

Feb. 26, 2007

Dear sirs and madams,

Re: Ca Gov Code Sec 65580-65589.8

Sec. 65589.5 par. (h), (1) Defines "Feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

65589.5 par. (d) declares that although the state expects local agencies to follow through in approving housing element projects, it does recognize that some situations are infeasible and provides a remedy. A local agency must make written findings based upon substantial evidence in the record as to ONE of the items listed in subsections of paragraph (d), (1)-(5), (B). Specifically I would direct your attention to subsection (2), as with regards to the traffic situation at Tam Junction. It is arguable that there is no feasible effective mitigation to remedy the amount of traffic that comes through this area, and that it represents a clear and already existing danger to the current residents based on the current "F" LOS rating and the lack of safe pedestrian crossings, traffic signals (at Flamingo Rd., and crossing signals anywhere but the Junction), or sidewalks or clearly defined bicycle routes. In addition to this there is a significant amount of unregulated traffic coming from various businesses at and around Tam Junction that make a variety of frequent wild and unpredictable maneuvers. Although I have not found the time to delve into the specifics of what is contained in the "Congestion Management Program" (required by Chapter 2.6 (commencing with 655088) of Division 1 of Title 7, or the Ca. Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), I have been advised that this is a planning document that is revised on a regular cycle whose function it is to relieve traffic congestion. I would submit that if there were feasible ways to mitigate the dangers and congestion at Tam Junction that this would surely have been addressed by now. If not, then the county is clearly neglecting its responsibilities to the current residents and seems clearly liable in the event of any accidents occurring at Tam Junction as a result of such negligence. To introduce affordable housing units into such a high risk situation would seem unfair to both the existing residents and to put the future residents into a situation of unnecessary high risk. Therefore this is one reason that this site is unsuitable.

Furthermore, with regards to 65589.5 par. (d),sec. (5)(B), the state requires the local agency (Marin) to be practical in its selection of building sites, stating that it must "identify in the inventory of land in its housing element sites that can be developed within the planning period AND can be developed for housing within the planning period...". Later in the same paragraph, it states "In any action in court, the burden of proof shall be on the local agency to show that its housing element DOES identify adequate sites with appropriate zoning and development standards AND with services and facilities to accommodate the local agency's share of the regional housing need...". As was already pointed out at the last public meeting (Feb. 16, 2007), many of the sites identified in the Tam Valley area are NOT available for building sites now nor within the

next 5-7 years, due to the fact that they have current continuing uses and there are no plans to change those uses (which range from public parks to our elementary school, a church and private businesses). This must clearly be a mistake and not an attempt to mislead the Housing Department or the State, and so you must revise the County Wide Plan to reflect this, as well as revise the density numbers generated for the Tam area in general. In that same meeting it was repeatedly pointed out that the land on which many of the current residences are built is very unstable and that in some areas homes are sinking at a rate of 1 inch a year and that this has resulted in, among other things, the necessity of sump pumps running year round and the breakage of sewer lines! It would seem to be a travesty to build homes for the economically disadvantaged or elderly in such a location! There have been many other references made to you, verbally and in writing, as to the other conditions that exist in this area which make it unsuitable under the law. We request for the County to put into writing and submit to the appropriate agencies the reasons why this area complies with the definition of "INFEASIBLE" and the exceptions outlined in 65589.5 paragraph (d), sec. (1)-(5), (B).

Further, we would ask you to examine carefully the problems of this area and the county's liability under the law, and using your authority to rezone, please reconsider the current density approved for the Tam Valley area and decrease the current density "build out" numbers.

Thank You for your consideration,
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