

SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941

May 21, 2012

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

Re: May 22, 2012 Staff report pertaining to "Regulatory Improvements to Development Review Process"

Dear Marin County Board of Supervisors,

In regard to the Staff Report made in preparation for the May 22, 2012 Board of Supervisors Meeting pertaining to Regulatory Improvements to the Development Review Process, the Sustainable TamAlmonte Executive Committee recommends the following:

- 1) Oppose expediting or streamlining CEQA, permit reviews, infill development projects, and development projects consistent with the Countywide Plan, as proposed in the above referenced staff report.
- 2) Require all development in Unincorporated Marin to go through a thorough review process, including full compliance with CEQA guidelines and ample public input.

The CEQA section of the staff report, which suggests critically evaluating and revising CEQA, has the potential to undermine and negate provisions that protect the environment and public health & safety.

The Importance of CEQA

CEQA has accomplished what no other law before it could: comprehensive, multidisciplinary assessment of environmental impacts of projects before they could be approved; full disclosure of impacts, mitigations, and alternatives on which to base informed public decisions; and a tool for the public to understand and comment on the intentions of an applicant's project and to hold elected officials accountable for their decisions. CEQA should not be tampered with.

Following the Guidelines of SB 226 is Unwise

The staff report states; "The new law (SB 226) is intended to help infill development by narrowing the scope of CEQA review if the project was covered by a programmatic Environmental Impact Report for a General Plan Update or a Specific Plan."

It is our understanding that if the above SB 226 approach is pursued, the County may use the Environmental Impact Report (EIR) of the Countywide Plan to streamline an Environmental Impact Report for a specific infill development project that is consistent with the Countywide Plan. This is unwise and potentially dangerous and should not be considered. The Marin Countywide Plan's EIR should have no bearing on the review process of future individual development projects.

The EIR of the Marin Countywide Plan, which spanned all of Unincorporated Marin, did not conduct as much in-depth research of each and every development site as an EIR specific to one site would. Nor did the EIR of the Countywide Plan allow for each and every development site to receive the same amount of public scrutiny and input as that of an EIR of a specific site.

New insights have developed since the passage of the Marin Countywide Plan in 2007. New knowledge suggests that sea level rise will be higher and will come sooner than prior predictions indicated. Since 2007, it has also been proven that no residences should be placed near a busy highway due to the inhabitants being exposed to increased risk of developing serious illnesses. (Source: California Department of Public Health)

The Countywide Plan's EIR proved that there would be many unmitigable significant adverse environmental impacts if the plan were carried out. Page 20-54 of the EIR lists the "Major EIR Conclusions" and states; "Land uses and development consistent with the Draft 2005 CWP Update would result in 42 significant unavoidable impacts." Yet, the Board of Supervisors determined that the "Overriding Consideration"¹ of providing housing was more important than the significant adverse environmental impacts that the plan would create. Such usage of a "statement of overriding considerations" illustrated a lack of regard for our interdependence with our environment and ran counter to responsible planning for long-term sustainability.

Oppose Streamlining or Expediting of the Development Review Process

No other streamlining or expediting of the development review process, as suggested in the above referenced staff report, should be allowed. Many locations (including infill locations) sited for development in the Countywide Plan have numerous constraints with natural hazards and heavy traffic. Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety.

More specifically, many of the parcels in the lowlands of Tam Valley and Almonte are designated infill development sites and are within a Priority Development Area, targeted for high-density housing. It would be unconscionable if CEQA and permit reviews were streamlined for a development project in the Tam Valley and Almonte lowlands, where the following perilous conditions are prevalent:

- Natural hazards (seismic activity, liquefaction, subsidence, flooding, and threat of sea level rise);
- Potential health risks from proximity to major highways;
- Severe traffic at an LOS of "F" (with local roads accommodating a million visitors each year); and
- Close proximity to sensitive wetland habitat with endangered species.

¹ Quote from UC CEQA Handbook:

http://budget.ucop.edu/pep/ceqacomp/CEQA-Handbook/chapter_02/2.3.html

"A "**statement of overriding considerations**" indicates that even though a project would result in one or more unavoidable adverse impacts, specific economic, social or other stated benefits are sufficient to warrant project approval. The statement explains the justification for proceeding with the project despite the significant adverse environmental impacts."

We urge you to:

- Oppose expediting or streamlining CEQA, permit reviews, infill development projects, and development projects consistent with the Countywide Plan, as proposed in the Staff Report prepared for the May 22nd BOS Meeting.
- Require all development in Unincorporated Marin to go through a thorough review process, including full compliance with CEQA guidelines and ample public input.

Thank you for your conscientious consideration.

Very truly yours,

SUSTAINABLE TAMALMONTE EXECUTIVE COMMITTEE

Sharon Rushton, Ann Spake, Gene Spake, Camille Johnson, Adrian Gordon, Lynn Reid,
and Sandra Glading