

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

July 25, 2014

Marin County Planning Commission
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Marin County's "**Site Evaluation Criteria**" Chart for the Marin County Housing Element Update (2014 to 2023)

Dear Marin County Planning Commission,

We approve of creating a chart that helps concerned parties to better understand the appropriateness of a site for housing. However, the County's "**Site Evaluation Criteria**" Chart, which attempts to do this, is woefully flawed and needs to be revised. The chart is confusing, weights criteria inappropriately, lacks important criteria, and describes criteria at the Tam Junction Sites incorrectly. As a result, the chart obfuscates the true conditions at the Tam Junction Sites.

We urge you to direct Staff to revise the "Site Evaluation Criteria" Chart based on our following comments and recommendations. Upon doing so, it will be obvious that all the Tam Junction Sites are inappropriate for housing. Hence, we also urge you to remove the Tam Junction Sites from the Marin County Housing Element's (2014 to 2023) Available Land Inventory.

I. THE CHART IS CONFUSING

Upon first glance of the section of the chart entitled; "Environmental Constraints Criteria", one thinks that the chart is marking environmental constraints/hazards as positive criteria for selecting a site. For example, it appears that, if a site is subject to Air Quality that causes significant health risks, then the site is awarded 1 point, as if air pollution is a positive attribute.

It was only after careful examination, that we concluded that this couldn't be the case and that, in this one section, the meaning of the "X" is reversed. So that when there is an "X", this means there is NO corresponding environmental constraint. Whereas, if there is a blank, this means there is a corresponding environmental constraint.

RECOMMENDATION:

Such confusion should be remedied. We recommend giving each environmental constraint negative points, which would be checked with a "-X". The number at the bottom of each column would end up being negative, reflecting the adverse conditions created by the environmental constraints/hazards.

II. THE CHART WEIGHTS CRITERIA INAPPROPRIATELY

We believe the most important mandate to follow when making decisions about development is “First, do no harm”. Therefore, the most important criteria to consider at a site are the “Environmental Constraints/Hazards Criteria”, which indicate whether development at a site could harm the environment and/or jeopardize public health or safety.

Each section of the “**Site Evaluation Criteria**” Chart equals 5 points, with the highest total score for a site being 20 points. The “**Environmental Constraints Criteria**” section (or more accurately the lack of environmental constraints criteria section) equals at most 5 points. The weight of all the environmental constraints should be much greater.

More specifically, all environmental hazards at a site, except for air pollution, are included in one category/row and only count towards 1 point (or more correctly the loss of one point). This downgrades extremely significant adverse impacts to count as fractions of a point.

For example: All the hazards at the Tam Junction sites (including sea level rise, frequent flooding (100 year flood zone), high seismic activity, high liquefaction, subsidence, mud displacement, and hazardous materials) all count towards the loss of 1 point. Consequently, “sea level rise” equals -14.3% of a point – not even 1 point! Whereas, under the **Livability Criteria**, “1/2 mile to Parks & Recreation” equals 1 point and under the **Geographic Equity Criteria**, “Proximity to other proposed Housing Element Sites” equals 2.5 points.

RECOMMENDATION:

Each category/row of a section (E.g. “Grocery ½ mile”) on the chart should be weighted with 1 point. The “Environmental Constraints Criteria” section should have many more rows/categories reflecting all of the various environmental constraints/hazards that apply to the listed sites and that are typically evaluated in an Environmental Impact Report. Thus, the “Environmental Constraints Criteria” section would add up to many negative points all by itself – many more than just 5 points. In accordance with the Precautionary Principle of the Countywide Plan, we further believe that a site that is subject to Sea Level Rise should be automatically disqualified as a Housing Element site and weighted accordingly.

III. THE CHART LACKS IMPORTANT CRITERIA

The Chart doesn’t even mention traffic congestion, public infrastructure, public utilities, or public services. The Chart doesn’t provide information to determine whether the roadways, public infrastructure/utilities (E.g. sewerage, water) or the public services (E.g. schools) are sufficient to accommodate new residential development and subsequent population growth at the sites. These criteria should be added to the Chart.

All the Tam Junction Sites are subject to hazardous traffic congestion with an LOS “F”. All the local Tam Valley and Mill Valley schools are overcrowded, causing children to be driven to locations outside their neighborhood community. None of these conditions are disclosed on the current “Site Evaluation Criteria” Chart.

Moreover, the “Livability Criteria” should include whether or not a site has healthy air quality for use of on-site outdoor space. The Housing Element Implementing Program 2.c. specifically states; “Continue to ensure that adequate provisions are made in new developments for families with children, including... tot lots, play yards and childcare.”

For instance, according to Air Quality Expert Geoffrey Hornek (Please see his attached letter dated February 19, 2014), all the Tam Junction sites are subject to high levels of Toxic Air Contaminants, which would pose cancer, pulmonary disease and other chronic and acute health risks and especially impact children, seniors and residents with compromised immune systems. Moreover, Hornek demonstrates that there is no mitigation measure that would ensure that significant impacts to residents from outdoor TAC exposure would be reduced to less than significant levels. Therefore, all future residents at the sites would not be able to open their windows or participate in any outdoor activities. Such conditions would significantly lower the livability at the sites. The current Chart does not address this.

RECOMMENDATION:

Add additional significant criteria to the “Site Evaluation Criteria” Chart.

IV. THE CHART CONTAINS INACCURATE INFORMATION

A. Armstrong Site - Operational Cost Efficiencies:

Regarding the Armstrong Site, the chart indicates that the “Operational Cost Efficiencies” are satisfactory. We disagree. In the recent past, EAH was interested in the Armstrong Site but pulled out because, to our understanding, the site wasn’t economically feasible due to the fact that they couldn’t build the number of units they wanted.

High Ongoing Loan Payments Due To Exorbitant Construction Costs:

The Armstrong Site consists of 80 to 90 feet deep bay mud in Marin’s most severe seismic activity zone. Moreover, the site is subject to high liquefaction, subsidence and mud displacement. Therefore, any development would need to be supported by pilings that run 80 to 90 feet deep to reach bedrock. This is the depth of the pilings at the adjacent Walgreens property. The Walgreens’ Manager reported that, at the time it was developed, the Mill Valley Walgreens was the most expensive Walgreens ever built in the entire United States. Mitigations for all the other environmental constraints/hazards (flooding, sea level rise, air pollution) at the site would also cause construction costs to soar. These exorbitant construction costs would increase the ongoing costs of paying back the construction/mortgage loans.

Development Cannot Exceed The FAR:

According to Section CD-8.7, “Establish Commercial/Mixed Use Land Use Categories and Intensities” of the Countywide Plan, quoted below, development at the Armstrong Site cannot exceed the FAR. Therefore the allowable square footage and the potential for economies of scale at the Armstrong Site is reduced.

Excerpt from CD-8.7 “Establish Commercial/Mixed Use Land Use Categories and Intensities”:

“The following criteria shall apply to any mixed-use development:

5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.

6. Residential units on mixed-use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update. The 100 unit cap includes any applicable density bonus and **such units are not subject to the FAR exceptions listed in #5 above** due to the area’s highly constrained (week and weekend) traffic conditions, flooding, and other hazards.”

Development Would Be Impeded Due To The Stream Set Back:

The Armstrong Site sits directly next to Coyote Creek and therefore must abide by a large stream set back, thus lowering the amount of usable lot square footage and economies of scale.

RECOMMENDATION:

Since the operational cost efficiencies for the Armstrong Site are unlikely, the “X” for this category pertaining to the Armstrong Site should be deleted.

B. Manzanita Site – Zoning In Place for Lower Income & Will Accommodate 20-30 DUA:

The Chart indicates that the Manzanita Site is zoned for lower income units and that zoning will accommodate 20-30 du/acre. However, this site is already permitted and the proposed development consists of 3 dwelling units, one of which is identified for lower income households. This does not accommodate 20 to 30 du/acre.

RECOMMENDATION:

The “X” for “Zoning in Place” should be eliminated for the Manzanita Site.

C. Manzanita Site & Armstrong Site – Air Quality:

The Chart incorrectly indicates that the Manzanita Site and the Armstrong Site experience good air quality. This is false, according to Air Quality Expert Geoffrey Hornek’s attached comment letter, dated February 19, 2014, regarding the air quality analysis done for the 2012 Draft Supplemental Environmental Impact Report for the 2012 Draft Marin County Housing Element.

According to Air Quality Expert Hornek’s comment letter; “all the Tamalpais Junction Sites are located within the zone of influence of a number of strong roadway and stationary Toxic Air Contaminant (TAC) sources as identified in the Bay Area Air Quality Management District’s (BAAQMD’s) listings.” Moreover, as shown in Hornek’s **Table 1: “Toxic Air Contaminant (TAC) Health Risk Screening Analysis – Estimated Health Risks at Proposed Marin County Housing Sites in the Vicinity of Tamalpais Valley”**, the Toxic Air Contaminants contributing to Cancer Risk at each Tam Junction site exceed BAAQMD project or cumulative thresholds. Consequently, all the Tam Junction sites are subject to a potentially significant cancer risk to future residents from TACs emitted from the various sources listed in Table 1. Moreover, Hornek concludes

that there is no mitigation measure that would ensure that significant impacts to residents from outdoor TAC exposure would be reduced to less than significant levels. Therefore, children playing outside or residents gardening would have no protection from the high levels of TACs that pose significant cancer, pulmonary disease and other chronic and acute health risks.

RECOMMENDATION:

The “Xs” for “Air Quality” should be eliminated for the Manzanita and Armstrong Sites.

D. Old Chevron Site – Streams:

The Chart indicates that there is no stream at the Old Chevron Site. This is not exactly true. A stream does not sit directly next to the Chevron Site. However, Coyote Creek flows very close to the site. From a hydrologic standpoint, the Chevron Site is probably connected to the nearby Coyote Creek. Coyote Creek runs through Bothin Marsh and is a tributary to Richardson Bay, which support several special status species.

Per Hazards Material Expert Matt Hagemann’s attached comment letter, dated February 18, 2013, the Old Chevron Site was closed under a commercial/industrial scenario, not a residential. The SF Bay RWQCB closure letter stated that “residual contamination in both soil and groundwater at the site could pose an unacceptable risk under certain development activities such as site grading, excavation, or installation of water wells” which “could necessitate additional sampling, health risk assessment, and mitigation measures.”

Contaminated Project runoff (particularly entering ground water) flowing from the Old Chevron Site to Coyote Creek, Bothin Marsh and Richardson Bay waterways would further degrade water quality and pose a threat to biological and hydrological resources.

RECOMMENDATION:

The “X” for “Streams/Wetlands” should be eliminated for the Old Chevron Site.

E. Old Chevron Station, Manzanita, Armstrong Sites – Geography, Ease of Site Design:

The Chart incorrectly indicates that the Old Chevron Station Site, the Manzanita Site and the Armstrong Site sit in a geography that would allow for ease of site design. Although, the sites do not slope, they are subject to other geographical conditions that make construction a challenge and extremely expensive.

As described above for the Armstrong Site, all the Tam Junction Sites consist of 80 to 90 feet deep bay mud in Marin’s most severe seismic activity zone. Moreover, they are subject to high liquefaction, subsidence and mud displacement. Therefore, any development would need to be supported by pilings that run 80 to 90 feet deep to reach bedrock. This is the depth of the pilings at the nearby Walgreens property. The Walgreens’ Manager reported that, at the time it was developed, the Mill Valley Walgreens was the most expensive Walgreens ever built in the entire United States.

RECOMMENDATION:

The “Xs” for “Geography, Ease of Site Design” should be deleted for the Old Chevron Site, the Manzanita Site and the Armstrong Site.

V. CONCLUSION:

The County's "Site Evaluation Criteria" Chart is woefully flawed and needs to be revised. The chart is confusing, weights criteria inappropriately, lacks important criteria, and describes criteria at the Tam Junction Sites incorrectly. As a result, the chart obfuscates the true conditions at the Tam Junction Sites.

Moreover, Page 6 of the Staff Report prepared for the July 28th PC public hearing regarding the Marin County Housing Element Update (2014 to 2023) states; "The proposed sites score well on balance in livability, are more economically feasible, provide a housing balance geographically, and have fewer environmental constraints." This description of the Tam Junction sites couldn't be further from the truth.

The Tam Junction Sites Are Unlivable:

The sites are too dangerous for residential use and definitely are not livable. The area lacks a grocery store, employment, medical and other services, and has few retail stores. The schools are overcrowded, such that new students must attend schools outside of the area and be driven to those distant school locations. With very poor and inconvenient public transit and dangerous pedestrian & bicycle routes, residents must drive out of the area for their daily needs.

The Tam Junction Sites Are Not Economically Feasible:

Due to multiple environmental constraints and hazards, development at the sites would be the most expensive in the entire County, as demonstrated by the exorbitant land and construction costs associated with the development of the Walgreens Store and the Fireside Apartments (\$28 million for 50 units totaling 28,320 sq. ft. OR \$560,000 per unit with an average size of 566 sq. ft.).

The Tam Junction Sites Do Not Provide for a Housing Balance Geographically:

Planning for three additional Housing Element Sites nearby the existing Fireside Apartments Housing Element Site, all within less than ½ mile from one another, with additional affordable housing in the adjacent neighborhoods, does not provide a housing balance geographically.

The Tam Junction Sites Are Subject To Multitudinous Constraints & Hazards:

The Tam Junction Sites are the most hazardous sites in the County, subject to:

- Sea Level Rise;
- Frequent Flooding (100 year flood plain);
- Hazardous Traffic Congestion at LOS "F";
- Unsafe Level of Toxic Air Contaminants;
- High Seismic Activity;
- High Liquefaction;
- Subsidence;
- Mud Displacement; and
- Hazardous Materials.

We urge you to direct Staff to revise the "Site Evaluation Criteria" Chart as we have recommended. Upon doing so, it will be obvious that all the Tam Junction Sites are inappropriate for housing. Hence, we also urge you to remove the Tam Junction Sites from the Marin County Housing Element's (2014 to 2023) Available Land Inventory.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte

Cc: Marin County Board of Supervisors

Enclosures