

February 23, 2007

Marin County Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903

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

Re: Draft Environmental Impact Report (DEIR) for the Draft Marin Countywide Plan (MCWP) - Comments

Dear Commission and Board Members,

I am writing to urge you to reject the current Draft Environmental Impact Report (DEIR) and to send this document back for further investigation and revisions. Through various omissions or limited analysis, the current DEIR does not adequately analyze the impacts of the proposed Housing Overlay Districts (HOD) rezoning on our County and individual communities.

Specifically, the DEIR fails to take into account the full measure of land use and environmental impacts of large HOD sites on areas like **Tamalpais Junction** (approximately 7.5 acres) and the surrounding valley. Furthermore, the DEIR has not shown that proposed mitigation measures would substantively diminish the impacts of large parcel HODs on specific areas like Tamalpais Junction.

For example:

1) The DEIR does not adequately address the impacts of the HOD rezoning and increased housing density at Tamalpais Junction on existing land uses and the community.

The incentive based program of the HOD overlay would encourage exclusive high density 2-4 story apartment buildings without guaranteed safeguards to ensure the necessary mixed-use, infrastructure, circulation, and housing compatible with the community.

Under proposed zoning, the highest and best use of the property would be high density apartment housing. Presumably, developers would follow the incentives set forth in the housing overlay and build out properties with maximum amounts of rental housing with little resources or space left over to provide mixed use housing and retail, sorely needed circulation improvements, parking, and quality design compatible with the community. If parcels at Tamalpais Junction are built out at

proposed housing densities, FAR and site plan diagrams reveal that there would be little room for retail space, parking, public circulation, or amenities like green space.

Exclusive high density apartment use at this site without improvements to the infrastructure, circulation, and amenities would be a significant impact on the community at large. High density development would result in a significant burden on pedestrian and vehicular circulation (see below). More pedestrians would spill out on to Highway 1 impacting the safety of pedestrians and automobile traffic. Large and bulky apartment buildings of 20 units or more are not in keeping with the single family character of the local community and plan.

The potential loss of retail business and mixed-use and the imposition of exclusive rental housing as a result of HOD zoning at Tamalpais Junction would be a significant impact on the community. Longer and farther car trips would be created by the need to shop at retail areas in Mill Valley. Successful locally based businesses would be forced to relocate. Furthermore, the loss of the retail area would eliminate one of the initial criteria for creating the HOD (“Located within one-mile of a retail center”).

The “Mitigated Alternative” (**Alternative 4**) proposes to diminish the adverse impact of potential land use and population changes through various policy changes that include development requirements like: (1) requiring the development of a master plan through the community planning process (**CD-2.d**) and vague development standards like requiring that “high quality building and site design that fits with the surrounding neighborhood and incorporates attractive and useable open space areas must be utilized (**CD-2.d-d**).” Additional policies under the Built Environment section of the Mitigated Alternative suggest that infrastructure should be “planned” before development and “correlated” with development (**CD-new**).

While a good start, these mitigation measures and/or policies do not go far enough. Closely reading between the lines, these mitigation measures and policies are flexible and do not guarantee that any necessary road, infrastructure, or circulation improvements would be built nor would they ensure compatibility with the single family housing in Tamalpais Valley. Without site specific development standards and design guidelines, a “master plan” could be developed to include a minimum level of improvements that would not offset the large development. Infrastructure could be planned, but never built.

Furthermore, additional policies directly contradict proposed development standards by ultimately allowing exemption from local development standards. Policy **CD-2.d-j** states: “Projects that qualify for the designation (HOD) and meet affordability requirements may be entitled to development standard adjustments and density bonus concessions...” Apparently, any development standards could be *reduced* merely by being a workforce housing project.

Loose development standard combined with incentives designed solely to increase housing density almost ensure that developments would occur without all the necessary improvements or amenities typically provided as a part of large scale, high quality, urban type developments.

Finally, the proposed mitigation measures fail to take in to account potential changes to the retail uses of the property and the incompatibility of large apartment buildings with character of the community.

2) The DEIR does not adequately address the full impacts on transportation, roads, and public circulation at Tamalpais Junction.

Methodical traffic counts alone do not adequately address traffic, congestion, and safety problems that occur at Tamalpais Junction. The DEIR fails to analyze traffic congestion and safety deficiencies induced by numerous factors including: the deficient intersection at Highway 1/Almonte Blvd., multiple poorly planned driveways and parking lot exits, and a lack of separation between pedestrian and vehicular traffic (most pedestrians in this area must walk along Highway 1 at some point to reach their destination).

Furthermore, the DEIR conclusions about additional traffic rely on assumptions about the uses of public transit by new residents. There is no data to support the contention that rental apartment residents at suburban nodes will use public transit over their own automobiles. Furthermore, the necessary infrastructure to facilitate pedestrian traffic to public transit is not in-place. Nearby bus stops are not ADA accessible nor are the bus stops fully accessible by sidewalk. There is no separation between vehicular and pedestrian traffic at the Almonte Blvd./Highway 1 intersection. Nor is this intersection equipped with ADA compliant ramps, crosswalks, or audible crossing devices.

Because the DEIR relies on faulty assumptions about the reliance on public transportation, it omits any substantive analysis about the parking needs and impacts of 245-plus apartment units. Site plan diagrams show that housing densities proposed for the site would not provide sufficient room to park vehicles for the number of proposed units. The cars for these units would have to park in adjacent neighborhoods increasing congestion and impacting the safety of existing residents. Current residential roads are not designed to accommodate the dense levels of on-street parking that would result from additional development. Additional parking congestion would most likely limit the ability of emergency vehicles to access neighborhoods.

The many problems at Tamalpais Junction would be substantially increased by the addition of over 245 apartment units (to say nothing of additional burdensome traffic flows cited by the DEIR report) and would result in significant impacts on the community. Increased housing density and congestion without improvements will adversely impact traffic, automobile and pedestrian circulation, parking, and the safety of the entire community.

The DEIR does conclude that additional development at this location would amount to a significant impact on transportation, specifically Highway 1 (**Impact 4.2-24 Tam Valley/Almonte**). The DEIR acknowledges that at this location, Highway 1 receives an "F" grade for its ability to meet current demand. However, the proposed mitigation measure to widen Highway 1 is highly unlikely to occur (**Mitigation Measure 4.2-24**). To our knowledge a road widening project is neither planned nor funded by Cal Trans.

Furthermore, road widening does not address all the previously summarized problems related to circulation and parking that will occur with additional high density development.

3) The DEIR does not adequately address the seismic and environmental constraints of the Tamalpais Junction parcel for HOD high density housing.

The Tamalpais Junction HOD site is located on filled land that is prone to liquefaction during seismic events. The vicinity is subject to potential flooding during severe storms. While it may be theoretically possible to build apartment buildings at this location, a realistic impact analysis should also include at least some evaluation of the seismic, environmental, and financial suitability of high density apartment buildings at this site before designating it for this use.

Site requirements for deep pile drilling and/or additional levees or raised building footprints would pose significant financial burdens on projects diminishing the ability to pay for quality of design, infrastructure, and circulation, and amenities (see above). Furthermore, locating apartment buildings housing the elderly in zone prone to flooding would provide an unnecessary safety risk and would complicate rescue efforts in a worse case scenario.

4) The DEIR does not adequately address the impact of the HODs and increased housing densities at Tamalpais Junction on the overall delivery of infrastructure and public services particularly as it pertains to safety and emergency services.

Public services in Tamalpais Valley (and throughout the County) are based on a suburban governmental model. As many as ten independent agencies make up the public entities that provide road maintenance, fire and police protection, sewage and garbage disposal, schools, parks and other amenities to Tamalpais Valley. This governance model was intended for lightly populated and spread out suburban communities without the coordinated needs more typical of city environments.

The ability of our current government and associated agencies to provide coordinated and effective services to increased housing densities proposed by HOD rezoning raises some very serious questions about multiple issues including public safety. Many of our agencies already face funding and manpower shortages and lack effective coordination with other agencies. This leaves roads unimproved, sidewalks unbuilt, schools overcrowded, and inadequate safety and fire protection. The current poor transportation, circulation, and safety conditions at Tamalpais Junction are at least somewhat to blame for the currently overburdened system of unincorporated governance.

For an excellent example of the current strains placed on Tamalpais Valley as a result of poor agency coordination and inadequate existing conditions one only needs to observe the situation that developed when Cal Trans recently punctured a sewer line along Highway 1 a short distance from Tamalpais Junction. This

construction error resulted in hour long traffic back-ups into the Valley. Worse yet, emergency vehicles could not have accessed the Valley in the event of a real emergency. It doesn't take much imagination to contemplate what might occur in the Valley during a real emergency like a wildfire, particularly with the planned additional congestion at Tamalpais Junction.

The DEIR therefore fails to raise one of the most fundamental questions about whether our suburban public service delivery system is ready for urban style development. Due to incompatibility, the urban style development and increased housing densities could place a severe strain on all levels of governmental services impacting everything from simple necessary public works projects (parks and sidewalks) to transportation and most importantly public safety in the form of fire protection and police enforcement.

In the case of Tamalpais Junction, increased housing densities could prove to be fatal if emergency vehicles are stuck at the unimproved and further congested Highway 1/Almonte intersection.

Conclusion

It is clear that the current DEIR does not go far enough in either its analysis of proposed policies or proposed mitigation measures. As the summary above demonstrates, the potential problems with HOD rezoning at large sites like Tamalpais Junction are too numerous and serious to disregard. The policies promoted by the MCWP and consequences can not be reversed by individual project review in the future.

The preservation of our natural lands should not come at the expense of our existing communities. Given the already poor infrastructure, transportation and circulation conditions at Tamalpais Junction, the Planning Commission and Board of Supervisors can not in good conscience approve this DEIR without further looking at the specific impacts of HOD high density zoning on this fragile intersection and tract of land.

At minimum, the Planning Commission should heed the warnings of the DEIR that nothing should be built at Tamalpais Junction until Highway 1 is widened and appropriate infrastructure is in-place ("Mitigated Alternative", **CD-(new)**). For health, safety and general welfare, new development should only occur when adequate infrastructure is available consistent with the following findings: a) Project related traffic will not cause level of service established in the circulation element to be exceeded." NOTE: It is unclear how this policy applies when the Level of Service is already the lowest grade "F"). Further mitigation measures should be implemented (see below) to require mixed-use development and to ensure that appropriate infrastructure, pedestrian circulation, amenities, and public services are included in new developments.

Furthermore, the DEIR should examine serious alternatives to the HOD policies and implementation proposed by the MCWP. There are many other ways to accomplish the community, transit, and housing goals of the MCWP. Many cities for example successfully use public development corporations and tax increment financing to provide development incentives, purchase land, regulate development, and to provide necessary infrastructure and services to redevelopment areas. Tax increment financing would allow levied taxes to be put back into the district from which they came to pay for

improvements and services, things the County and State seem unwilling or unable to do in spite of their housing mandates.

Recommended Mitigation Measures

The following mitigation measures are recommended to diminish and/or eliminate the impacts resulting from HOD zoning and subsequent development at Tamalpais Junction.

1. Eliminate or suspend the HODs as a housing implementation method and policy.
2. Use current rezoning and development processes to achieve housing goals. Create incentives and facilitate additional housing development by means of rezoning individual parcels, relaxing FAR standards and planning regulations to allow in-law units and small sized apartment buildings on a case-by-case basis, and through public redevelopment corporations (see below).

The following mitigation measures could be implemented regardless of whether HODs are eliminated:

3. Create a public development corporation with specific jurisdiction over Tamalpais Junction and other large HOD districts to coordinate development and continued maintenance and improvement of HOD districts. The agency should be modeled on similar urban redevelopment agencies with oversight of master planning, individual building and site design, and providing public infrastructure, services, and amenities. The agency should be empowered to seek funds from the County budget to pay for improvements that developments can not afford as well as to coordinate project review among various interested parties.
4. Provide funding within the County budget and plan for necessary infrastructure and amenities to large HOD redevelopment sites.
5. Require that Highway 1 be widened and improved (between 101 and Almonte Blvd.) with pedestrian circulation, landscaping, well designed intersections, and accessible intersections and bus stops before Tamalpais Junction is designated an HOD parcel.
6. Revise the Tamalpais Community Plan to include specific and enforceable design guidelines for Tamalpais Junction before Tamalpais Junction is designated an HOD parcel.
7. Require developers to provide specific necessary circulation improvements, green space, and amenities to large HOD parcels (over 1 acre).
8. Require a substantial percentage of retail use and ownership based housing at HOD parcels (not all rental).
9. HOD designation should be linked to the ability of developments to provide housing compatible with the vision of the community including design compatibility, diversity of income, rental and home ownership, and in some cases (like Tam. Junction) pedestrian friendly and in some cases mixed-use.

10. Award HOD designation and density bonuses incrementally and based on development plans that agree to provide infrastructure and public amenities (sidewalks, parks, green space).

The following mitigation measures would reduce the height and bulk of potential buildings to a size more compatible with the single-family homes in Tamalpais Valley:

11. Limit the HOD designation to parcel sizes compatible with the residential character of Tamalpais Valley. For example, overlay sites should be less than .25 acre. Larger parcels would be eligible to for HOD designation when they sub-divide the parcel and plan the subsequent sub-division. Developers would of course be responsible for providing infrastructure for the sub-division.

12. Contiguous properties would not be eligible for HOD designation.

In summary, many of the problems summarized above could be addressed if Marin County would merely plan and build the necessary infrastructure and roads *before* instigating and implicitly authorizing high density development (HODs). Responsible planning entails providing the necessary infrastructure and services before building more housing. If Marin County wants dense “city” like housing then it must also undertake the responsibility of providing the coordinated infrastructure, roads, and services that cities provide.

Thank you,

Lex F. Campbell

Cc: Charles McGlashan, Supervisor, Marin County; Alex Hinds, Agency Director, Marin Community Development Agency; John Elam, Tamalpais Community Services District