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August 20, 2014

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

Re: 2015 to 2023 DRAFT Marin County Housing Element

Dear Marin County Planning Commission,

We have the following comments and recommendations regarding the 2015 to 2023 DRAFT Marin County Housing Element:

**I. Support for Removal of the Tam Junction Sites from the Housing Element's Site Inventory:**

We fully support your straw vote decision to remove the Old Chevron Site and the Armstrong Site in Tam Junction from the 2015 to 2023 DRAFT Marin County Housing Element's Site Inventory.

The reasons for our support are well stated in the "Community Marin 2013" report, which was written with the purpose of providing Marin with an environmentally responsible foundation for land use planning. Other reasons pertain to the importance of upland transition zones (where the Tam Junction Sites are located) in connection to sea level rise, which is substantiated by the California State Water Resources Control Board Resolution 2008-0026, the Endangered Species Act, the North American Wetlands Conservation Act, and the 2007 Marin Countywide Plan.

**A. Community Marin 2013 Report:**

One of the Community Marin 2013 Report's main goals is; "All county jurisdictions work together to reduce impacts of sea level rise through a combination of soft (e.g. wetlands restoration and floodplain expansion) and hard (e.g. levees) techniques and through strict limits on development in areas subject to future inundation."

In regard to the Tam Junction Sites, the Community Marin report specifically states the following:

**SOUTHERN MARIN SHORELINE**

"The shoreline along the access road from Highway 101 to Camino Alto, and Sausalito's nearly four-mile long waterfront share many of the same constraints and challenges. Portions of this stretch experience periodic tidal flooding,

subsidence and/or liquefaction, overburdened sewer and storm drain systems, and seismic vulnerability. All of these conditions will be aggravated by the accelerated rate of sea level rise now taking place. Intense development is not appropriate for this area.

Potential redevelopment in the Tam Junction commercial area should focus on resident serving uses, consistent with the significant traffic, infrastructure, and environmental constraints that exist in this area in proximity to Bothin Marsh and Richardson Bay. The area along the shoreline is an inappropriate location for large-scale buildings and, given the accelerated intrusion of bay waters, further development along both sides of Shoreline Highway, Almonte, and Miller Avenue south of Camino Alto should be prohibited. The Baylands Corridor should be extended to much of this area, and the Caltrans right-of-way through Bothin Marsh should be protected and restored to marsh. Sea grass beds in this area should be protected and restoration to increase eel grass at suitable sites should be encouraged.”

#### **B. The Importance of Upland Transition Zones in regard to Sea Level Rise:**

The area in Tamalpais Valley, which is located between tidal marshlands and the hillsides, is considered an upland transition zone. The Tam Junction Sites are located within this zone. Development should be discouraged and vegetation should be encouraged in the upland transition zone (including the Tam Junction Sites) because this buffer area surrounding the tidal marsh does the following:

- Creates safe habitat for Bay animals to retreat when the water level rises during storm events or high tides;
- Serves as a natural buffer against storm surges and future sea level rise, helping to protect neighborhoods from flooding;
- Stabilizes soil to prevent erosion;
- Filters runoff pollution to improve water quality;
- Supports a high biodiversity of plants and animals that can live only in this zone.

Upland transition zones, where there is sea-level rise, are critical for habitat species adaptation. Numerous endangered and threatened species are already suffering environmental stressors. During King Tides, panicked, exposed animals, such as the salt marsh harvest mouse and clapper rail, are suddenly made vulnerable to predation through loss of cover, nest destruction and food source loss. Their survival would be further detrimentally impacted leading to probable extirpation, should these upland transition zones be developed. Retention of tidal marsh habitat and flood plain contiguity must be addressed in any impacting development project given federal, state and county directives for “**no overall net loss**” of wetlands. It is the hydrologic integrity of the stream system within the greater watershed, up to and including upland transition zones, that provides a multitude of quantifiable ecosystem services, without which, resilience, restoration and recovery from catastrophic events, such as climate

change, would be highly impeded. Those ecosystem services include: carbon sequestration, buffers against sea level rise, natural processes, flood control, nutrient farming, habitat, water filtration, and recreational areas, etc. Natural sediment deposition at the mouth of Coyote Creek, and throughout lower Richardson Bay's eelgrass provides habitat to the endangered green sturgeon and sequesters carbon.

The California State Water Resources Control Board Resolution 2008-0026, the 2007 Countywide Plan (Bio-2 and Bio-3), the Endangered Species Act and the North American Wetlands Conservation Act establish the legal framework and policy directives for wetland protection in Marin County. Under the definition of wetlands, wetlands adjacent to navigable waters are "waters of the United States" and therefore invoke federal laws.

Excerpts from the State Water Resources Control Board Resolution No. 2008-0026:

"1. Over 85 percent of historic wetland and riparian acreage in California has been lost according to published research estimates. Remaining resources continue to be vulnerable to future impacts from projected population growth, land development, sea level rise, and climate change in California..."

"3. The value of wetlands and riparian areas has been recognized in California through the enactment of the California Wetlands Conservation Policy that sets a goal to ensure **no overall net loss** and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship, and respect for private property." (Executive Order W-59-93)

Excerpts from the 2007 Marin Countywide Plan:

The Marin Countywide Plan, Bio 2.1 states; "Require adequate mitigation measures for ensuring the protection of any sensitive resources and achieving "**no net loss**" of sensitive habitat acreage, values, and function."

The Marin Countywide Plan, Bio 3.e, Section a. states; "**No net losses** shall occur in wetland acreage, functions, or values."

Sea level rise will attenuate the existing wetland leading to upland migration of the transition zones as wetlands. Further development in these concentrated upland transition areas would put all species and humans at risk for health and safety.

**RECOMMENDATION:**

Continue to exclude the Tam Junction Sites from the DRAFT Housing Element's Site Inventory.

**II. Delay submission of the DRAFT Housing Element to HCD:**

The full 2015 to 2023 DRAFT Marin County Housing Element document was not made available to the public until August 15, 2014. Moreover, the Board of Supervisors has not yet been given an opportunity to evaluate the plan. Yet, we

understand that the County plans to submit the Housing Element to the California State Department of Housing and Community Development (HCD) for preliminary approval after the Planning Commission's August 25<sup>th</sup> public hearing.

If the 2015 to 2023 Housing Element process ends up being similar to that of the last 2007 to 2014 Housing Element, then, after HCD gives its preliminary approval of the plan, there will be little opportunity for significant input or changes to the document.

We wish to make additional comments regarding the Housing Element but would not be able to do so by August 25<sup>th</sup>, given the fact that the full document was just released and our next Sierra Club – Marin Group Executive Committee meeting isn't until the second week in September.

**RECOMMENDATION:**

Delay the submission of the DRAFT Housing Element to HCD until such time as the public has had adequate opportunity to review it and comment on it and until such time as the Board of Supervisors can schedule a public hearing to review it and comment on it too.

**III. Conclusion:**

In light of the environmental constraints at the Tam Junction Sites and the importance of these sites as part of the "upland transition zone", we fully support your straw vote to remove the sites from the 2015 to 2023 DRAFT Marin County Housing Element Site Inventory and recommend that you continue to stand by this decision.

Moreover, in order to allow for thorough review and input of the DRAFT Housing Element by the public and the Board of Supervisors, we recommend postponing submission of the document to HCD.

Sincerely,



Michele Barni, Chair

**Sierra Club Marin Group Executive Committee**

Cc: Marin County Board of Supervisors