

From: MCL
Sent: Monday, July 08, 2013 7:48 AM
To: envplanning@marincounty.org
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Subject: 2012 Draft Marin County Housing Element: Certification of Final SEIR



June 8, 2013

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

By e-mail: envplanning@marincounty.org

Subject: 2012 Draft Marin County Housing Element: Certification of Final SEIR

Dear Mr. Holland and Planning Commissioners:

As the Commission prepares to make final recommendations to the Board of Supervisors on the merits of the 2012 Draft Marin County Housing Element and certification of its Final SEIR as Amended, Marin Conservation League wishes to reiterate its concerns on the role and adequacy of the FSEIR as it relates to the 2012 Draft Housing Element.

In numerous sections, the SEIR reiterates that, as a program document, it will help streamline future, environmental review. The 2012 Draft Housing Element also calls for streamlined, expedited review of future projects. In view of the County's obvious intent to rely on the SEIR in future land use decisions, it is imperative that it serve its basic purposes, which are to identify and avoid or mitigate significant impacts. Whether the FSEIR is considered legally "adequate" or not, we believe it does not lay the necessary solid environmental groundwork for future actions.

The Final SEIR poses two major concerns:

- 1) Because its scope goes beyond the immediate project, viz. the 2012 Draft Housing Element, to anticipate the 2014-2022 housing cycle, it gratuitously and unnecessarily opens the door to major land use decisions and zoned densities that may not be necessary and could result in future significant impacts; and**
- 2) While the FSEIR does indeed analyze the impacts of developing future housing sites, it continues to be an unwieldy, cumbersome set of Program EIR documents that could enable superficial review of future land use and project decisions and lead to unreliable implementation of mitigation measures.**

1. Opening the Door. The “Project” described in the SEIR Project Description is the 2012 Draft Housing Element for the planning period 2007-2014. In basic terms the “Project” consists of an inventory of 16 housing sites and 53 programs, as well as a commitment to meet a Regional Housing Needs Allocation (RHNA) of 773 housing units.

Although the “Project” does not include the next housing cycle (2014-2022), the SEIR anticipates that next cycle and, purportedly for the sake of expediency, analyzes the environmental impacts of a “menu of 32 potential housing sites for 2014-2022 and beyond,” totaling 1,373 possible housing units. Whether this provides useful environmental information for the next Housing Element is questionable, but it is clear that the “menu” far exceeds the RHNA obligation for the next cycle, which calls for only 187 units. Analyzing a large number of additional sites/units at this time is premature and unnecessary, particularly in view of the high likelihood that circumstances will change before there is any real need to consider additional units.

Program 1.c in the 2012 Draft Housing Element calls for establishing an Affordable Housing Combined Zoning District on certain sites to allow residential density to 30 dwelling units per acre. In the 2007-2014 cycle, four sites are identified for immediate rezoning. With the exception of Site # 5 (St. Vincent’s/Silveira), whose housing capacity is dictated by CWP policy, none of these sites actually requires rezoning to accommodate the number of units assumed.

Of the 32 potential sites for the 2014-2022 cycle, the SEIR identifies 14 sites (up to 747 housing units) for possible future rezoning under the AH Combining District. Many of these sites are either inappropriate due to environmental constraints (e.g., sea level rise, flooding and traffic at Tam Junction Retail), or are unrealistic due to existing development and/or other impact considerations (e.g., sites along the Sir Francis Drake corridor, or along Los Ranchitos).

Taken together, the number and capacity of sites for the 2014-2022 cycle far exceed the number of affordable housing units needed to meet RHNA obligations. Absent a defined 2014-2022 Proposed Housing Element, in recommending the FSEIR for certification, the Planning Commission is being asked to give preliminary “approval” to including the entire menu analyzed in the SEIR in the next Housing Element. The Commission is also being asked to give preliminary “approval” to the 14 rezonings and their implied Countywide Plan amendments, although these actions have nothing to do with the merits of the 2012 Draft Housing Element.

2. The SEIR is extremely unwieldy to use and is deficient as a program document, notwithstanding consultant assurances. The goal should be to provide a document that is easy and efficient to work with. The SEIR is not.
 - a. The SEIR cannot stand alone as a program document; it is reliant on the CWP EIR, which covers a multitude of topics other than housing. The result will be that *two* program-level EIRs must be consulted and compared in future project-level environmental reviews.
 - b. To obtain a comprehensive environmental profile of each site in the *2012 Draft Housing Element SEIR*, one must consult more than a dozen different resource topics, each of which lists all 49 sites in relation to key characteristics *relevant to that topic* (e.g., air quality, geologic, or biological and wetland features, land use, utilities and services, etc.). This makes for an extremely cumbersome process for comparing sites. This observation is dismissed in the FSEIR: *“The Draft SEIR contains adequate information in support of environmental and land use profiles for the identified housing sites. The request for information to be organized a certain way is noted. No further response is necessary.”*
 - c. For future use, Mitigation Monitoring and Reporting will require consulting two MMRPs, one for the CWP, and the MMRP for the Housing Element which contains only five very limited, revised mitigation measures.
 - d. Many Mitigation Measures in the Housing Element SEIR consist of CWP policies and implementing programs. These will have to be cross-checked in the future as to their current status of

implementation. For example, both policies and implementing programs under CWP BIO-4 (Stream Conservation Areas) are under current review by the Board of Supervisors, with the possibility of revision.

- e. The CWP EIR will become dated in other ways. Actual land use decisions (rezoning, CWP Amendments) or project development anticipated in the SEIR might occur years, if not decades, after the end of the 2014-22 RHNA cycle. At that time the SEIR will no longer suffice as a current program EIR for purposes of “tiering” subsequent environmental reviews of individual applications.

The FSEIR responds that the SEIR need not be updated to maintain compliance with CEQA, but rather the individual review of each housing site will require using up-to-date data that is pertinent to the subject of review. As with many responses in the FSEIR, the response is generic: *“While this SEIR provides in-depth program-level review of the proposed housing sites that may be used to help streamline future tiered environmental review, additional site specific review is anticipated for specific development projects when they are proposed.”*

In closing, we ask you to not to recommend the FSEIR for certification.

We also reiterate our continuing reservations about sites proposed in the Housing Element that are environmentally constrained and as such are inappropriate for development of affordable housing: Sites in and around Tam Junction, including the service station site, Armstrong Nursery, and Tam Junction retail have been repeatedly discussed. The combination of existing flooding and future flooding from sea level rise and severe traffic congestion make these sites unsuitable for further development. The Grady Ranch, for different reasons, is an unsuitable site for affordable housing, given its topography and other environmental constraints, lack of basic water and wastewater infrastructure, and distance from public transit.

Thank you for this opportunity to take part in this difficult planning process.

Sincerely yours,



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