on these sites exacerbate the already existing problems, but doing so when the County admits in the Marin Countywide Plan EIR and Housing Element's FSEIR that significant adverse unavoidable impacts would result from such construction defies logic.

Moreover, there can be no benefit that would result from implementation of the 2012 Draft Housing Element that would override the impacts of environmental harm and severe illness, injury or loss of life from building on the Tam Junction Affordable Housing Opportunity Sites, which are laden with environmental constraints and dangerous hazards.

The best course of action would be for the County to revise the 2012 Draft Housing Element to reflect the current problems with traffic, seismic activity, hazardous soil conditions, air and noise pollution, water supply, flooding, and impending sea level rise and to find that no new residential development in the Tam Junction area is appropriate. The County should return with a 2012 Housing Element that does NOT include Tam Junction sites in the Available Land Inventory and thus, does not sacrifice the environment or the health and safety of its current and future residents. Such action would be consistent with the Board of Supervisors' sensible decision to vote for the "Resolution of the Marin County Board of Supervisors Modification to the Priority Development Area", which removed Tam Valley, Almonte and Manzanita from the Hwy 101 Corridor Priority Development Area of Plan Bay Area.

Very truly yours,

/s/

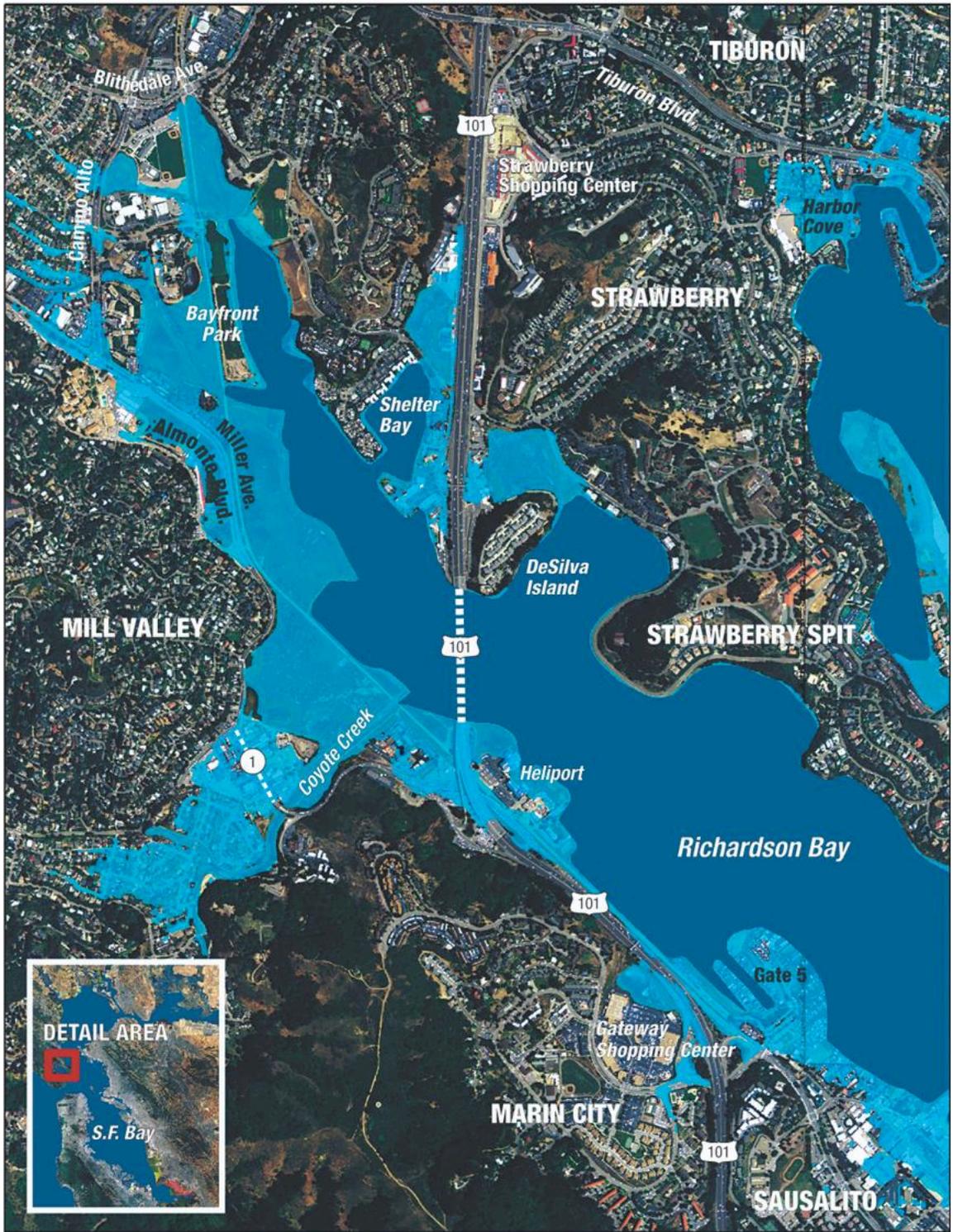
Sharon Rushton,
Chairperson, **Sustainable TamAlmonte**
Enclosures

Table A: Environmental Constraints & Hazards at the Tam Junction Affordable Housing Opportunity Sites

		Tam Junction Affordable Housing Opportunity Sites				
		Site #4 Chevron	Site #9 Manzanita	Site #14 Armstrong	Site #18 Manzanita	Site #19 TJ Retail
E N V I R O N M E N T A L C O N S T R A I N T S	Traffic Congestion (LOS "F")	✓	✓	✓	✓	✓
	Flooding, 100 Year Floodplain	✓	✓	✓	✓	✓
	Sea Level Rise	✓	✓	✓	✓	✓
	High Seismic Activity with High Liquefaction, Subsidence, & Mud Displacement	✓	✓	✓	✓	✓
	Toxic Air & Noise Pollution from Hwy 101		✓		✓	
	Toxic Air & Noise Pollution from Hwy 1	✓	✓	✓	✓	✓
	Cancer Causing TACs from Generators	✓		✓		✓
	Probable Contaminated Groundwater, Soil & Vapors from Hazardous Materials at Gas Stations	✓	✓		✓	✓
	Probable Endangered Species			✓	✓	

One meter sea level rise at Richardson Bay

San Francisco Bay



Source: BCDC



Flooding at Manzanita



Traffic at the Hwy 1/ Stinson Beach Exit off Hwy 101
(Traffic is backed up across the entire span of the Richardson Bay Bridge)